City of Kelowna
Regular Council Meeting
AGENDA

Monday, March 7, 2022

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 face coverings, a mask or face covering must be worn in the gallery of Council Chambers except when presenting to Council.

This Meeting is open to the public and all representations to Council form part of the public record. A live audio-video feed is being broadcast and recorded on kelowna.ca.

2. Confirmation of Minutes 4 - 14

PM Meeting - February 28, 2022
Special Meeting - February 24, 2022
Special Meeting - February 25, 2022

3. Development Application Reports & Related Bylaws

3.1. Drysdale Blvd 301 and 305 - Z21-0059 (BL12332) - Will McKay and Co Ltd., INC NO BC0306923 15 - 37

To rezone the subject property from the RM1 – Four Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone to facilitate a multiple dwelling housing development.

3.2. Springfield Rd 2241 - Z21-0099 (BL12333) - Ironclad Developments Mission Heights Holdings Inc., Inc.No. A0119488 38 - 65

To rezone the subject property from the C4 - Urban Centre Commercial zone to the C4r - Urban Centre Commercial (Residential Rental Tenure Only) zone to facilitate a mixed-use development with the Residential Rental Only Tenure subzone.

3.3. Wardlaw Ave 602 - BL12298 (Z21-0034) - 1288537 B.C. Ltd., Inc. No. BC1288537 66 - 66

To adopt Bylaw No. 12298 in order to rezone the subject property from the RU6 – Two Dwelling Housing zone to the RM3r – Low Density Multiple Housing (Residential Rental Tenure Only) zone.

3.4. Wardlaw Ave 602 - DP21-0088 - 1288537 B.C. Ltd., Inc. No. BC1288537 67 - 103

To consider the form and character of a 10-unit multiple dwelling rental housing development.

3.5. Pacific and Pasnak Z18-0026 (BL11636) - Pacific Pasnak Holdings Ltd., Inc. No. BC1051633 104 - 105

To rescind all three readings given to Rezoning Bylaw No. 11636 and direct Staff to close the file.

3.6. Pacific and Pasnak - BL11636 (Z18-0026) - Pacific Pasnak Holdings Ltd., Inc. No. BC1051633 106 - 107

To rescind first, second and third reading of Bylaw No. 11636.

3.7. Mugford Rd 550 - Z19-0122 (BL11975) - Dr A Ravindran Inc 108 - 109

To rescind all three readings given to Rezoning Bylaw No. 11975 and direct Staff to close the file.

3.8. Mugford Rd 550 - BL11975 (Z19-0122) - Dr A Ravindran Inc 110 - 110

To rescind first, second and third reading of Bylaw No. 11975.

3.9. Sexsmith Rd 2996 - Z19-0072 (BL12177) - 2996 Sexsmith Holdings Ltd., Inc. No. BC1291161 111 - 115

To extend the deadline for adoption of Rezoning Bylaw No. 12177 to March 16, 2023.

4. Non-Development Reports & Related Bylaws

4.1. Rotary Centre for the Arts - Value for Money Review 116 - 131

To provide Council with an overview of the results from the Value for Money Review report for the Rotary Centre for the Arts and to advise of next steps.

4.2. Revitalization Tax Exemption and Housing Agreements for Purpose Built Rental Housing - Spring 2022 132 - 203

To bring forward for authorization two Revitalization Tax Exemption Agreements and one Housing Agreement Bylaw in accordance with Revitalization Tax Exemption Bylaw No. 9561.

4.3. **BL12329 - Housing Agreement Authorization Bylaw - 1994 Springfield Road** 204 - 211

To give Bylaw No. 12329 first, second and third reading.

5. **Bylaws for Adoption (Non-Development Related)**

5.1. **Road Closure - Portion of Land Adjacent to Hwy 97 N** 212 - 213

Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.

To adopt Bylaw No. 12299.

5.2. **BL12308 - Amendment No. 5 to Parks and Public Spaces Bylaw No. 10680** 214 - 215

To adopt Bylaw No. 12308.

5.3. **BL12312 - Amendment No. 31 to the Bylaw Enforcement Bylaw No. 10475** 216 - 217

To adopt Bylaw No. 12312.

6. **Mayor and Councillor Items**

7. **Termination**

City of Kelowna
Regular Council Meeting
Minutes

Date:	Monday, February 28, 2022
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Brad Sieben, Mohini Singh, Luke Stack* and Loyal Wooldridge
Members participating Remotely	Councillor Charlie Hodge
Staff Present	Acting City Manager, Derek Edstrom; City Clerk, Stephen Fleming; Community Safety Director, Darren Caul*' Divisional Director, Planning & Development Services, Ryan Smith*; Community Planning & Development Manager, Dean Strachan*; Planner, Barbara Crawford*; Planner Specialist, Daniel Sturgeon*; Real Estate Department Manager, Johannes Saufferer*; Property Management Manager, Joanne Adamson*; Utility Planning Manager, Rod MacLean*
Staff participating Remotely	Legislative Coordinator (Confidential), Arlene McClelland
Guest	RCMP Superintendent Kara Triance*, OIC Kelowna Detachment

(* 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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As an open meeting, a live audio-video feed is being broadcast and recorded on kelowna.ca.

2. Confirmation of Minutes

DRAFT

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0121/22/02/28 THAT the Minutes of the Regular Meetings of February 14, 2022 be confirmed as circulated.

Carried

3. Reports

3.1 RCMP Officer in Charge 2021 Q4 and Annual Report

Kara Triance, Superintendent Kelowna RCMP Detachment:
- Displayed a PowerPoint Presentation providing an update regarding the 2021 Q4 and annual activity and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

R0122/22/02/28 THAT Council receive, for information, the RCMP Quarterly Update report from the Superintendent, Kelowna RCMP Detachment, dated February 28, 2022.

Carried

4. Development Application Reports & Related Bylaws

4.1 Treetop Rd 1870 - Z20-0096 (BL12330) - 1870 Treetop Road Development Ltd., Inc. No. BC1265565

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

Moved By Councillor Given/Seconded By Councillor Stack

R0123/22/02/28 THAT Rezoning Application No. Z20-0096 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 19 Township 27 ODYD Plan 33849, located at 1870 Treetop Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area) zone be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated February 28th, 2022;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Natural Environment Development Permit by the Development Planning Department Manager.

Carried
Councillor Hodge - Opposed

4.2 Lakeshore Rd 5831 - Z21-0097 (BL12331) - Roger David Scott Goldammer and Venice Diane Goldammer

Staff:
- Displayed a PowerPoint Presentation summarizing the application.

DRAFT

Moved By Councillor DeHart/Seconded By Councillor Wooldridge

R0124/22/02/28 THAT Rezoning Application No. Z21-0097 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 7 Section 16 Township 28 SDYD Plan 34351, located at 5831 Lakeshore Road, Kelowna, BC from the A1 – Agriculture 1 & P4 – Utilities zone to the RR1 – Rural Residential 1 with Carriage House & P4 – Utilities zones as shown on Map "A" attached to the Report from the Development Planning Department dated February 28th, 2022, be considered by Council.

Carried

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

Moved By Councillor Sieben/Seconded By Councillor Donn

R0125/22/02/28 THAT Council waives the requirement for Schedule A: City of Kelowna Memorandum to be considered in conjunction with Final Adoption of Rezoning Bylaw No. 12168;

AND THAT Final Adoption of Rezoning Bylaw No. 12168 be considered by Council.

Carried

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

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0126/22/02/28 THAT Bylaw No. 12168 be adopted.

Carried

4.5 Supplemental Report - Ambrosi Rd 1820 - Z21-0093 (BL12322) - True North Endeavours Inc., Inc. No. BC0792133

Moved By Councillor Sieben/Seconded By Councillor Hodge

R0127/22/02/28 THAT Council receives, for information, the report from the Office of the City Clerk dated February 28, 2022 with respect to Zoning Bylaw No. 12322;

AND THAT Rezoning Bylaw No. 12322 be forwarded for further reading consideration.

Carried

4.6 Ambrosi Rd 1820 - BL12322 (Z21-0093) - True North Endeavours Inc., Inc. No. BC0792133

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0128/22/02/28 THAT Bylaw No. 12322 be read a first, second and third time.

Carried

4.7 Supplemental Report - Findlay Rd 1225 - Z21-0088 (BL12323) - Findlay Development Inc., Inc. No. BC1302254

DRAFT

Moved By Councillor Stack/Seconded By Councillor DeHart

R0129/22/02/28 THAT Council receives, for information, the report from the Office of the City Clerk dated February28, 2022 with respect to Zoning Bylaw No. 12323;

AND THAT Rezoning Bylaw No. 12323 be forwarded for further reading consideration.

Carried

4.8 Findlay Rd 1225 - BL12323 (Z21-0088) - Findlay Development Inc., Inc. No. BC1302254

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0130/22/02/28 THAT Bylaw No. 12323 be read a first, second and third time.

Carried

4.9 Supplemental Report - Knowles Rd 549 - Z21-0104 (BL12324) - Neil J. Roe and Lynsay C. Roe

Moved By Councillor Wooldridge/Seconded By Councillor Sieben

R0131/22/02/28 THAT Council receives, for information, the report from the Office of the City Clerk dated February 28, 2022 with respect to Zoning Bylaw No. 12324;

AND THAT Rezoning Bylaw No. 12324 be forwarded for further reading consideration.

Carried

4.10 Knowles Rd 549 - BL12324 (Z21-0104) - Neil J. Roe & Lyndsay C. Roe

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0132/22/02/28 THAT Bylaw No. 12324 be read a first, second and third time.

Carried

4.11 Supplemental Report - Barkley Rd 453 - Z20-0093 (BL12328) - Paul S. Robertson and Patricia A. Heinzelmann

City Clerk:
- Responded to questions from Council regarding process for submitted public correspondence.

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0133/22/02/28 THAT Council receives, for information, the report from the Office of the City Clerk dated February 28, 2022 with respect to Zoning Bylaw No. 12328;

AND THAT Rezoning Bylaw No. 12328 be forwarded for further reading consideration.

Carried

4.12 Barkley Rd 453 - BL12328 (Z20-0093) - Paul S. Robertson & Patricia A. Heinzelmann

Moved By Councillor Stack/Seconded By Councillor DeHart

R0134/22/02/28 THAT Bylaw No. 12328 be read a first, second and third time and be adopted.

Carried

DRAFT

5. Non-Development Reports & Related Bylaws

5.1 Arab-Appaloosa Rd Area Development Update and Recommendations

Staff:
- Displayed a PowerPoint Presentation providing an update on the Arab/Appaloosa Road area planning activities and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor DeHart

R0135/22/02/28 THAT Council receives, for information, the report from the Development Planning Department dated February 28, 2022, with respect to the Arab/Appaloosa Road Area Development Update;

AND THAT Council endorses to the Arab/Appaloosa Road area engineering plan and project process as outlined in the report from the Development Planning Department dated February 28, 2022;

AND FURTHER THAT Council directs staff to renew bylaw enforcement for the Arab/Appaloosa Road area as outlined in the report from the Development Planning Department dated February 28, 2022.

Carried

5.2 Rental Housing Grant Recommendations for 2022

Councillor Stack declared a perceived conflict of interest as his employer from time to time applies for such grants and departed the meeting at 3:18 p.m.

Staff:
- Provided rationale for the proposed Rental Housing Grant.

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0136/22/02/28 THAT Council receives, for information, the report from the Policy and Planning Department, dated February 28, 2022 regarding recommendations for the Rental Housing Grant for 2022;

AND THAT Council approves the 2022 Rental Housing Grant in the amount of $300,000 for 1451 Bertram Street as detailed in the report from the Policy and Planning Department, dated February 28, 2022, and in accordance with Council Policy No. 335.

Carried

Councillor Stack returned to the meeting at 3:20 p.m.

5.3 Municipal Boating Facilities Commercial License

Staff:
- Displayed a PowerPoint Presentation summarizing the proposed amendments to the Parks and Public Spaces Bylaw regarding the regulation of commercial boating operations and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Singh

R0137/22/02/28 THAT Council receives, for information, the report on Municipal Boating Facilities Commercial License from the Property Management department dated February 28, 2022;

DRAFT

AND THAT Council gives reading consideration to Bylaw No. 12308 being amendment No. 5 to the Parks and Public Spaces Bylaw No. 10680;

AND THAT Council gives reading consideration to Bylaw No 12312 being amendment No 31 to the Bylaw Notice Enforcement Bylaw No. 10475;

AND FURTHER THAT the 2022 Financial Plan be amended to include the anticipated program fees net of enforcement costs, with the net revenues being contributed to the Municipal Boating Facilities Reserve.

Carried

5.4 BL12308 - Amendment No. 5 to Parks and Public Spaces Bylaw No. 10680

Moved By Councillor DeHart/Seconded By Councillor Stack

R0138/22/02/28 THAT Bylaw No. 12308 be read a first, second and third time.

Carried

5.5 BL12312 - Amendment No. 31 to the Bylaw Enforcement Bylaw No. 10475

Moved By Councillor DeHart/Seconded By Councillor Stack

R0139/22/02/28 THAT Bylaw No. 12312 be read a first, second and third time.

Carried

5.6 ICIP Green Infrastructure Environmental Quality Program - Application – Kelowna Septic System Elimination Project - Okaview

Staff:
- Provided an overview of the grant application for the Investing in Canada Infrastructure Program.

Moved By Councillor DeHart/Seconded By Councillor Hodge

R0140/22/02/28 THAT Council receives for information, the report from Utility Planning dated February 28, 2022, with respect to the Application for funding from Investing in Canada Infrastructure Program ICIP Green Infrastructure Environmental Quality Program towards the Kelowna Septic System Elimination Project – Okaview;

AND THAT Council authorizes staff to apply for an ICIP Grant - Kelowna Septic System Elimination Project – Okaview, as outlined in this report;

AND THAT Council authorizes staff to execute the Kelowna Septic System Elimination Grant and provide overall grant management, if the application is successful;

AND THAT the City of Kelowna commits to the City's share of the project, as well as responsibility for cost overruns, from the Sewer Connection Area Reserves;

AND FURTHER THAT the 2022 Financial Plan be amended to include this project at $2,036,000 with funding of $1,466,600 from grant funding and the remaining $569,400 from the Sewer Connection Area Reserve if the application is successful.

Carried

DRAFT

6. Mayor and Councillor Items

Mayor Basran:
- Made comment on the recent Council tour of facilities and redevelopment sites in the lower mainland and confirmed a staff report will be scheduled on an upcoming afternoon agenda. Council members may make comments at that time.
- Reminder of the Public Hearing tomorrow evening at 6:00 p.m.

Councillor Hodge:
- Made comments on the recent passing of Gary Smyth, a well-known local musician and expressed his sympathies.

Councillor Stack:
- Spoke to the situation in Ukraine and reminded the public of ways they can help and support.

Councillor Wooldridge:
- Made comments on the situation in Ukraine and encouraged the public to help support in any way they can.

7. Termination

This meeting was declared terminated at 3:43 p.m.

Mayor Basran

City Clerk

/acm

DRAFT

City of Kelowna
Special Council Meeting
Minutes

Date:	Thursday, February 24, 2022
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Brad Sieben, Mohini Singh, Luke Stack and Loyal Wooldridge
Members Absent	Councillors Charlie Hodge and Luke Stack
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Partnership & Investments, Derek Edstrom, Divisional Director, Active Living and Culture, Jim Gabriel; Divisional Director, Planning & Development Services, Ryan Smith; Executive Assistant, Aleisha Earle

1. Call to Order

Staff recommended Council members consider the following during today's facility tours:
-Parking and access to the site by different transportation modes
-Quality of design to on-site uses
-Sustainability
-Outside space around the buildings
-Event hosting
-Partnerships
-Gathering places - community hubs

Mayor Basran called the meeting to order at 8:40 p.m.

2. Tour Itinerary - Various Locations

2.1 West Community Centre, West Vancouver, B.C.

West Vancouver Mayor Mary-Anne Booth and District of West Vancouver staff welcomed Kelowna Council and staff and conducted a tour of the West Vancouver Community Centre.

The meeting adjourned at 9:50 a.m.

The meeting reconvened at 10:30 a.m.

2.2 Edmonds Community Centre, Burnaby, B.C.

Deputy Mayor Alison Gu, Councillors Mike Hillman, Colleen Jordan and James Wang and City of Burnaby staff welcomed Kelowna Council and staff and conducted a tour of the Edmonds Community Centre.

The meeting adjourned at 11:48 a.m.

The meeting reconvened at 1:50 p.m.

2.3 Minirou Centre for Active Living, Richmond, B.C.

Richmond Mayor Malcolm Brodie and City of Richmond staff welcomed Kelowna Council and staff and conducted a tour of the Minoru Centre for Active Living.

The meeting adjourned at 3:15 p.m.

The meeting reconvened at 3:50 p.m.

2.4 Hillcrest Aquatic Centre, Vancouver, B.C.

The City of Vancouver staff welcomed Kelowna Council and staff and conducted a tour of the Hillcrest Aquatic Centre.

3. Termination

This meeting was declared terminated at 4:40 p.m.

Mayor Basran

City Clerk

/cm

DRAFT

City of Kelowna
Special Council Meeting
Minutes

Date:	Friday, February 25, 2022
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran*, Councillors Maxine DeHart, Ryan Donn, Gail Given, Brad Sieben, Mohini Singh, Luke Stack and Loyal Wooldridge
Members Participating Remotely	Councillor Charlie Hodge
Members Absent	Councillor Luke Stack
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Partnership & Investments, Derek Edstrom, Divisional Director, Active Living and Culture, Jim Gabriel; Divisional Director, Planning & Development Services, Ryan Smith; Executive Assistant, Aleisha Earle
Staff Participating Remotely	Legislative Coordinator, Clint McKenzie
Guest	Kevin King and Jost Baker, Dialogue Design Gary Penway, City of North Vancouver (former staff)

(* Denotes partial attendance)

1. Call to Order

The meeting was called to order at 8:48 a.m.

2. Tour Itinerary

2.1 North Vancouver Shipyards, North Vancouver, B.C.

Gary Penway, Consultant

The former City of North Vancouver staff member welcomed Kelowna Council and staff and conducted a tour of the North Vancouver Shipyards development site, with the assistance of staff from Dialogue Design.

Mayor Basran joined the meeting at 9:14 a.m.

The meeting recessed at 10:15 a.m.

The meeting reconvened at 10:48 a.m.

2.2 Olympic Village, Vancouver, B.C.

City of Vancouver staff welcomed Kelowna Council and staff conducted a tour of the Vancouver Olympic Village development site with the assistance of staff from Dialogue Design.

3. Termination

This meeting was declared terminated at 11:58 a.m.

Mayor Basran

City Clerk

/cm

DRAFT

REPORT TO COUNCIL

Date:	March 7, 2022		
To:	Council		
From:	City Manager		
Department:	Development Planning		
Application:	Z21-0059	**Owner:**	WILL MCKAY AND CO. LTD., INC.NO. BC0306923
Address:	301 and 305 Drysdale Blvd	**Applicant:**	Jordan Hettinga
Subject:	Rezoning Application		
Existing OCP Designation:	VC – Village Centre		
Existing Zone:	RM1 – Four Dwelling Housing		
Proposed Zone:	RM5 – Medium Density Multiple Housing		

1.0 Recommendation

THAT Rezoning Application No. Z21-0059 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of LOT 5 SECTION 33 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP48909, located at 301 Drysdale Blvd, Kelowna, BC and LOT 4 SECTION 33 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP48909, located at 305 Drysdale Blvd, Kelowna, BC from the RM1 – Four Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone, be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated March 7, 2022;

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

2.0 Purpose

To rezone the subject property from the RM1 – Four Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone to facilitate a multiple dwelling housing development.

3.0 Development Planning

Development Planning recommends support for the rezoning application. The application proposes a zoning change from the RM1 – Four Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone to facilitate a multiple dwelling housing development. The subject property is located in the Glenmore Village Centre and has the Future Land Use Designation in the Official Community Plan (OCP) of Village Centre. This designation supports ground-oriented multiple unit housing and low-rise apartment housing as supported forms. The proposed development will benefit from the central location of the property and being in close access to existing commercial shopping areas, several parks, including the Glenmore Recreation Park, as well as Dr. Knox Middle School. The request to rezone to the RM5 – Medium Density Multiple Housing zone is consistent with the OCP and is an appropriate location for adding residential density.

4.0 Proposal

4.1 Background

This property has been historically vacant land and the lots were created as part of a subdivision in 2014 that saw the extension of Drysdale Boulevard. The road extension was completed around 2016.

4.2 Project Description

This application proposes a multiple dwelling housing development, proposed to consist of 37 units.

4.3 Site Context

The subject properties are located at the corner of Drysdale Boulevard and Glen Park Drive, in the Glenmore Village Centre.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU2 – Medium Lot Housing	Single Dwelling Housing
East	RM5 - Medium Density Multiple Housing RM3 – Low Density Multiple Housing	Currently Vacant, potential Supportive Housing Multiple Dwelling Housing
South	RM5 - Medium Density Multiple Housing	Supportive Housing (Glenmore Lodge)
West	RM3 – Low Density Multiple Housing	Multiple Dwelling Housing

Subject Property Map: 301 and 305 Drysdale Blvd

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 5.1 Encourage Village Centres as Kelowna's secondary hubs of activity	
Policy 5.1.2 Village Centre Density	Target an overall density of 30 to 60 jobs and people per hectare in Village Centres in the Core Area
	This application proposes 37 multiple dwelling housing units, and the subject properties are a combined area of approximately 0.18 hectares
Objective 5.1 Encourage Village Centres as Kelowna's secondary hubs of activity	
Policy 5.1.6 Glenmore Village Centre	Support development in the Glenmore Village Centre to serve citizens in neighbourhoods in north Kelowna, such as Glenmore, Wilden, and McKinley. Development in the Glenmore Village Centre should share the following characteristics: • Commercial uses located east of Glenmore Road; • Buildings up to six storeys in height; and • Orientation of buildings along Brandt's Creek towards the creek and trail system.
	This development proposal is for a building less than six storeys in height.
Objective 5.11 Increase the diversity of housing forms and tenure to create an inclusive, affordable and complete Core Area.	
Policy 5.11.1 Diverse Housing Forms	Ensure a diverse mix of low and medium density housing forms in the Core Area that support a variety of households, income levels and life stages.
	This application proposes 37 one- and two-bedroom units.

6.0 Technical Comments

6.1 Development Engineering Department

See Schedule A: City of Kelowna Memorandum

7.0 Application Chronology

Date of Application Accepted: June 3, 2021
Date Neighbourhood Notification Completed: February 11, 2022

Report prepared by: Kimberly Brunet, Planner II
Reviewed by: Jocelyn Black, Urban Planning Manager
Reviewed by: Terry Barton, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Schedule A: City of Kelowna Memorandum

Attachment A: Applicant's Letter of Rationale and Draft Site Plan

SCHEDULE A
This forms part of application
Z21-0059
Planner Initials KB
City of Kelowna DEVELOPMENT PLANNING

CITY OF KELOWNA

MEMORANDUM

Date: June 28, 2021

File No.: Z21-0059

To: Planning and Development Officer (KB)

From: Development Engineering Manager (RO)

Subject: 301-305 Drysdale Blvd RM1 to RM5

The Development Engineering Branch has the following comments and requirements associated with this application to rezone the subject lots from RM1 – Four Dwelling Housing to RM5 – Medium Density Multiple Housing).

1. GENERAL

a. The following requirements are valid for two (2) years from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.

b. This proposed development may require the installation of centralized mail delivery equipment. Please contact Arif Bhatia, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC, V1Y 2K0, (250) 859-0198, arif.bhatia@canadapost.ca to obtain further information and to determine suitable location(s) within the development.

c. There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

2. DOMESTIC WATER AND FIRE PROTECTION

a. The property is located within the Glenmore Ellison Improvement District (GEID) service area. The developer is required to make satisfactory arrangements with GEID for all water and fire protection-related issues. All charges for service connection and upgrading costs, as well as any costs to decommission existing services, shall be the responsibility of the developer.

b. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. No. 7900. Provide water flow calculations for this development to confirm bylaw conformance. Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits. Note: Private pumps are not acceptable for addressing marginal pressure.

3. SANITARY SEWER SYSTEM

a. Our records indicate that each of the subject lots are currently serviced with a 200-mm diameter sanitary sewer service. The Applicant's Consulting Mechanical Engineer will determine the requirements of the proposed development and establish the service needs. Only one service will be permitted.

b. The applicant will arrange for the removal and disconnection of one of the existing services or, if necessary, both of the existing services and the installation of one new larger service at the applicants cost.

4. STORM DRAINAGE

a. The property is located within the City of Kelowna drainage service area. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems.

b. Our records indicate that each of the subject lots are currently serviced with a 200-mm diameter sanitary sewer service. The Applicant's Consulting Mechanical Engineer will determine the requirements of the proposed development and establish the service needs. Only one service will be permitted for this development.

c. The applicant will arrange for the removal and disconnection of one, or if necessary both, of the existing services at the applicants cost.

d. Provide the following drawings:

   i. A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);

   ii. A detailed Stormwater Management Plan for this subdivision; and,

   iii. An Erosion and Sediment Control Plan is to be prepared by a Professional Engineer proficient in the field of erosion and sediment control. The plan is to be prepared as per section 3.14 of Schedule 4 of Bylaw 7900. If a line item for ESC is not included in the Engineer's cost estimate for off-site work, then an additional 3% will be added to the performance security based on the total off-site construction estimate.

e. On-site detention systems are to be compliant with Bylaw 7900, Schedule 4, Section 3.11.1 *Detention Storage*.

f. As per Bylaw 7900, Schedule 4, Section 3.1.3 *Climate Change*, the capacity of storm works will include an additional 15 percent (15%) upward adjustment, and applied to the rainfall intensity curve stage (IDF) in Section 3.7.2.

g. Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.

h. Register right of ways on private properties for all the storm water infrastructure carrying, conveying, detaining and/or retaining storm water that is generated from the public properties, public road right of ways, and golf course lands.

i. Where structures are designed or constructed below the proven high groundwater table, permanent groundwater pumping will not be permitted to discharge to the storm system. The City will approve designs that include provisions for eliminating groundwater penetration into the structure, while addressing buoyancy concerns. These design aspects must be reviewed and approved by the City Engineer.

5. ROAD IMPROVEMENTS

a. Drysdale Blvd has been upgraded to a full urban standard, the only required improvements are landscaped and irrigated boulevard.

b. Glen Park Dr has been upgraded to a full urban standard the only required frontage upgrades are removal of concrete letdown for unused driveway and replacement with barrier curb & gutter and sidewalk, and landscaped and irrigated boulevard.

c. All Landscape and Irrigation plans require design and inspection by a Qualified Professional registered with the BCSLA and the IIABC. Landscape and irrigation plans require approval by the Development Engineering Branch at the same time as other “issued for construction” drawings.

d. All stairs and ramps must be contained entirely on private property.

6. POWER AND TELECOMMUNICATION SERVICES

a. All proposed distribution and service connections are to be installed underground. It is the developer’s responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant’s cost.

b. Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es). If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City’s Development Engineering Manager.

7. GEOTECHNICAL STUDY

a. Provide a comprehensive geotechnical report (3 copies), 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**.

b. The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department 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 and perimeter drains.

vii. Recommendations for erosion and sedimentation controls for water and wind.

viii. Any items required in other sections of this document.

c. Should any on-site retaining walls surpass the following limits, an Over Height Retaining Wall Permit will be required:

> "Retaining walls on all lots, except those required as a condition of subdivision approval, must not exceed a height of 1.2 m measured from natural grade on the lower side, and must be constructed so that any retaining walls are spaced to provide a 1.2 m horizontal separation between tiers. The maximum number of tiers is two with a maximum total height of 2.4 m. Any multi-tier structure more than 2 tiers must be designed and constructed under the direction of a qualified professional engineer."

The design of all retaining walls is to conform with Engineer & Geoscientists British Columbia's Professional Practice Guidelines for Retaining Wall Design. Submission requirements for the Over Height Retaining Wall Permit include Engineer of Record documents (Appendix A of Retaining Wall Design Guideline) and any necessary independent reviews (as per EGBC's Documented Independent Review of Structural Designs).

d. Any modified slopes having a finished slope greater than 2H:V1 (50%) and an elevation change greater than 1.2 m must be installed under the direction of a qualified professional engineer.

e. Any exposed natural rock surface on a lot that has the potential for materials to displace causing a hazardous condition, must be reviewed by a qualified professional engineer with the appropriate and measures undertaken as prescribed by the engineer. For adequate Rockfall Protection adjacent to walls and rock cuts, please consider BC MoTI Supplement to TAC Geometric Design Guide 440, page 440-8, which outlines a ditch bottom width depending on wall height. Sidewalks and utilities should be kept out of this protection area. Additional ROW may be required.

Where walls are on the high side, the City's preference is that the walls remain setback and on private property. Where the walls hold up a public road, the City's preference is that additional dedication be provided, and the walls be owned by the City. Please design any geogrids or tie-backs so that they do not encroach into the required road ROW.

8. DESIGN AND CONSTRUCTION

a. Design, construction supervision, and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.

b. Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.

c. Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).

d. A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.

e. Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Engineering Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

9. SERVICING AGREEMENT FOR WORKS AND SERVICES

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

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

10. CHARGES AND FEES

a. Development Cost Charges (DCC's) are payable.

b. Fees per the "Development Application Fees Bylaw" include:

i. Street Marking/Traffic Sign Fees: at cost (to be determined after detailed design completed).

ii. Survey Monument Fee: $50.00 per newly created lot (GST exempt).

iii. Survey Monument, Replacement Fee: $1,200.00 (GST exempt) – only if disturbed.

iv. Engineering and Inspection Fee: 3.5% of construction value (plus GST).

c. Approved methods of payment for Performance Security:

i. Personal Cheques < $5,000

ii. Letter of Credit*, Certified Cheque, or Bank Draft > $5,000
**Minimum value for Letter of Credit is $50,000*

A Sangster

FOR Ryan O'Sullivan
Development Engineering Manager

SK

Glenmore Ridge

Issue 02 - RZ Application

301, 305 Drysdale Boulevard, Kelowna, BC

REGISTERED ARCHITECT
DUANE SIEGRIST
BRITISH COLUMBIA
May 31 2021

Siegrist ARCHITECTURE

development application

May 31, 2021
Issue 02 - RZ Application

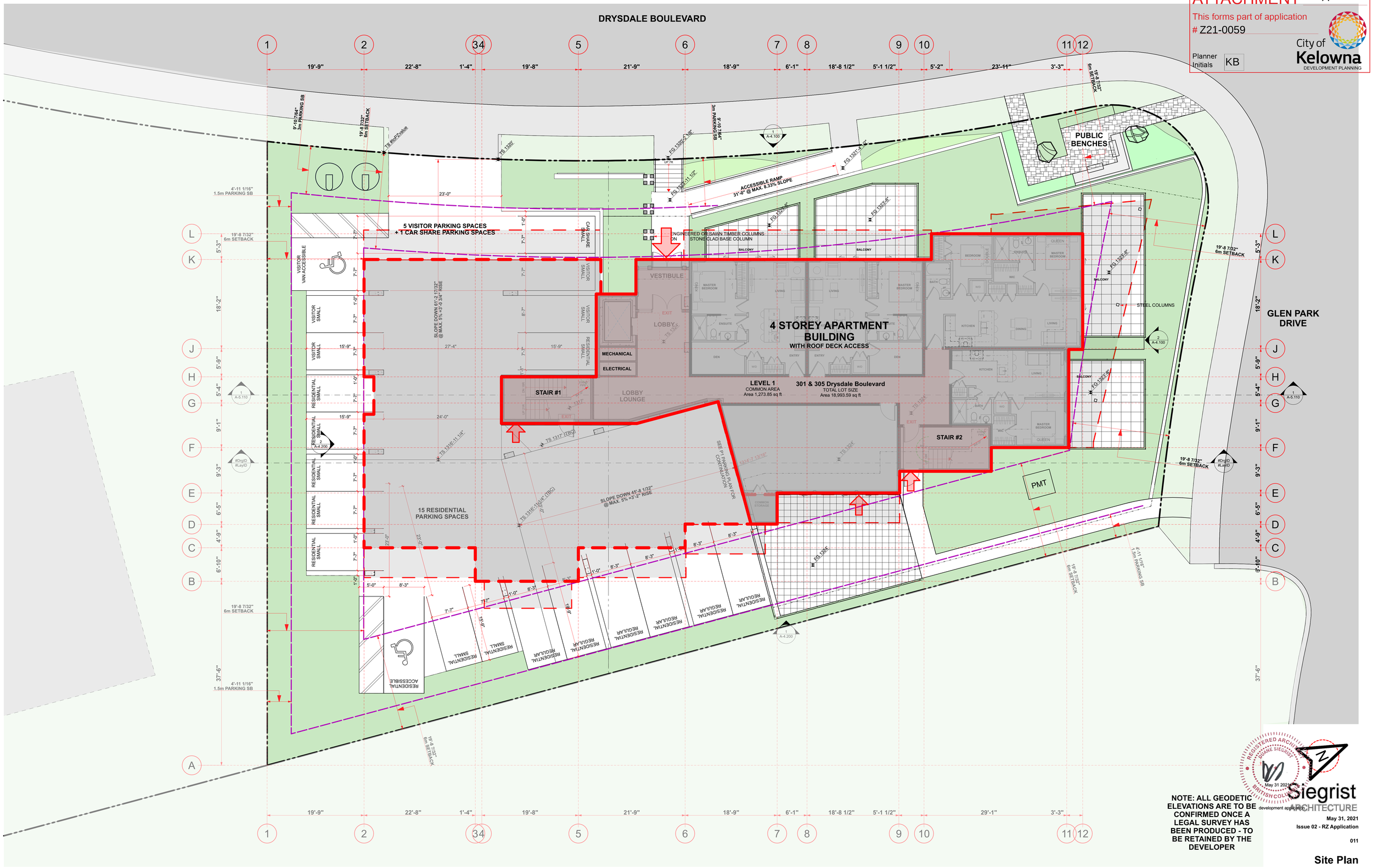
011

Perspective Render

A-0.102

ATTACHMENT A
This forms part of application
Z21-0059
Planner Initials KB
City of Kelowna
DEVELOPMENT PLANNING

ATTACHMENT A
This forms part of application
Z21-0059
Planner Initials KB
City of Kelowna
DEVELOPMENT PLANNING



NOTE: ALL GEODETIC ELEVATIONS ARE TO BE CONFIRMED ONCE A LEGAL SURVEY HAS BEEN PRODUCED - TO BE RETAINED BY THE DEVELOPER

REGISTERED ARCHITECT DUANE SIEGRIST BRITISH COLUMBIA
May 31 2021

Siegrist ARCHITECTURE
development application

May 31, 2021
Issue 02 - RZ Application
011

Site Plan

1 Site Plan
SCALE: 1/8" = 1'-0"

A-1.200

CITY OF KELOWNA

BYLAW NO. 12332
Z21-0059
301 and 305 Drysdale Boulevard

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 5 Section 33, Township 26 ODYD, Plan EPP 48909 located at 301 Drysdale Boulevard, Kelowna, BC; and
   b) Lot 4 Section 33, Township 26, ODYD, Plan EPP48909 located at 305 Drysdale Boulevard, Kelowna, BC

   from the RM1 – Four Dwelling Housing zone to the RM5 – Medium Density Multiple 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, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

_____
Mayor

_____
City Clerk

Z21-0059
301 & 305 Drysdale Blvd

Rezoning Application

Proposal

- To rezone the subject property to facilitate a multiple dwelling housing development

Development Process

June 3, 2021 — Development Application Accepted

Staff Review & Circulation

Feb 11, 2022 — Public Notification Received

Mar 7, 2022 — Initial Consideration

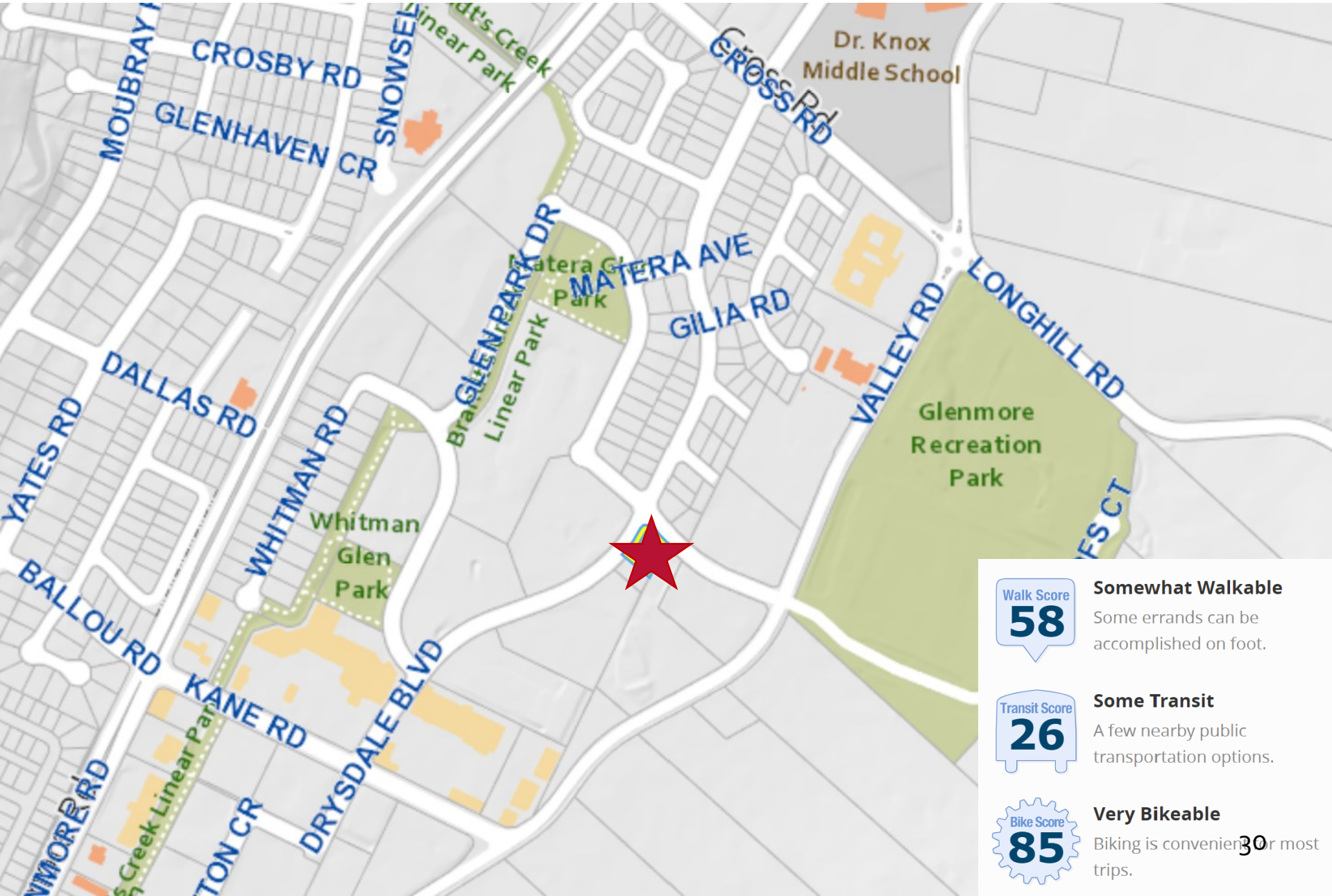
Notice of First Reading

Final Reading and DP/DVP Consideration

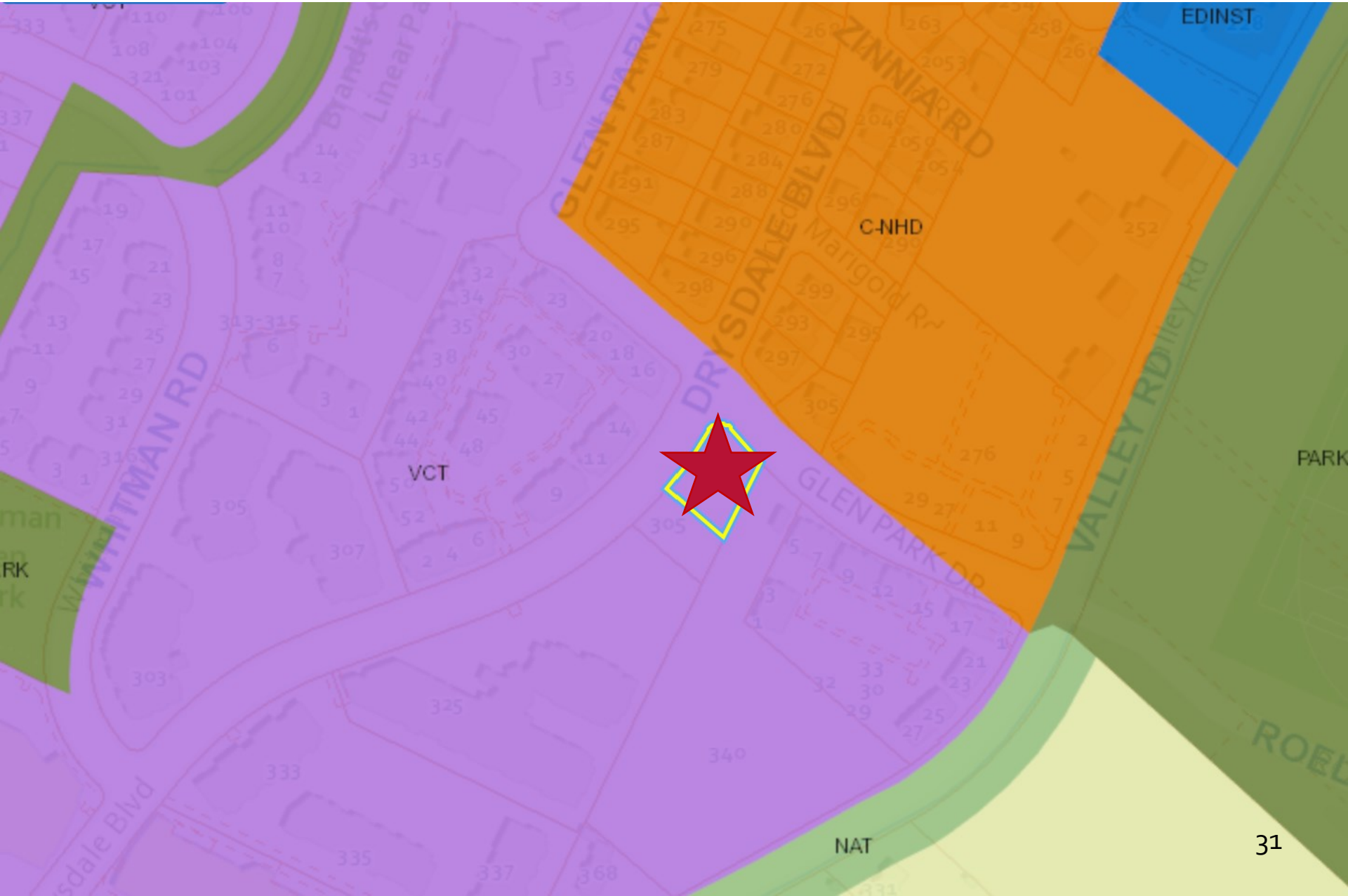
Council Approvals

Issuance of Building Permit

Context Map

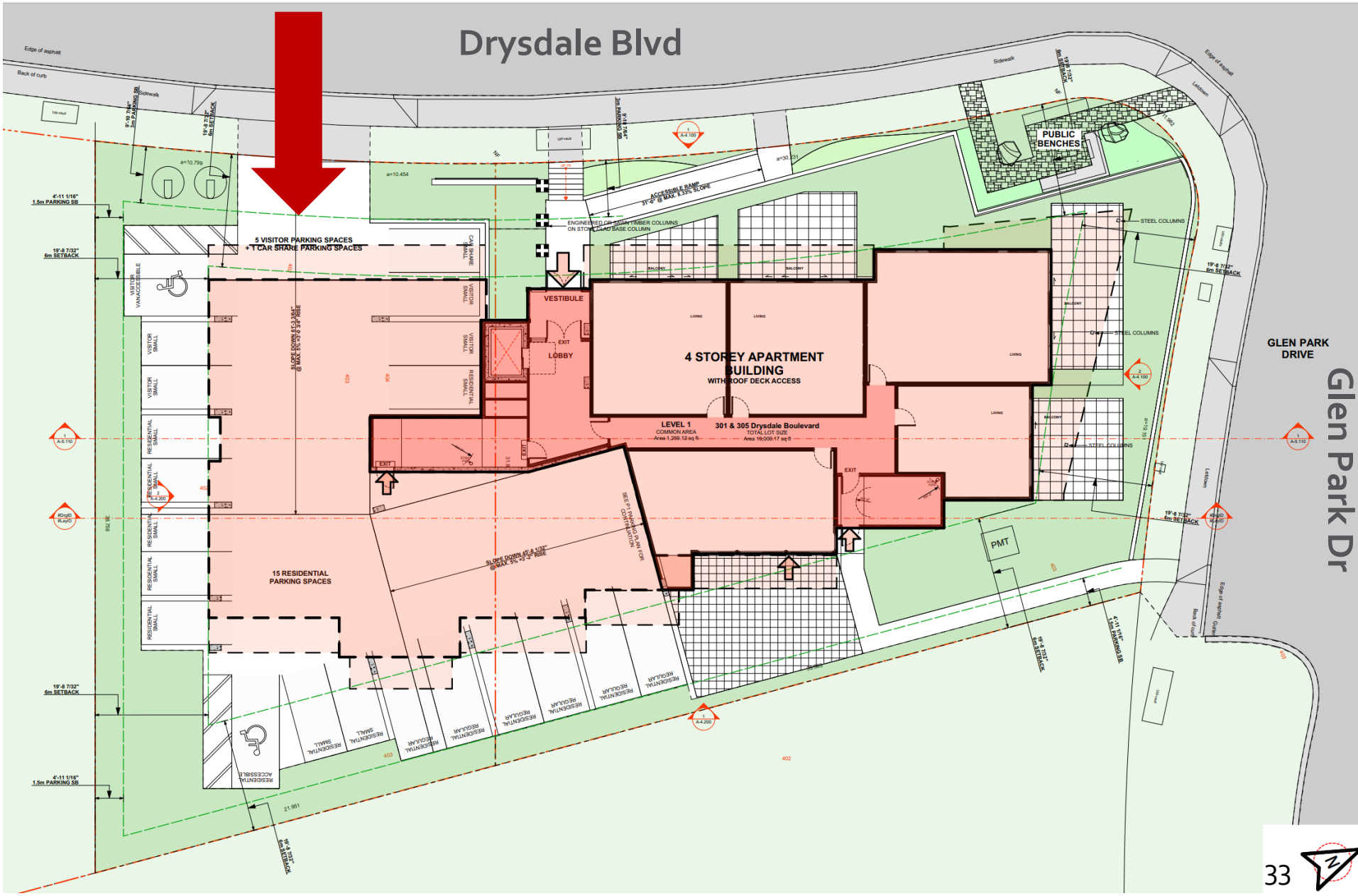

CROSBY RD
GLENHAVEN CR
MOUBRAY
SNOWSE
Linear Park
Dr. Knox
Middle School
CROSS RD
GLEN PARK DR
Matera Glen
Park
MATERA AVE
GILIA RD
VALLEY RD
LONGHILL RD
DALLAS RD
YATES RD
WHITMAN RD
Linear Park
Glenmore
Recreation
Park
Whitman
Glen
Park
BALLOU RD
KANE RD
DRYSDALE BLVD
Walk Score
58
Somewhat Walkable
Some errands can be accomplished on foot.
Transit Score
26
Some Transit
A few nearby public transportation options.
Bike Score
85
Very Bikeable
Biking is convenient for most trips.

Future Land Use Map



Subject Property Map

Draft Site Plan



Draft Rendering

Development Policy

City of Kelowna

- Meets the intent of Official Community Plan Village Centre and Core Area Policies:
  - Policy 5.1.2. Village Centre Density.
    - Target an overall density of 30 to 60 jobs and people per hectare in Village Centres in the Core Area.
  - Policy 5.1.6. Glenmore Village Centre.
    - Support development in the Glenmore Village Centre
  - Policy 5.11.1 Diverse Housing Forms
- Consistent with Future Land Use **VC – Village Centre**

Staff Recommendation

- Staff recommend **support** of the proposed rezoning
  - Meets the intent of the Official Community Plan
    - Supports development in the Glenmore Village Centre

Conclusion of Staff Remarks

REPORT TO COUNCIL

Date:	March 7, 2022		
To:	Council		
From:	City Manager		
Department:	Development Planning		
Application:	Z21-0099	**Owner:**	Ironclad Developments Mission Heights Holdings Inc., Inc.No. A0119488
Address:	2241 Springfield Road	**Applicant:**	Ironclad Developments Inc.
Subject:	Rezoning Application		
Existing OCP Designation:	UC – Urban Centre		
Existing Zone:	C4 - Urban Centre Commercial		
Proposed Zone:	C4r - Urban Centre Commercial (Residential Rental Tenure Only)		

1.0 Recommendation

THAT Rezoning Application No. Z21-0099 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of LOT B DISTRICT LOTS 128 AND 142 OSOYOOS DIVISION YALE DISTRICT PLAN KAP85660, located at 2241 Springfield Road, Kelowna, BC from the C4 - Urban Centre Commercial zone to the C4r - Urban Centre Commercial (Residential Rental Tenure Only) zone, be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated March 7, 2022;

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.

2.0 Purpose

To rezone the subject property to facilitate a mixed-use development with the Residential Rental Only Tenure subzone.

3.0 Development Planning

Development Planning recommends support for the Rezoning application. The application proposes a zoning change from the C4 – Urban Centre Commercial zone to the C4r – Urban Centre Commercial (Residential Rental Tenure Only) zone, which would ensure the residential units in this development remains as dedicated rental dwellings within the Midtown Urban Centre. The proposed development will benefit from the central and convenient location of the subject property in close access to many nearby shops, services and amenities. This rezoning application aligns with key directions from the framework of the Healthy Housing Strategy, as well as the broad objectives in the Official Community Plan to support the creation of affordable and safe rental, non-market housing.

Planning Staff will continue to work with the applicant prior to bringing a Development Permit to Council for consideration to address issues related to architectural design, site layout and ground level amenity space to contribute to overall increased livability.

4.0 Proposal

4.1 Background

The subject property is approximately 4.42 acres and is currently vacant. The property was rezoned to the C4 – Urban Centre Commercial zone in 2013 to facilitate a development, which was not constructed.

4.2 Project Description

This application proposes five six-storey wood-frame apartment buildings, comprising of 401 units. There is also a small amount of ground-floor commercial proposed on the Springfield Road and Benvoulin Road frontages. The units are a mix of studio, one, two and three bedrooms, and combination of surface, ground floor and underground parking is proposed.

4.3 Site Context

The subject property is located in the Midtown Urban Centre, at the intersections of Springfield Road and Benvoulin Road. It has a Walkscore of 62, indicating that it is somewhat walkable.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C6 – Regional Commercial	Orchard Park Shopping Centre
East	A1 – Agriculture 1 CD23 – Public and Open-Air Market	Vacant Land
South	RM5 – Medium Density Multiple Housing	Multiple Dwelling Housing
West	C4 – Urban Centre Commercial	Gas Bar, Retail Stores, Food Primary Establishments

Subject Property Map: 2241 Springfield Road

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 4.1 Strengthen the Urban Centres as Kelowna's primary hubs of activity.	
Policy 4.1.1. Live/Work Balance.	Direct growth in Urban Centres to achieve densities of 150-250 combined residents and jobs per hectare, with a composition of 2:1 residents to jobs or as outlined in an Urban Centre Plan. Refine these density targets as Urban Centre Plans are developed.
	The subject property is approximately 1.8 hectares in area, and proposes 401 residential dwelling units (rental).
Objective 4.1 Strengthen the Urban Centres as Kelowna's primary hubs of activity.	
Policy 4.1.6. High Density Residential Development.	Direct medium and high density residential development to Urban Centres to provide a greater mix of housing near employment and to maximize use of existing and new infrastructure, services and amenities.
	This development proposes five mid-rise buildings, consisting of approximately 401 residential dwelling units (rental) and is in close proximity to existing services, employment and transit options.
Objective 4.8 Support modest residential development to transition Midtown into a transit supportive neighbourhood.	
Policy 4.8.1. Midtown Residential Development.	Prioritize the development of multi-unit residential uses over employment uses in Midtown to support a greater live work balance.
	This development proposes five mid-rise buildings, consisting of approximately 401 residential dwelling units (rental) and a small amount of at-grade commercial.

6.0 Technical Comments

6.1 Development Engineering Department

See Schedule A: City of Kelowna Memorandum

7.0 Application Chronology

Date of Application Accepted: September 10, 2021
Date Neighbourhood Notification Completed: November 23, 2021

Report prepared by: Kimberly Brunet, Planner II
Reviewed by: Jocelyn Black, Urban Planning Manager
Reviewed by: Terry Barton, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Schedule A: City of Kelowna Memorandum

Attachment A: Applicants Rationale Letter and Draft Site Plan

SCHEDULE A
This forms part of application
Z21-0099
Planner Initials KB
City of Kelowna DEVELOPMENT PLANNING

CITY OF KELOWNA

MEMORANDUM

Date: October 28, 2021

File No.: Z21-0099

To: Urban Planning Management (KB)

From: Development Engineering Manager (RO)

Subject: 2241 Springfield Rd. C4 to C4r

The Development Engineering Department has the following comments and requirements associated with this rezoning application to rezone the subject property from C4 Urban Centre Commercial to C4r - Urban Centre Commercial (Residential Rental Tenure Only). The Development Engineering Technologist for this project is Aaron Sangster.

1. General

a) Where there is a possibility of a high-water table or surcharging of storm drains during major storm events, non-basement buildings may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.

b) The following requirements are valid for two (2) years from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.

c) The proposed development may require the installation of centralized mail delivery equipment. Please contact Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC, V1Y 2K0 (250-763-3558 ext. 2008) to obtain further information and to determine suitable location(s) within the development.

d) These Development Engineering comments and requirements and are subject to review and or revision for approval by the Ministry of Transportation (MOTI) Infrastructure.

2. Domestic Water and Fire Protection

a) 2241 Springfield Rd. is currently serviced with a 200mm water services. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. Only one service per property is permitted for this development. The applicant will arrange for the removal and disconnection of the existing services and the installation of one new larger service at the applicants cost, if required.

b) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department and prepare the meter setter at his cost. Boulevard

SCHEDULE A
This forms part of application
Z21-0099
Planner Initials KB
City of Kelowna
DEVELOPMENT PLANNING

landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system

2. Sanitary Sewer

Our records indicate that these properties are currently serviced with a 200mm-diameter sanitary sewer services. The applicant's consulting mechanical engineer will determine the requirements of the proposed development and establish the service needs. Only one service will be permitted for this development. If required, the applicant will arrange for the removal and disconnection of the existing service and the installation of one new larger service at the applicants cost.

3. Storm Drainage

a) The property is located within the City of Kelowna drainage service area. For on-site disposal of drainage water, a geotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems.

b) Provide the following drawings:

i. A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);

ii. A detailed Stormwater Management Plan for this subdivision; and,

iii. An Erosion and Sediment Control Plan is to be prepared by a Professional Engineer proficient in the field of erosion and sediment control. The plan is to be prepared as per section 3.14 of Schedule 4 of Bylaw 7900. If a line item for ESC is not included in the Engineer's cost estimate for off-site work, then an additional 3% will be added to the performance security based on the total off-site construction estimate.

c) On-site detention systems are to be compliant with Bylaw 7900, Schedule 4, Section 3.11.1 Detention Storage.

d) As per Bylaw 7900, Schedule 4, Section 3.1.3 Climate Change, the capacity of storm works will include an additional 15 percent (15%) upward adjustment, and applied to the rainfall intensity curve stage (IDF) in Section 3.7.2.

e) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.

4. Road Improvements

a) Benvoulin Rd. must be upgraded to current standards along the full frontage of this proposed development, including curb and gutter, landscaped boulevard c/w irrigation, separated sidewalk, drainage system including catch basins, manholes and pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.

b) Benvoulin Ct. must be upgraded to current standards along the full frontage of this proposed development, including curb and gutter, landscaped boulevard c/w irrigation, separated sidewalk, drainage system including catch basins, manholes and pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.

SCHEDULE A
This forms part of application
Z21-0099
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City of Kelowna
DEVELOPMENT PLANNING

c) Springfield Rd. must be upgraded to current standards along the full frontage of this proposed development, including curb and gutter, landscaped boulevard c/w irrigation, separated sidewalk, drainage system including catch basins, manholes and pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.

4. Road Dedication and Subdivision Requirements

a) Grant Statutory Rights of Way if required for utility services.

b) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, TELUS, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

5. Development Permit and Site Related Issues

a) Two existing curb depression/letdown on Benvoulin Rd. shall be replaced with a barrier curb and sidewalk.

b) A TIA will be required for this development. Additional requirement will come out of this process.

c) Hwy 97N and Leckie Rd. cost recovery:
   a. Residential - 401 units x 0.7 = 280.7 EDU
   b. Commercial - 735sq.m = 7,911.50 sq. ft = 3.0 EDU
   c. Total = 283.70 EDU @ $1,000.00 = **$283,700.00**

d) An MSU standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles movements should also be illustrated on the site plan.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building must be installed in an underground duct system, and the building must be connected by an underground service. 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.

7. Design and Construction

a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.

b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.

c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).

SCHEDULE A
This forms part of application
Z21-0099
Planner Initials KB
City of Kelowna
DEVELOPMENT PLANNING

d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.

e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

8. <u>Servicing Agreement for Works and Services</u>

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

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

9. <u>Survey, Monument and Iron Pins</u>

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of $1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

10. **<u>Geotechnical Report</u>**

a) Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **<u>NOTE</u>: 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 Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department 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) Site suitability for development.

(vi) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.

SCHEDULE A
This forms part of application
Z21-0099
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City of Kelowna
DEVELOPMENT PLANNING

ii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).

iii) Recommendations for items that should be included in a Restrictive Covenant.

iv) Any special requirements for construction of roads, utilities, and building structures.

v) Any items required in other sections of this document.

vi) Recommendations for erosion and sedimentation controls for water and wind.

vii) Recommendations for roof drains and perimeter drains.

viii) Any items required in other sections of this document.

11. **Charges and Fees**

a) Development Cost Charges (DCC's) are payable.

b) Fees per the "Development Application Fees Bylaw" include:

i. Street/Traffic Sign Fees: at cost if required (to be determined after design).
ii. Survey Monument, Replacement Fee: $1,200.00 (GST exempt) – only if disturbed.

c) Engineering and Inspection Fee: 3.5% of construction value (plus GST).

Ryan O'Sullivan

Ryan O'Sullivan
Development Engineering Manager

AS

ATTACHMENT A
This forms part of application
Z21-0099
Planner Initials KB
City of Kelowna
DEVELOPMENT PLANNING

September 30, 2021

Department of Community Planning
City of Kelowna
1435 Water Street
Kelowna, BC, V1Y 1J4

Dear Ms. Kimberly Brunet

RE: Design Rationale Statement for 2241 Springfield Road, Kelowna, BC

Ironclad Developments Inc ('ICD') has conditionally purchased the subject property 2241 Springfield Road ('the property') and is the applicant for this combined Minor Re-Zoning and Urban Design Major Development Permit Application. This letter shall serve as notice of ICD's intent to re-zone the property from Urban Centre Commercial (C4) to Urban Centre Commercial Residential Rental Tenure (C4r) and permit the construction of five (5) mid-rise multi-family rental apartment buildings, including some ground-floor commercial uses in Building 1, and one (1) commercial building in between Building 2 and Building 3 (identified as #6 in Figure 1 below).

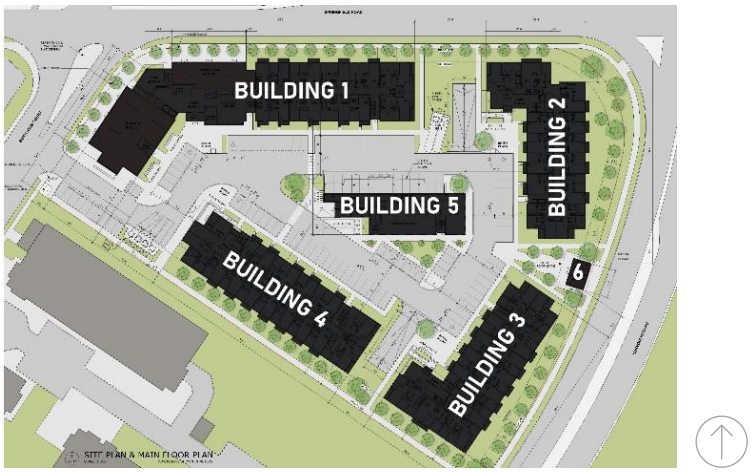

Figure 1 Building Nomenclature

The property is approximately 4.42 acres and is located within the Urban Core and Midtown Urban Centre. The property is currently vacant, surrounded by a mixture of commercial and multi-family residential land uses. Within walking distance or a short drive from the property, there are a variety of amenities as described below:

- Nearby commercial including a regional shopping centre, grocery store, liquor store, pharmacy, gas station, bank and etc.;
- Restaurants including dine-in and fast food;
- Parks and recreation opportunities (Mission Creek Regional Park, Mission Creek Golf Club, Barlee Park & Community Garden, Parkinson Recreation Park, Mill Creek Linear Park); and

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- Existing Schools located within a 5 min drive (Springvalley Elementary, Springvalley Middle School, Kelowna Christian Middle & Highschool, Immaculata Regional High School and various post-secondary schools such as MC College and Centre for Arts and Technology Kelowna).

Development Proposal

The property is zoned Urban Centre Commercial (C4) and is located within the Midtown Urban Centre. As per Section 14.4.5(c) of the Zoning Bylaw, the maximum building height permitted for apartment housing is the lesser of 12 storeys or 37m. The proposed development consists of six buildings. Building 1, Building 2, and Building 3 are proposed as six-storey developments, Building 4 is proposed as five storeys on the south side and six storeys on the north side, Building 5 is proposed as a four-storey development, and Building 6 is proposed as a one-storey commercial development. The massing of each building was tested to meet the required Daylighting Standards setbacks, resulting in a step-backed massing for Building 4. The development is appropriate for the property, as it is adjacent to a commercial area and other mid-rise multi-family residential buildings. A shadow study analyzing shadow forecasts during the spring, summer, and fall seasons displayed minimal impact onto adjacent properties, and winter shadow impact is focused on Springfield Road.

The proposal to rezone the property as C4r Zone is a subzone of the current C4 Zone. The intent to rezone the property as C4r will ensure the building remains rental for the long term. ICD constructs purpose-built rental apartment buildings designed to be operated as rental properties for the long term, whether by our sister company Ironclad Properties or by other long-erm real estate investors.. The buildings include a mix of one-, two- and three-bedroom units, providing an option of unit size to students, young professionals, seniors, and small families. As per Section 14.4.5(a.2.ii) and Section 14.4.5(a.2.v) the achievable permitted density including eligible bonusing is 1.68 FAR. This will maximize the development potential of the lot with a total of 401 units distributed in five (5) mid-rise multi-family buildings, increasing Kelowna's rental options. Kelowna's Urban Centres Roadmap outlines policies and targets for urban centres as they continue to develop. Two of the policies to create a healthy housing mix are 'promote a mix of unit types, building form and tenure in multi-family residential developments' and 'encourage multi-family buildings in areas with schools and parks to contain ground-oriented units and family-oriented units.' The proposed multi-unit residential development supports these policies as it will increase the mix of housing in the urban centre and is near numerous parks, commercial and employment zones.

The City of Kelowna Zoning Bylaw requires any building located on a collector or arterial road in the Urban Centre Commercial zone to provide 90% of all street frontages as functional commercial space on the first floor. ICD believes 90% of commercial frontage is not an appropriate or viable use as it is adjacent to a regional shopping centre and strip mall and has uncertain commercial marketability due to restrictive access and parking along Springfield Road and Benvoulin Road. ICD believes a reduction to the commercial space to accommodate smaller-scaled services is appropriate for this property. A pre-application meeting with the City identified that a variance to reduce the required commercial frontage from 90% to approximately 25% of building frontage would be supported by planning staff, and the design of the project achieves 27% commercial frontage.

Vehicular access is proposed as a driveway approach along Benvoulin Court. ICD's civil engineering consultants have collaborated with the Municipal Traffic and Engineering department to redesign the traffic median to accommodate this approach south of the traffic median and redesign the pedestrian crosswalk north of the traffic median. A combination of surface, covered, and underground parking is proposed. As per Section 8.2.12. a 20% parking reduction is permitted if development is sub-zoned for Residential Rental Tenure and is located within the Urban

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Centre. The provided vehicular parking stalls of 97 surface stalls, 14 covered stalls (Building 5), and 300 underground stalls exceed the required provision. Two underground access points are proposed, one along the north between Building 1 and Building 2, and the south between Building 3 and Building 4.

The amenity-rich features include a business centre, pet wash station, off-leash dog run, fitness centre, and a games room in Building 1 and Building 5. The architectural detail includes a predominantly neutral colour palette of dark grey, dark blue, and arctic white. Yellow accents emphasize commercial frontage along Springfield Road and highlight public entrances within the inner courtyard. Wayfinding within the inner courtyard is enforced as yellow vertical elements for building entrances, which is further defined by small entry plazas that boost social interaction between residents. To create a pedestrian-scaled environment, the first two floors of all buildings will have stone-veneer accents and scenic landscaping. Internalized residential ground floor units will have walk-out patios, and all other units will have balconies.

City of Kelowna Planning Policy Framework

Kelowna 2030 Official Community Plan Bylaw (10500)

The Kelowna 2030 Official Community Plan designates the property as Urban Centre and within the Urban Design Development Permit Area - Midtown Urban Centre growth node. The proposed development meets the following policies outlined in the Official Community Plan:

- Objective 5.23 Address the needs of families with children through the provision of appropriate family-oriented housing - Policy 1 Ground Oriented Housing: Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms to provide a family housing choice within the multi-unit rental or ownership markets.
- Chapter 14 Urban Design Development Permit Guidelines:
    - 1.6 Provide generous outdoor spaces, including rooftops, balconies, patios and courtyards, to allow residents to benefit from the favourable Okanagan weather.
    - 4.1 Mitigate the actual and perceived bulk of buildings by utilizing appropriate massing including: Architectural elements (balconies), Visually interesting rooflines and Step-back upper floors to reduce visual impact.
    - 5.1 Design for human scale and visual interest in all building elevations. This can be achieved principally by giving emphasis to doors and windows and other signs of human habitation relative to walls and building structure
    - 5.4 Design building facades with a balance of vertical and horizontal proportions (e.g. vertical elements at regular intervals to strengthen the pedestrian-scale of otherwise horizontal buildings).
    - 6.2 Provide visually prominent, accessible, and recognizable entrances through attention to location, details, proportions, materials, and lighting that act to personalize or lend identity to a building;
    - 7.1 Design varied and interesting public open space to promote social interaction, ensure continuity of pedestrian movement through the site, and accommodate a range of uses and activities year-round;

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ICD's proposal for the property meets the above policies from the Official Community Plan. The proposed development of five (5) mid-rise multi-family buildings and one (1) commercial building within the Midtown Urban Centre aligns with the objectives stated in the Urban Centre Road Map by increasing residential population to support local services and amenities and encourages a mix of tenure and unit types.

City of Kelowna Zoning Bylaw (8000)

The City of Kelowna Zoning Bylaw designates the property as Urban Centre Commercial ('C4') Zone. ICD intends to re-zone the property to Urban Centre Commercial Residential Rental Tenure ('C4r') Zone. Under the C4r zone, apartment housing is a permitted principal use. The following table summarizes the regulations in the C4r zone.

Zoning Summary, C4r Zone			
Zoning Provisions	Required	Provided	Compliance
Lot area (min)	1300 sq m	17 800 sq m	✓
Lot width (min)	40 m	105 m	✓
Lot Depth (min)	30 m	175 m	✓
Building Height	Lesser of 12 storeys or 36m	21.8 m	✓
Site Coverage (max)	75%	56%	✓
Front Yard (min)	0 m	4.6 m	✓
Rear Yard (min)	0 m	0 m	✓
Flanking Side Yard (min)	0 m	4.6 m	✓
Interior Side Yard (min)	2 m	7.6 m	✓
Floor Area Ratio (S.14.4.5.a.2.) 1.3 FAR (S.14.4.5.5a.2.ii) 0.18 FAR (S.14.4.5.5.a.2.v) 0.2 FAR	1.68 FAR	1.68 FAR	✓
Private Open Space	4828 sq.m	4863 sq.m	✓
Parking Spaces	353	411	✓
Bicycle Parking Spaces	312 Long + 49 Short	313 Long + 53 Short	✓
Commercial Space	215.73 m	59.3 m	X

One variance is requested for this development to vary the required commercial space. The provided commercial frontage of 59.3 m does not meet Zoning Bylaw standards. As per Section 14.4.6(e) any building located on streets classified as a collector or arterial as identified in the OCP Map 7.3 – 20 Year Major Road Network and Road Classification Plan shall provide a functional commercial space on the first floor, which must occupy a minimum of 90% of all street frontages, OR a minimum of 75% on secondary street frontages provided 100% of the principal frontage has a functional commercial space. However due to the large commercial centre in the area and limited direct vehicle access to the surrounding street network, the proposed small scale commercial space is better suited for this proposal (commercial space reduction is calculated below).

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Roads	Required Commercial Frontage	Provided Commercial Frontage
Benvoulin Court	(22.6 m x 0.9) = 20.34 m	22.6 m
Springfield Road	(101.5 m x 0.9) = 91.35 m	27.6 m
Benvoulin Road	(115.6 m x 0.9) = 104.04 m	9.1 m
Total	**215.73 m**	**59.3 m**

Note: 59.3 m ÷ 215.73 m = 27.4%

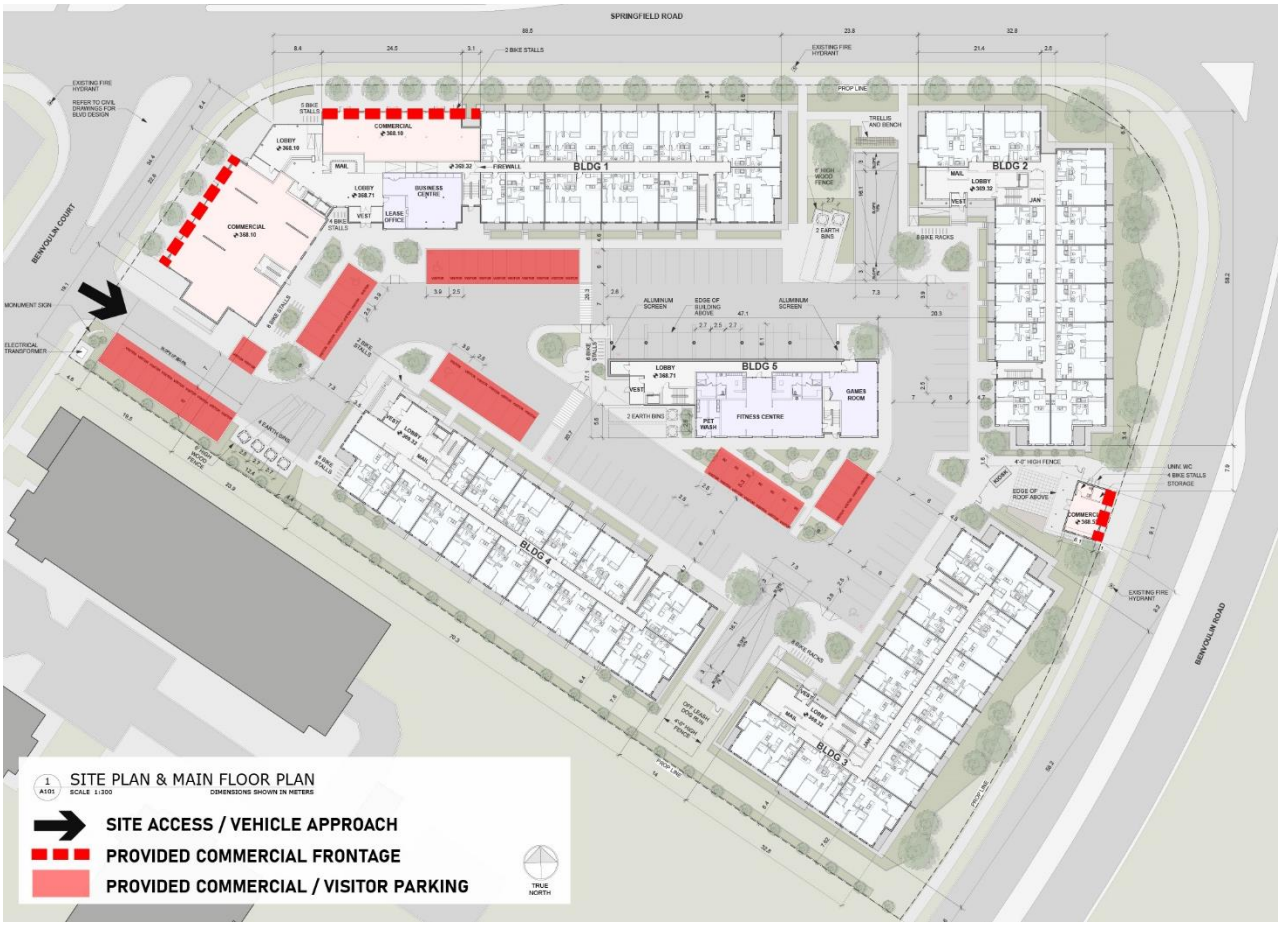

Figure 2 Commercial Amenities

Commercial units are designed with adaptable configurations, depending on leased commercial uses. For example, Building 1 proposes 679 sq.m. of commercial space along the Springfield Road and Benvoulin Court intersection. Unit sizes and arrangements would be configured depending on the tenant. The commercial space is located at the Springfield Road and Benvoulin Court intersection due to restrictive site access and vehicular approach along 4-lane arterial roads such as Springfield Road and Benvoulin

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Road. To create a street presence along Benvoulin Road, ICD proposes a commercial/event centre of approximately 56 sq.m. between Building 2 and Building 3. The commercial/event centre is centrally located to reduce building street frontage along Benvoulin Road. The focus of the event centre is to provide a variety of exciting and unique opportunities for residents and visitors to socialize. The event centre can be rented to tenants, local community groups, small retailers, and pop-up commercial events (refer to Figure 3). The commercial building and secure event centre would aid in CPTED principles of activity support and natural surveillance and create place-making opportunities for tenants and residents of Kelowna.

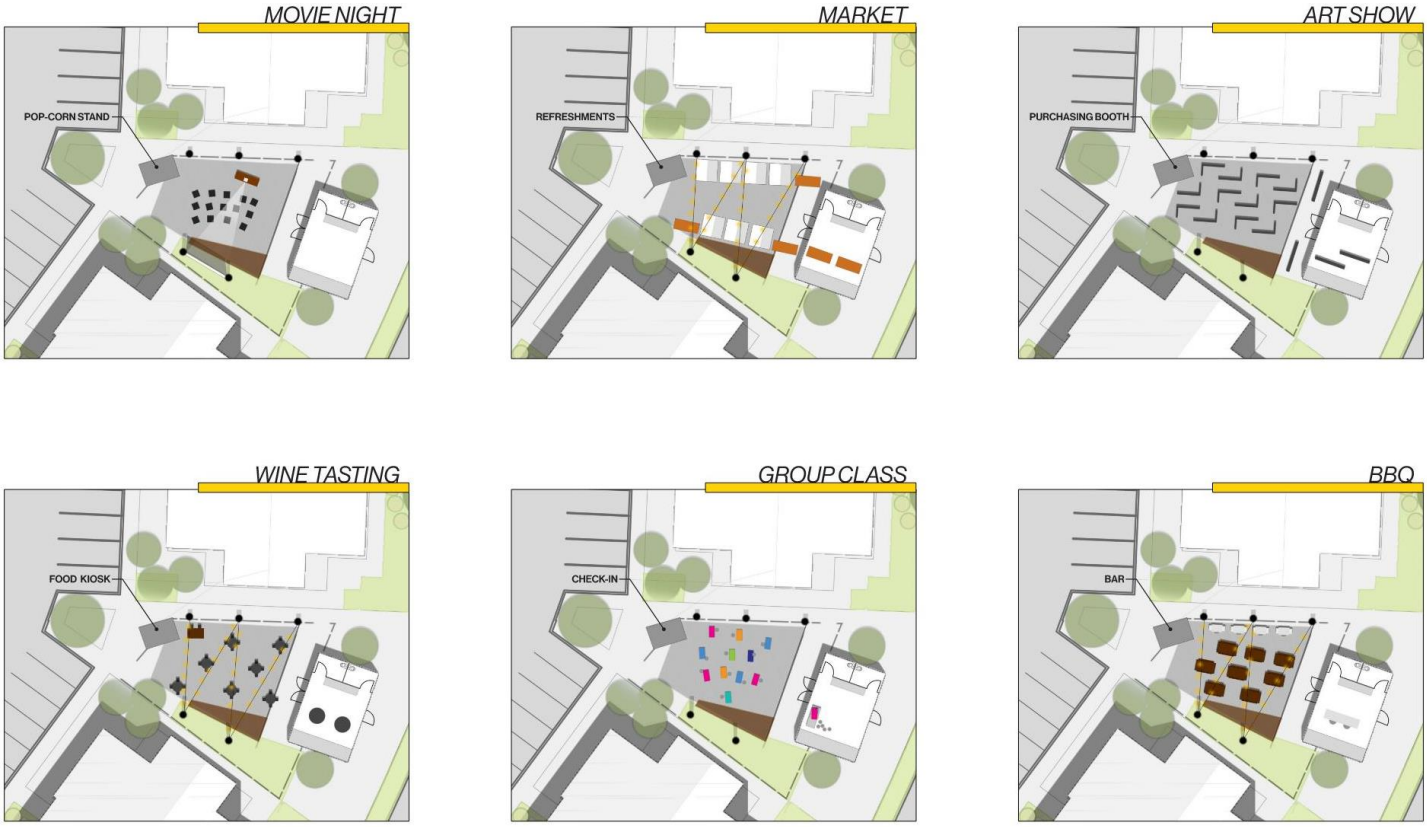

Figure 3 Possible Functions for Building 6 and Secure Event Centre

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Conclusion

ICD trusts the proposed Minor Re-zoning and Urban Design Major Development Permit application is fitting for the property, and the concurrent applications will facilitate a development that is representative of sound planning principles expressed in the Kelowna 2030 Official Community Plan and Zoning Bylaw.

Should you have any questions, concerns, or wish to discuss our development application in more detail, please do not hesitate to contact the undersigned.

Respectfully submitted,

Irene Borgonia
iborgonia@icdev.ca
Urban Planner, Ironclad Developments Inc.

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DEVELOPMENT PLANNING

1 A101 SITE PLAN & MAIN FLOOR PLAN
SCALE 1:300
DIMENSIONS SHOWN IN METERS

Ironclad Developments Inc.

IRONCLAD DEVELOPMENTS INC.

Project Management
General Contracting
Design/ Build

101-57158
Symington Rd.
Springfield, MB.
R2J 4L6

Ph:
204-777-1972

info@icdev.ca

DEVELOPMENT DESCRIPTION

CURRENT ZONING: C4
SITE AREA: 192,833 SF (17,194.8 SQM)
NET (F.A.R.) AREA 323,933 SF (30,094.4 SQM)
FLOOR AREA RATIO (F.A.R.) = 1.68
PROPOSED UNITS: **401**
- STUDIO = 43
- 1 BED = 160
- 2 BED = 160
- 3 BED = 38

MIN. VEHICLE PARKING REQUIREMENTS
- RESIDENTIAL = 377
- VISITOR = 56
- COMMERCIAL = 10
- TOTAL REQUIRED = 443
  - TOTAL REQUIRED WITH RENTAL HOUSING REDUCTION (20%) = 354

TOTAL VEHICLE PARKING STALLS PROVIDED: **411**
- 300 CARS BELOW GRADE
- 111 CARS AT GRADE
  - 303 REGULAR SIZE STALLS
  - 99 SMALL SIZE STALLS
  - 9 ACCESSIBLE STALLS

MIN. LONG TERM BIKE PARKING REQUIREMENTS
- RESIDENTIAL = 310
- COMMERCIAL = 2
- TOTAL REQUIRED = 312

TOTAL LONG TERM BIKE PARKING PROVIDED: **313**
TOTAL SHORT TERM BIKE PARKING PROVIDED: **53**

DEVELOPMENT AREAS

RESIDENTIAL
AMENITY
COMMERCIAL
CIRCULATION / SERVICES

Consultant

RJSG ARCHITECT

ROBERT JS GARVEY
ARCHITECT

201-57158 SYMINGTON RD 20E
SPRINGFIELD, MB R2J 4L6
T: 204.227.9274
E: rgarvey@A77.ca

REV#	REVISION DESCRIPTION	DATE
1	ISSUED FOR DEVELOPMENT PERMIT	SEPT 15, 2021

All drawings and specifications are the property of Robert JS Garvey Architect and cannot be reproduced or used without the written consent of the Architect. The contractor shall verify all dimensions, datums and levels noted on the drawings with the conditions on site and shall be responsible for reporting any errors or omissions to Robert JS Garvey Architect for adjustments. This drawing shall not be scaled.

Stamp

REGISTERED ARCHITECT
ROBERT J.S. GARVEY
2021.09.28
BRITISH COLUMBIA

Project
SPRINGFIELD ROAD

2241 SPRINGFIELD ROAD,
KELOWNA, BC

Drawing Title
SITE PLAN & MAIN FLOOR PLAN

Project no.	2105	Designed by	TT
Drawn by	TT	Reviewed by	RG
Date	SEPT 15, 2021	Revision Date	
Reference no.		Scale	AS NOTED
Sheet no.	A101	Revision no.	

CITY OF KELOWNA

BYLAW NO. 12333
Z21-0099
2241 Springfield 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 B District Lots 128 and 142, ODYD, Plan KAP85660 located on Springfield Road, Kelowna, BC from the C4 – Urban Centre Commercial zone to the C4r – Urban Centre Commercial (Residential Rental Tenure Only) zone.

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

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

Adopted by the Municipal Council of the City of Kelowna this

_____
Mayor

_____
City Clerk

Z21-0099
2241 Springfield Road

Rezoning Application

Proposal

- To rezone the subject property to facilitate a mixed-use development with the Residential Rental Only Tenure subzone

Development Process

Sept 8, 2021 — Development Application Accepted

Staff Review & Circulation

Nov 23, 2021 — Public Notification Received

Mar 7, 2022 — Initial Consideration

Notice of First Reading

Final Reading and Development Permit Consideration

Council Approvals

Issuance of Building Permits

Context Map

Walk Score 62

Somewhat Walkable
Some errands can be accomplished on foot.

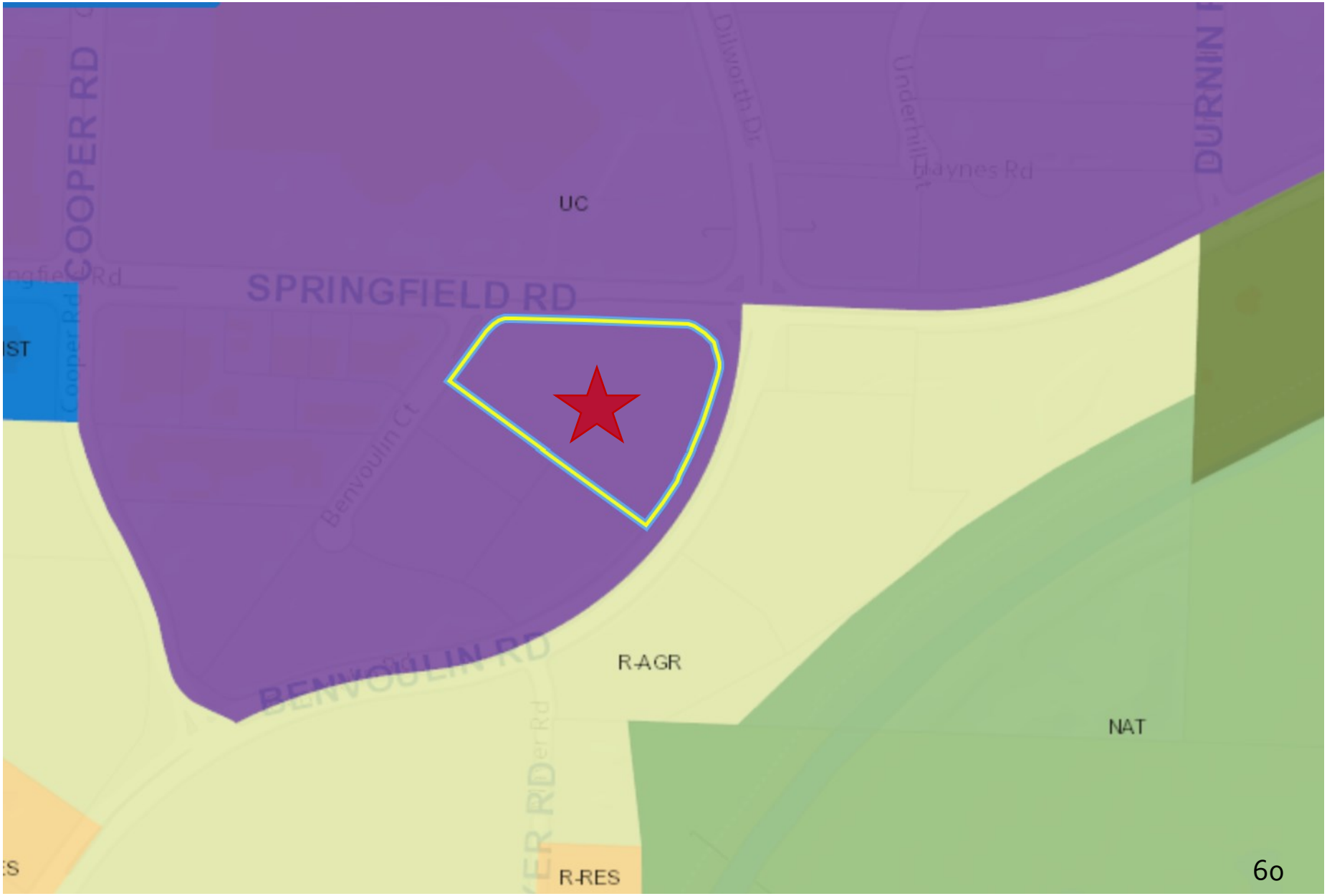
Transit Score 47

Some Transit
A few nearby public transportation options.

Bike Score 87

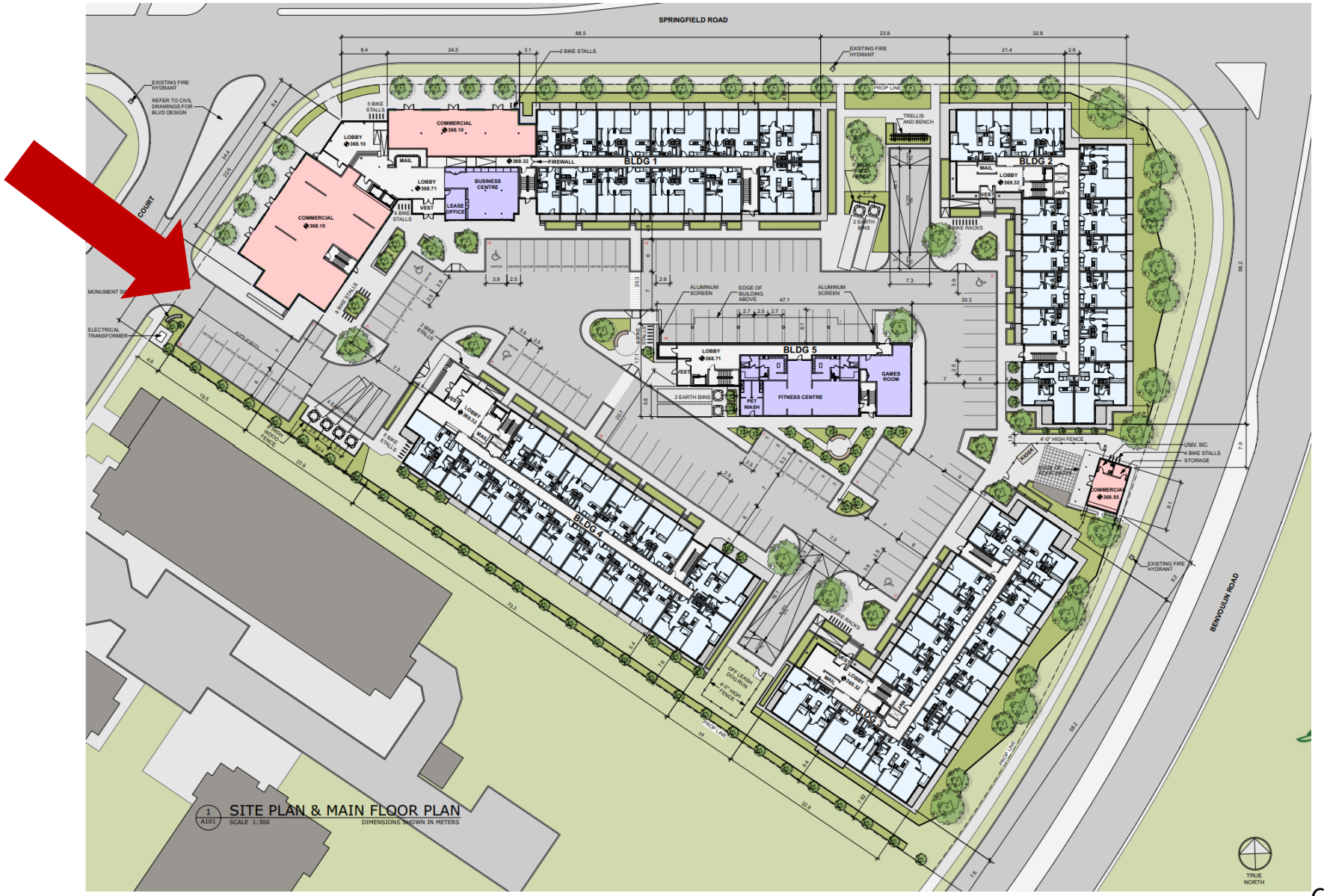
Very Bikeable
Biking is convenient for most trips.

Future Land Use Map



Subject Property Map

Draft Site Plan



Development Policy

- Meets the intent of Official Community Plan Urban Centre Policies:
  - High Density Residential Development
    - Direct medium and high density residential development to Urban Centres
  - Midtown Residential Development
    - Prioritize the development of multi-unit residential uses over employment uses in midtown to support a greater live work balance
- Consistent with Future Land Use **UC – Urban Centre**

Staff Recommendation

City of Kelowna

- Staff recommend **support** of the proposed rezoning
  - Meets the intent of the Official Community Plan
    - Strengthen the Urban Centres as Kelowna's primary hubs of activity
    - Support modest residential development to transition Midtown into a transit-supported neighbourhood
      - Appropriate location for adding residential density
  - Rezoning application aligns with the framework of the Healthy Housing Strategy

Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12298
Z21-0034
602 Wardlaw Avenue

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 24 District Lot 14, ODYD, Plan 3249 located on Wardlaw Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM3r – Low Density Multiple Housing (Residential Rental Tenure Only) zone.

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

Read a first time by the Municipal Council this 1st day of November, 2021.

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

Read a second and third time by the Municipal Council this 22nd day of November, 2021.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL

Date:	March 7, 2022		
To:	Council		
From:	City Manager		
Department:	Development Planning		
Application:	DP21-0088	**Owner:**	1288537 B.C. LTD., Inc. No. BC1288537
Address:	602 Wardlaw Ave	**Applicant:**	LIME Architecture Inc.
Subject:	Development Permit Application		
Existing OCP Designation:	C-NHD – Core Area Neighbourhood		
Existing Zone:	RM3r – Low Density Multiple Residential (Residential Rental Tenure Only)		

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 12298 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP21-0088 for Lot 24 District Lot 14 ODYD Plan 3249, located at 602 Wardlaw Ave, Kelowna, BC subject to the following:

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

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;
AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To consider the form and character of a 10-unit multiple dwelling rental housing development.

3.0 Development Planning

Staff supports the Development Permit application for the form and character of the 10-unit apartment project. The proposed development meets the majority of the Official Community Plan (OCP) Form and Character Development Permit Guidelines including selected building finishes, façade articulation and complimentary landscaping.

Staff acknowledge the proposal is a creative urban infill project on a relatively small urban residential lot. The location of this project will incorporate well into the neighbourhood as the applicant has created a design that accommodates several rental units while complying with the Zoning Bylaw. The location of the site is highly walkable with the Pandosy Urban Center on the other side of Wardlaw Ave and it is bicycle friendly to other major locations such as Kelowna General Hospital and the Downtown Urban Center.

4.0 Proposal

4.1 Background

The applicant submitted a Rezoning and Development Permit application in April 2021. The rezoning application came before council on November 1, 2021 with a recommendation to waive the public hearing. The rezoning received third reading on November 22, 2021. The applicant has met the engineering requirements associated with the rezoning in order to receive final adoption of the Rezoning Bylaw No. 12298.

There is an existing single dwelling home on the subject property, which will be demolished to facilitate this development.

4.2 Project Description

The proposed development features ten rental units in a multiple dwelling housing form. This includes two bachelor units, four one-bedroom and four two-bedroom units. One of the single bedroom units has access directly off Wardlaw Avenue. The other nine units have access through common hallways. All vehcile access for the site is from the laneway which leads into a covered parking area for residents. The building design features a variety of material types including: hardieplank, stucco, corrugated metal, brick and wood beams. The variety a materials combined with multitude of colour pallets creates visual interest to the design.

Each unit has a patio, which meets the Zoning Bylaw requirements for private open space. The applicant has taken advantage of two parking bonuses on site. A single stall reduction through the rental tenure only zone (10% parking bonus) and three stalls (20% reduction) for providing additional long term bicycle parking. After the two bonuses are applied, the site will offer 10 parking stalls for the 10 units.

4.3 Site Context

The 910m^2 subject property is located mid-block between Pandosy Street and Richter Street. It is across the street from the South Pandosy Urban Centre Area and half a kilometre south of Kelowna General Hospital. The property is within walking distance of Osprey Park and Okanagan Lake. It is within the City's Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Residential
East	RM1 – Four Dwelling Housing	Residential
South	RU6 – Two Dwelling Housing	Residential
West	RU6 – Two Dwelling Housing	Residential

Subject Property Map: 602 Wardlaw Ave

4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	**RM3r ZONE REQUIREMENTS**	**PROPOSAL**
Development Regulations		
Max. Floor Area Ratio	0.8	0.78
Max. Site Coverage (buildings)	50%	49.1%
Max. Site Coverage (buildings, parking, driveways)	60%	54.2%
Max. Height	10m	10m
Min. Front Yard	1.5m	1.5m

Min. Side Yard (East)	4m	4m
Min. Side Yard (West)	4m	4m
Min. Rear Yard	3m	3m
Other Regulations		
Min. Parking Requirements	10	10
Min. Bicycle Parking	20	20
Min. Private Open Space	192.4m²	193.6m²

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 5.3 Design residential infill to be sensitive to neighbourhood context.	
Policy 5.3.2 Transition from Transit Supportive Corridors	Transition from Transit Supportive Corridors. Provide a transition area allowing for 3- 4 storeys in height, as outlined in Figure 5.3, serving as a transition from the medium density development along the Transit Supportive Corridors and lower density residential areas in the Core Area. Encourage ground-oriented residential such as stacked townhouses and bungalow courts with setbacks that respect adjacent lower density residential areas. Discourage commercial uses in the transition zone.
	This proposal is located midblock between two Transit Supportive Corridors being Pandosy Street and Richter Street. This location is appropriate to transition down to three stories from those higher density corridors.
Policy 5.3.3 Strategic Density	Where a proposed development in Core Area Neighbourhoods is not adjacent to a Transit Supportive Corridor, consider support for stacked rowhousing and low rise apartment and mixed use buildings, under the following circumstances: The project proposal includes an affordable and/or rental housing component
	The proposal includes 10 rental units.

6.0 Technical Comments

6.1 Development Engineering Department

All the offsite infrastructure and service upgrades were addressed in the Rezoning Engineering Report under file Z21-0034.

7.0 Application Chronology

Date of Application Accepted: April 19, 2021
Date Public Consultation Completed: July 20, 2021

Report prepared by: Jason Issler, Planner I

Reviewed by: Jocelyn Black, Urban Planning Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Attachment A: Draft Development Permit

Schedule A – Site Plan and Floor Plans

Schedule B – Elevations and Materials

Schedule C – Landscape Plan

Attachment B: Form and Character Development Permit Guidelines

602 WARDLAW AVENUE, Kelowna, BC

PROPERTY DESCRIPTION

CIVIC: 602 WARDLAW AVENUE, KELOWNA, BC
LEGAL: LOT 26, PLAN KAP3249

SCHEDULE A
This forms part of application
DP21-0088
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City of Kelowna
DEVELOPMENT PLANNING

ZONING CALCULATIONS:

Current: RU6
Proposed: RM3R

ARCHITECTURAL DRAWINGS

A-001	PROJECT INFORMATION
A-100	ENTRY LEVEL PLAN
A-101	SECOND LEVEL PLAN
A-102	THIRD LEVEL PLAN
A-200	ELEVATIONS
A-201	ELEVATIONS
A-202	COLOUR RENDERINGS
A-203	COLOUR RENDERINGS
A-300	SECTIONS

SITE INFORMATION:

		Required	Proposed
Gross Site Area=	9,801.4 SF (910.6 sm)		
Allowable Total Site Coverage=		50% (4,903.7 SF)	49.1% (4,8811.6SF)
Allowable Site Coverage - Hardscaping =		60% (5,880.8 SF)	54.2% (5,310.0 SF)
F.A.R. =		.80 (7,841.1 SF)	.78 (7,633.1SF)

UNIT AREAS

UNIT 101	504 SF	UNIT 301	628 SF
UNIT 201	467 SF	UNIT 302	886 SF
UNIT 202	628 SF	UNIT 303	836 SF
UNIT 203	886 SF	UNIT 304	641 SF
UNIT 204	836 SF		
UNIT 205	641 SF		

SITE ANALYSIS:

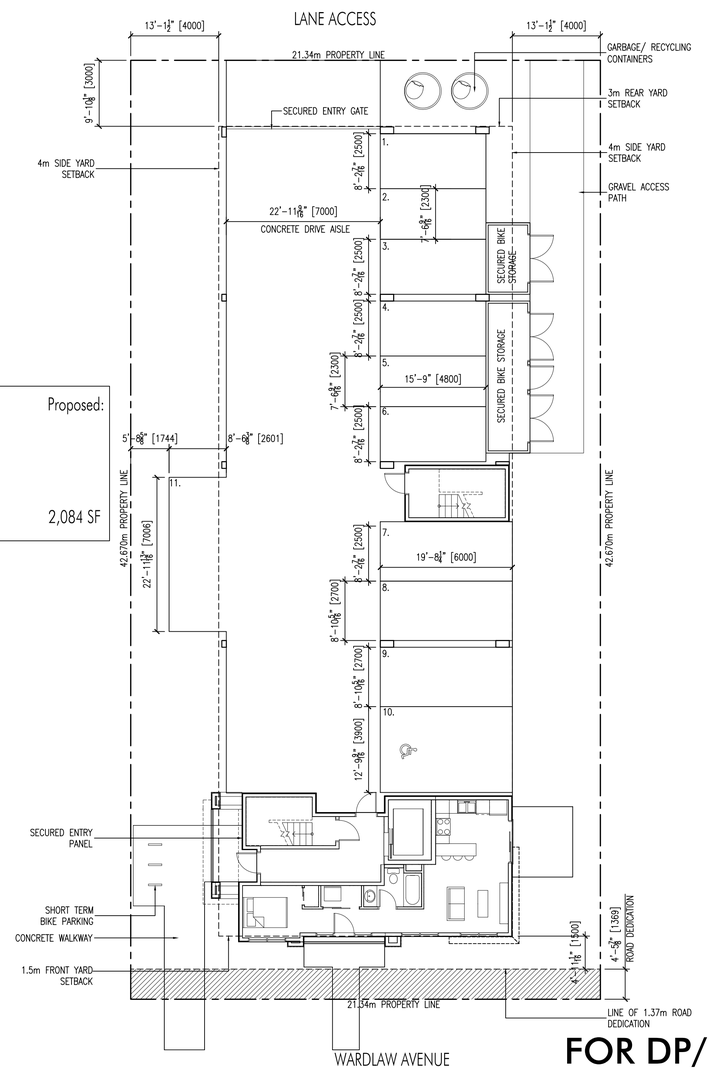
Building Regulations:	Required:	Proposed:
Max. Height =	32.8' (10m)	10.0m
Yard setbacks:	**Required:**	**Proposed:**
Front yard -	1.5m	1.5m
Side yard -	4m	4m/ 4m
Rear yard -	3m	3.0m

Amenity Calculations:	Required:		Proposed:
Bachelor Units:	2 units x 80.7/ unit =	161	
1-Bed Units:	4 units x 161.5/ unit =	646	
2-Bed Units:	4 units x 269.1/ unit =	1,076	
TOTAL:	(1,883 SF+10%)=	2,071 SF	2,084 SF

Parking Calculations:	Required:			Proposed:
Bachelor Units:	2 units x 1.0/ unit =	2.0	(2)	
1-Bed Units:	4 units x 1.25/ unit =	5.0	(5)	
2-Bed Units:	4 units x 1.5/ unit =	6.0	(6)	
Visitor:	10 units x 0.14/ unit =	1.4	(1)	
TOTAL:	(14-1-3=10)		10*	10
Accessible Stall:				1

Allowable reductions include 10% reduction for Residential Rental Tenure, 20% reduction (up to 5 stalls) subject to the provision of bonus long-term bicycle spaces

Bicycle Storage:	Required:		Proposed:
Units:	10 x 0.75 =	7.5	8
Additional Long Term (Bach., 1-bed)	6 x 1 =	6	6
Additional Long Term (2-bed)	4 x 1.5 =	6	6
TOTAL:		20	20
Short Term:	6/ entry =	6	6



FOR DP/ REZONING

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Revision No., Date and Description

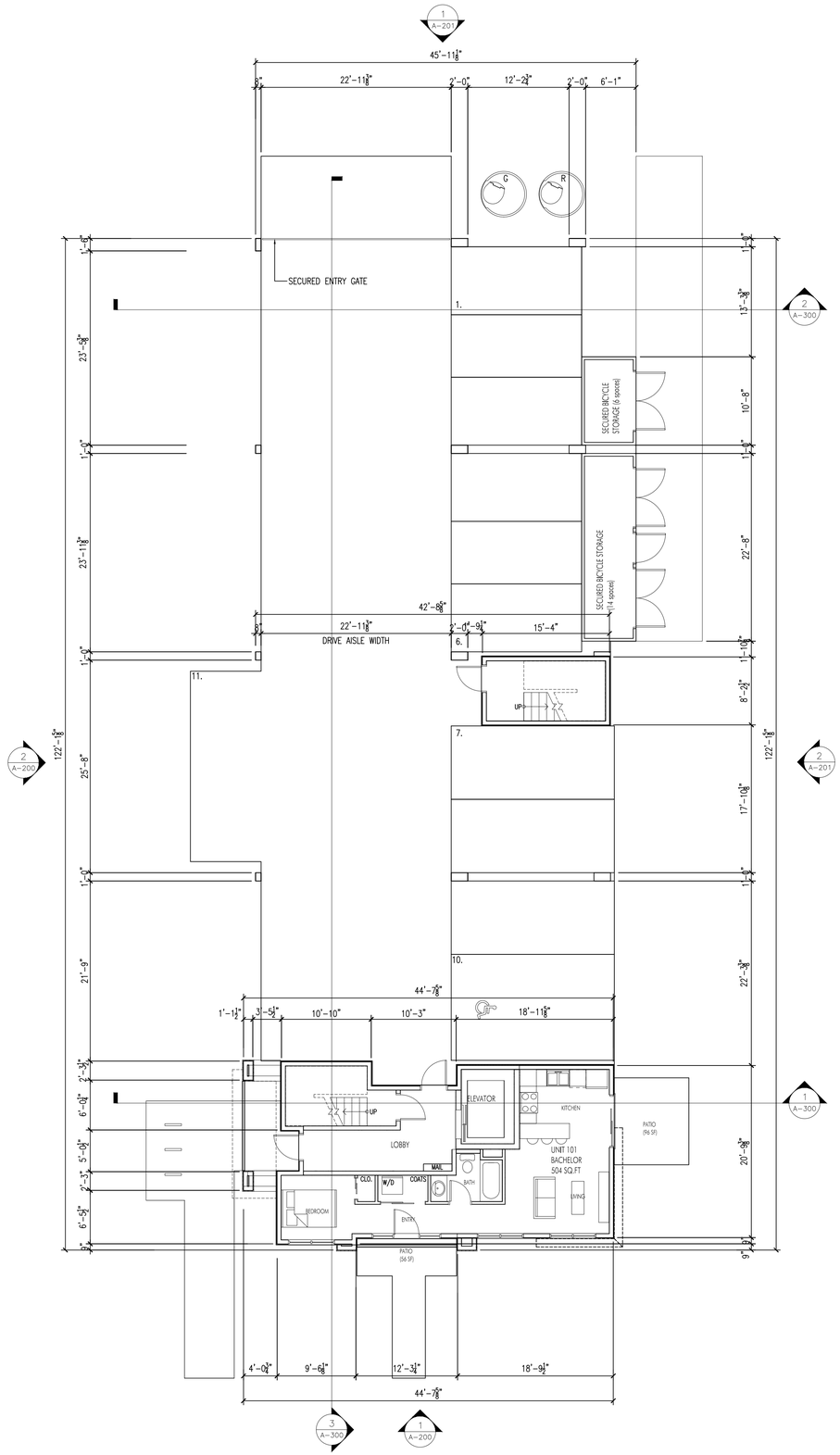
01.12.21 - FOR REVIEW
01.13.21 - FOR REVIEW
01.20.21 - FOR REVIEW
02.10.21 - FOR REVIEW
02.12.21 - FOR COORDINATION
02.17.21 - DP/ REZONING
02.18.21 - DP/REZONING
04.01.21 - ADDENDUM #1
04.12.21 - ADDENDUM #2
08.17.21 - ADDENDUM #3
09.16.21 - FOR DISCUSSION
09.20.21 - ADDENDUM #4

Plot Date	Drawing No.
20-Sep-21	A-001

PROJECT
602 WARDLAW AVENUE

DRAWING TITLE
PROJECT INFORMATION & SITE ANALYSIS

REGISTERED ARCHITECT
MATTHEW GARY JOHNSTON
PROVINCE OF BRITISH COLUMBIA



1 ENTRY FLOOR PLAN
A-100 1/8" = 1'-0"

SCHEDULE A

This forms part of application
DP21-0088

Planner Initials JI

City of Kelowna
DEVELOPMENT PLANNING

FOR DP/ REZONING

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Revision No., Date and Description

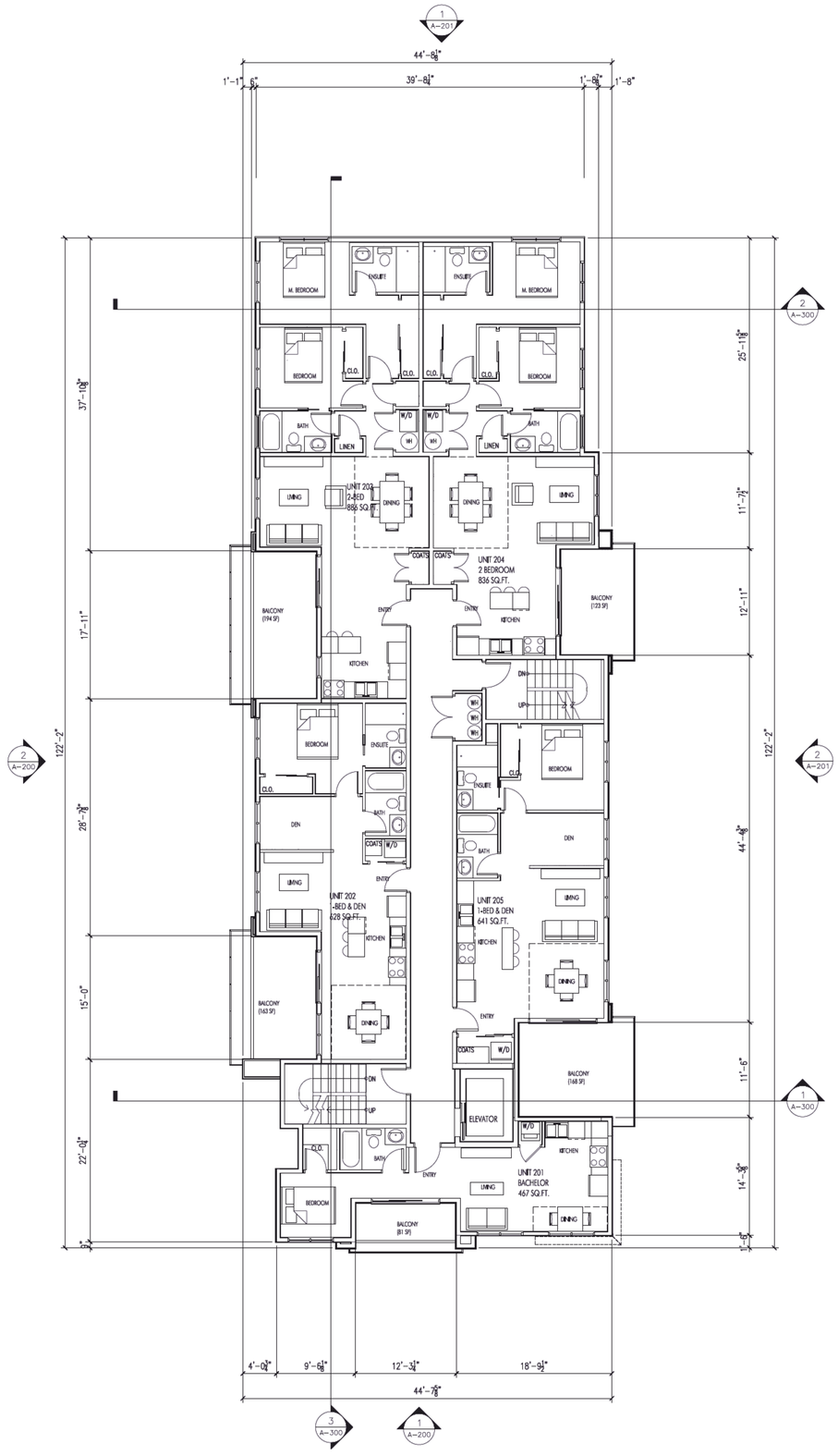
02.10.21 - FOR REVIEW
02.12.21 - FOR COORDINATION
02.17.21 - DP/ REZONING
02.18.21 - DP/ REZONING
04.01.21 - ADDENDUM #1
04.12.21 - ADDENDUM #2
08.13.21 - FOR REVIEW
08.17.21 - ADDENDUM #3
09.20.21 - ADDENDUM #4

Plot Date	Drawing No.
20-Sep-21	A-100

PROJECT
602 WARDLAW AVENUE

DRAWING TITLE
PARKING LEVEL

REGISTERED ARCHITECT
MATTHEW GARY JOHNSTON
PROVINCE OF BRITISH COLUMBIA



1 SECOND FLOOR PLAN
A-101 1/8" = 1'-0"

SCHEDULE A

This forms part of application

DP21-0088

Planner Initials JI

City of Kelowna
DEVELOPMENT PLANNING

FOR DP/ REZONING

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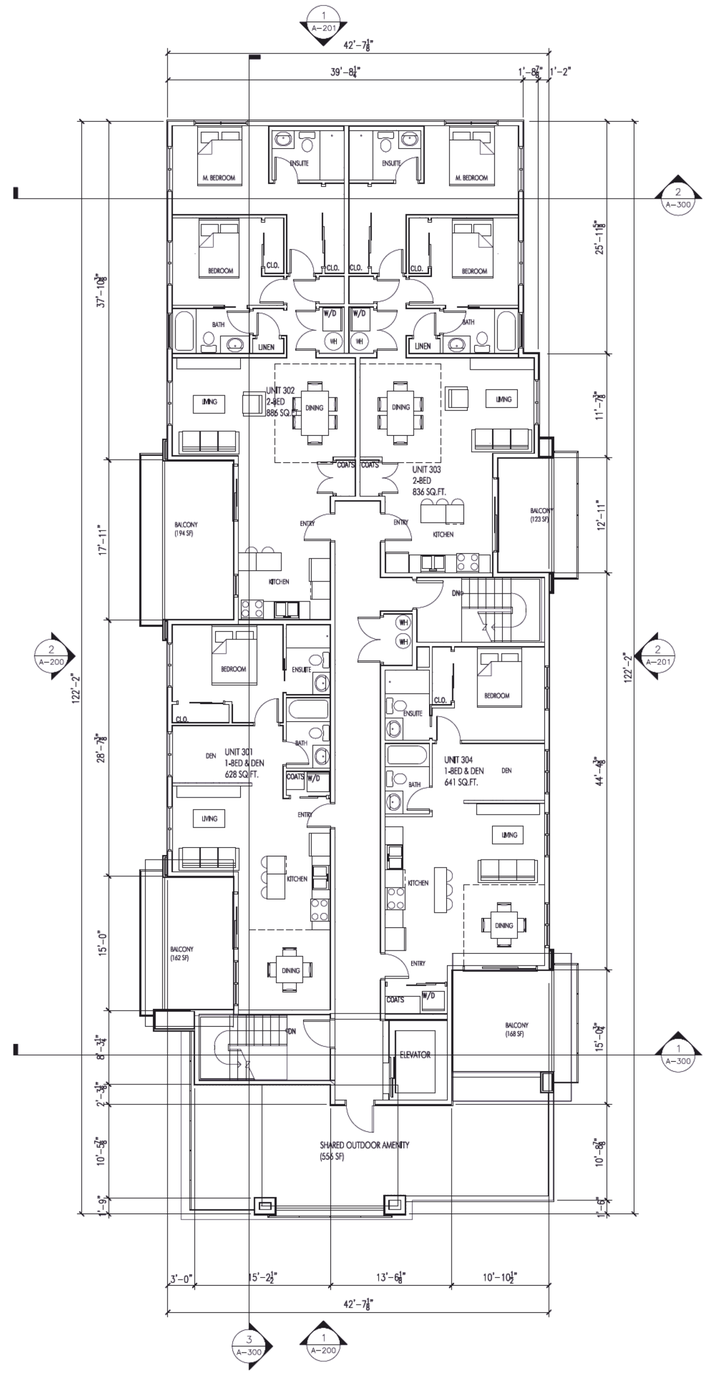
02.12.21 - FOR COORDINATION
02.17.21 - DP/ REZONING
02.18.21 - DP/ REZONING
04.01.21 - DP/ REZONING
08.13.21 - FOR REVIEW
08.17.21 - ADDENDUM #3

Plot Date	Drawing No.
17-Aug-21	A-101

PROJECT
602 WARDLAW AVENUE

DRAWING TITLE
SECOND LEVEL

REGISTERED ARCHITECT
MATTHEW GARY JOHNSTON
BRITISH COLUMBIA



1 THIRD FLOOR PLAN
A-102 1/8" = 1'-0"

SCHEDULE A

This forms part of application

DP21-0088

City of Kelowna
DEVELOPMENT PLANNING

Planner Initials JI

FOR DP/ REZONING

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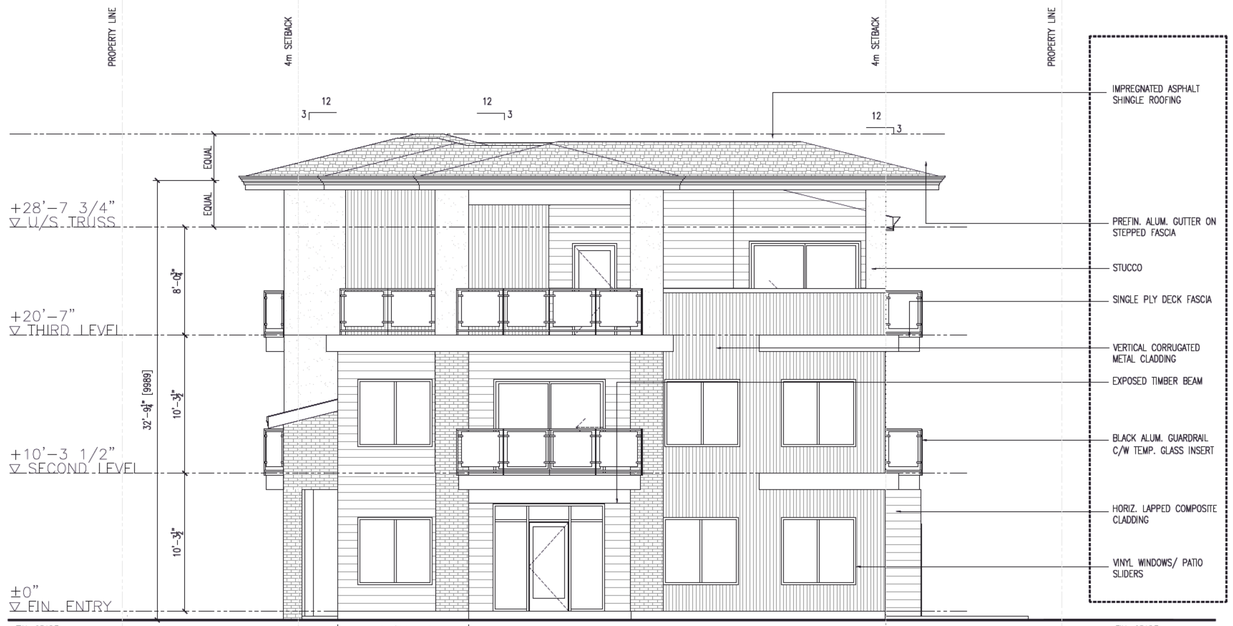
02.12.21 - FOR COORDINATION
02.17.21 - DP/ REZONING
02.18.21 - DP/ REZONING
04.01.21 - DP/ REZONING
08.13.21 - FOR REVIEW
08.17.21 - ADDENDUM #3

Plot Date	Drawing No.
17-Aug-21	A-102

PROJECT
602 WARDLAW AVENUE

DRAWING TITLE
THIRD LEVEL

REGISTERED ARCHITECT
MATTHEW GARY JOHNSTON
PROVINCE OF BRITISH COLUMBIA



1 SOUTH ELEVATION
A-200 3/16" = 1'-0"

PROJECT MATERIALS:

ASPHALT SHINGLES:
HARVARD SLATE
ARCHITECTURAL SERIES BY IKO

COMPOSITE LAP SIDING:
HARDIEPLANK - CORNFLOWER BLUE

STUCCO:
DISTANT GREY 2140-70, BENJAMIN MOORE

WINDOWS, GUARDRAILS, PATIO SLIDERS, DRIP FLASHING
BLACK

FASCIA, GUTTER, EXPOSED WOOD BEAMS
LONGBOARD, LIGHT FIR

DECK FASCIA, TRIM
STORMY SKY OC-1616, BENJAMIN MOORE

BRICK VENEER
BROWN, TUMBLED RUSTIC BRICK

VERTICAL CORRUGATED METAL
SILVER METALLIC, WESTFORM METALS

SCHEDULE B
This forms part of application
DP21-0088
Planner Initials JI

City of Kelowna
DEVELOPMENT PLANNING

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2 WEST ELEVATION
A-200 3/16" = 1'-0"

FOR DP/ REZONING

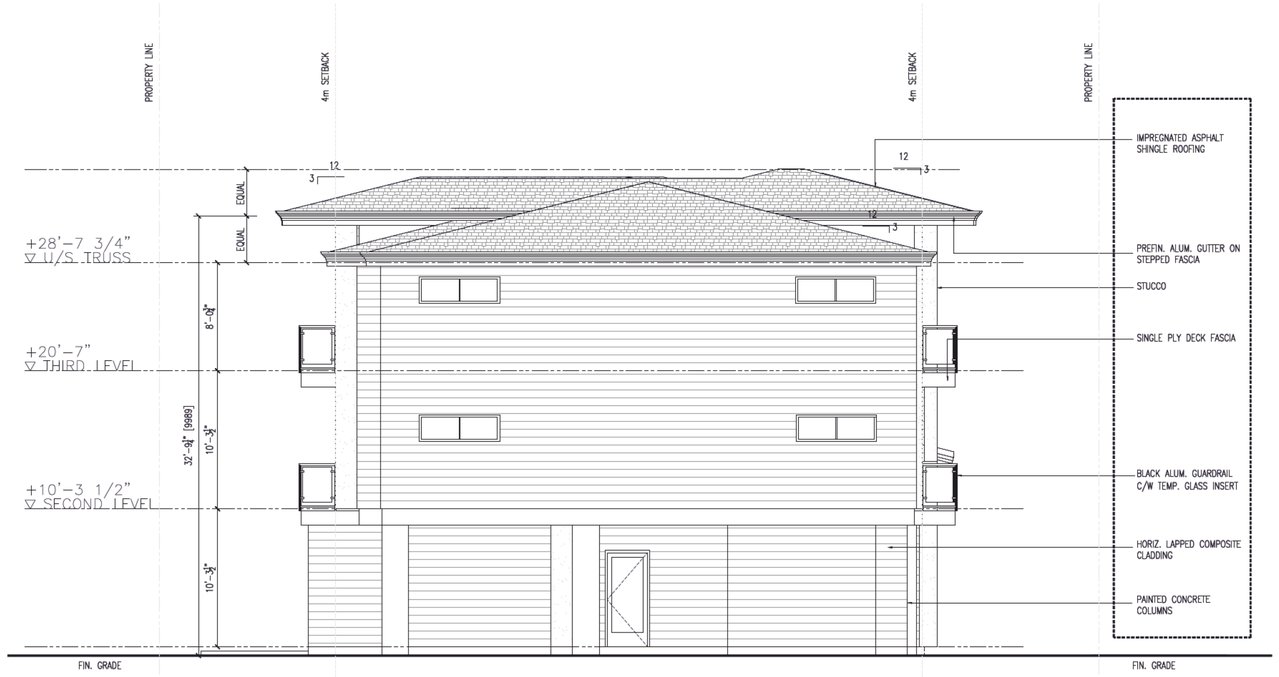
Revision No., Date and Description
02.10.21 - FOR REVIEW
02.12.21 - FOR COORDINATION
02.17.21 - DP/ REZONING
02.18.21 - DP/ REZONING
04.01.21 - ADDENDUM #1
04.12.21 - ADDENDUM #2
08.17.21 - ADDENDUM #3

Plot Date	Drawing No.
17-Aug-21	A-200

PROJECT
602 WARDLAW AVENUE

DRAWING TITLE
ELEVATIONS

REGISTERED ARCHITECT
MATTHEW GARY JOHNSTON
BRITISH COLUMBIA



1 NORTH ELEVATION
A-201 3/16" = 1'-0"

PROJECT MATERIALS:

ASPHALT SHINGLES:
HARVARD SLATE
ARCHITECTURAL SERIES BY IKO

COMPOSITE LAP SIDING:
HARDIEPLANK - CORNFLOWER BLUE

STUCCO:
DISTANT GREY 2140-70, BENJAMIN MOORE

WINDOWS, GUARDRAILS, PATIO SLIDERS, DRIP FLASHING
BLACK

FASCIA, GUTTER, EXPOSED WOOD BEAMS
LONGBOARD, LIGHT FIR

DECK FASCIA, TRIM
STORMY SKY OC-1616, BENJAMIN MOORE

BRICK VENEER
BROWN, TUMBLED RUSTIC BRICK

VERTICAL CORRUGATED METAL
SILVER METALLIC, WESTFORM METALS

SCHEDULE B
This forms part of application
DP21-0088
City of Kelowna
DEVELOPMENT PLANNING
Planner Initials JI

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NOTE: PROJECTION OF 2'-0" (0.6m) ALLOWABLE
PROVIDED PROJECTION IS LESS THAN 3m IN WIDTH

2 EAST ELEVATION
A-201 3/16" = 1'-0"

Revision No., Date and Description
02.10.21 - FOR REVIEW
02.12.21 - FOR COORDINATION
02.17.21 - DP/ REZONING
02.18.21 - DP/ REZONING
04.01.21 - ADDENDUM #1
04.12.21 - ADDENDUM #2
08.17.21 - ADDENDUM #3

Plot Date	Drawing No.
17-Aug-21	A-201

PROJECT
602 WARDLAW AVENUE

DRAWING TITLE
ELEVATIONS

REGISTERED ARCHITECT
MATTHEW GARY JOHNSTON
PROVINCE OF BRITISH COLUMBIA

FOR DP/ REZONING

1 SOUTH ELEVATION
N.T.S

2 NORTH ELEVATION
N.T.S

3 WEST ELEVATION
N.T.S

SCHEDULE B
This forms part of application
DP21-0088
City of Kelowna
DEVELOPMENT PLANNING
Planner Initials JI

FOR DP/ REZONING

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02.12.21 - FOR COORDINATION
02.17.21 - DP/ REZONING
02.18.21 - DP/ REZONING
04.01.21 - DP/ REZONING
08.17.21 - ADDENDUM #3

Plot Date	Drawing No.
17-Aug-21	A-202

PROJECT
602 WARDLAW AVENUE

DRAWING TITLE
ELEVATIONS

REGISTERED ARCHITECT
MATTHEW GARY JOHNSON
BRITISH COLUMBIA

1 EAST ELEVATION
N.T.S

SCHEDULE B
This forms part of application
DP21-0088
City of Kelowna
DEVELOPMENT PLANNING
Planner Initials JI

FOR DP/ REZONING

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02.12.21 - FOR COORDINATION
02.17.21 - DP/ REZONING
04.01.21 - DP/ REZONING
08.17.21 - ADDENDUM #3

Plot Date	Drawing No.
17-Aug-21	A-203

PROJECT
602 WARDLAW AVENUE

DRAWING TITLE
ELEVATIONS

REGISTERED ARCHITECT
MATTHEW GARY JOHNSTON
BRITISH COLUMBIA

Proposed Shrubs, Perennials and Grasses

Proposed Plant List - Wardlaw Ave

Symbol	QTY	Botanical Name	Common Name	Size	Spacing
	2	City of Kelowna approved Street Tree		60mm cal	
	2	Cornus florida 'Cherokee Chief'	Cherokee Chief Flowering Dogwood	60mm cal	
	5	Pyrus calleryanna "Cleveland"	Cleveland Pear	60mm cal	
	4	Buxus microphylla	Japanese Boxwood	#2	.9m OC
	14	Cornus sericea	Arctic Fire Red Twig Dogwood	#2	1.2m OC
	3	Euonymus alata compacta	Dwarf Burning Bush	#2	1.2m OC
	9	Hydrangea macrophylla	Cityline Paris Hydrangea	#2	1.0m OC
	5	Philadelpus x virginalis	Mockorange	#2	1.5m OC
	3	Physocarpus opulifolios nana	Dwarf Ninebark	#2	1.2m OC
	4	Pinus mugo pumilio	Dwarf Mugo Pine	#2	1.2m OC
	33	Rhus aromatica 'Grow Low'	Grow Low Fragrant Sumac	#2	1.2m OC
	38	Calamagrostis ' Karl Foerster'	Karl Foerster Reed grass	#2	1.0m OC
	10	Helictotrichon sempervirens	Blue Oat Grass	#2	.9m OC
	8	Pennisetum alopecuroides 'Karley Rose'	Red Head Fountain Grass	#2	.9m OC
	15	Lavendula ' Munstead' (purple)	Munstead lavender	#2	1.0m OC

Washed River Rock (75mm-150mm dia.) @ 150mm depth on Nilex 950ES Landscape Fabric or approved equivalent

1.8m ht Wood Perimeter and Screen Fence

Proposed Ornamental Trees

Notes

- The illustrated landscape plan is conceptual only..NOT FOR CONSTRUCTION.
- All plants, material and planting practices to conform to the Canadian Landscape Standard' - Current Edition
- Contractor to provide a warranty and maintenance period of 1 year on all plants and materials. Plants and materials that fail before end of the warranty period shall be replaced by the contractor.
- All planting areas to receive 450mm of topsoil
- Prior to delivery to site, a representative sample and test results of topsoil should be made available to the consultant for approval.
- Plant material selections are conceptual only. Final planting selections may vary depending on availability. No plant species substitution will be accepted without the written consent of the consultant.
- All front planting beds to receive 50 mm depth of Ogo - Grow mulch or approved equivalent.
- Prior to any construction, contractor to verify the location of all existing utilities on the site.
- Install Deep Root Tree Root Barrier UB 18-2 along sidewalk edges within 2.0m of tree trunks.
- Boulevard street trees planted as per City of Kelowna Landscape Standard detail for boulevard tree planting
- All planting beds and lawn areas to be irrigated.

Schematic Front Elevation

Context

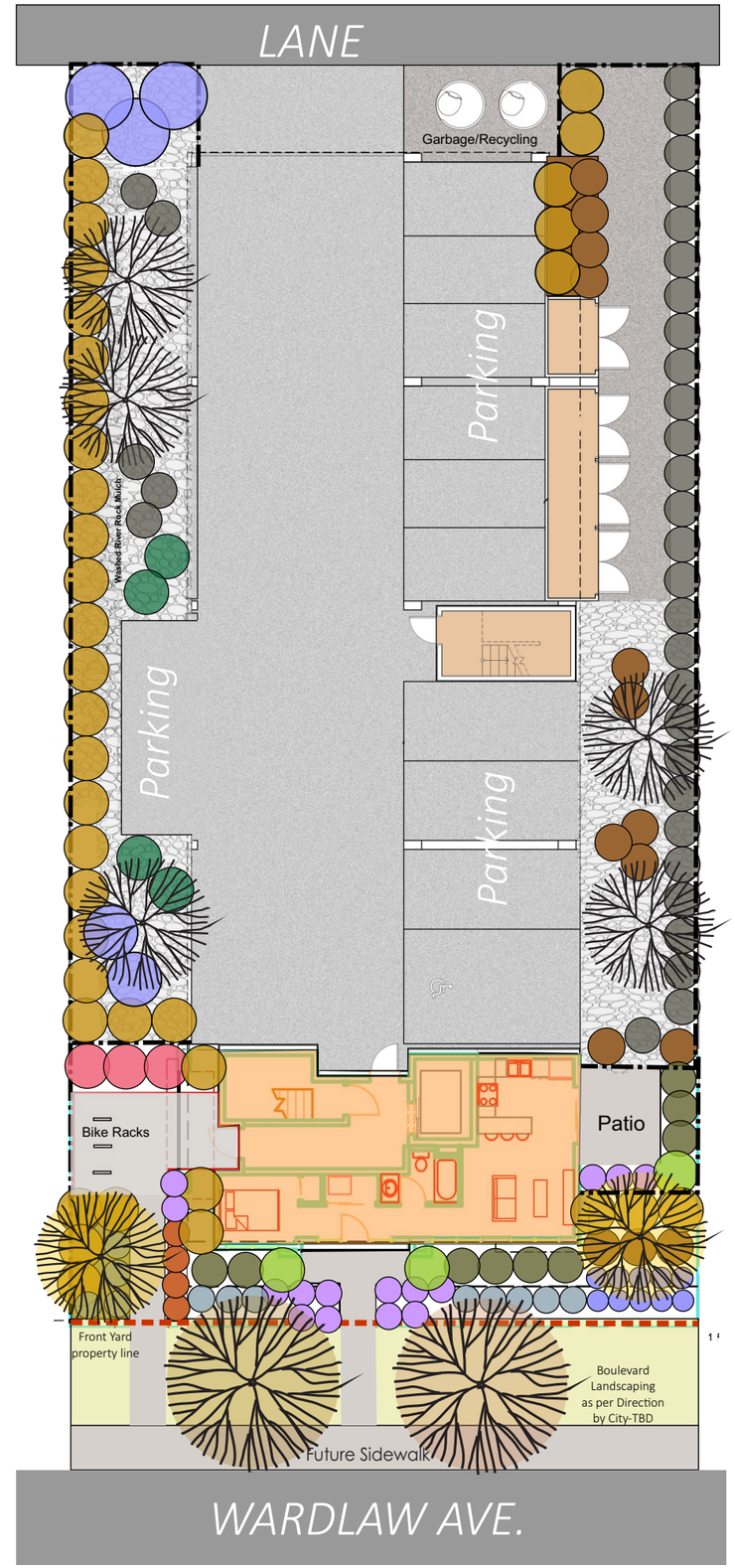
SCHEDULE C

This forms part of application

DP21-0088

Planner Initials JI

City of Kelowna DEVELOPMENT PLANNING



0 2.5 5.0 METERS 10

Revised Sept 2021

CTQ ENGINEERING PLANNING URBAN DESIGN

602 WARDLAW AVENUE

Conceptual Landscape Plan

Development Permit & Development Variance Permit DP21-0088

This permit relates to land in the City of Kelowna municipally known as

602 Wardlaw Ave

and legally known as

Lot 24 District Lot 14 ODYD Plan 3249

and permits the land to be used for the following development:

RM3r – Low Density Multiple Housing (Residential Rental Tenure Only)

ATTACHMENT A
This forms part of application
DP21-0088
City of Kelowna
DEVELOPMENT PLANNING
Planner Initials JI

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Council Decision	March 7, 2022
Decision By:	COUNCIL
Development Permit Area:	Form and Character DPA
Existing Zone:	RM3r – Low Density Multiple Housing (Residential Rental Tenure Only)
Future Land Use Designation:	C-NHD – Core Area Neighbourhood

This is NOT a Building Permit.

In addition to your Development Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

NOTICE

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner:	1288537 B.C. LTD., INC.NO. BC1288537
Applicant:	Lime Architecture
Planner:	Jason Issler

_____

Terry Barton
Community Planning Department Manager
Planning & Development Services

_____

Date

1. SCOPE OF APPROVAL

This Development Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit, noted in the Terms and Conditions below.

The issuance of a permit limits the permit holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific variances have been authorized by the Development Permit. No implied variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

2. CONDITIONS OF APPROVAL

a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";

b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";

c) Landscaping to be provided on the land be in accordance with Schedule "C"; and

d) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect.

This Development Permit is valid for two (2) years <u>from the date of approval</u>, with no opportunity to extend.

3. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property owner of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

a) An Irrevocable Letter of Credit **OR** certified cheque in the amount of **$33,366.25**

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

5. INDEMNIFICATION

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

ATTACHMENT A
This forms part of application
DP21-0088
City of Kelowna
DEVELOPMENT PLANNING
Planner Initials JI

The PERMIT HOLDER is the <u>CURRENT LAND OWNER</u>. Security shall <u>ONLY</u> be returned to the signatory of the Landscape Agreement or their designates.

FORM & CHARACTER – DEVELOPMENT PERMIT GUIDELINES

Chapter 2 - The Design Foundations : apply to all projects and provide the overarching principles for supporting creativity, innovation and design excellence in Kelowna.

- Facilitate Active Mobility
- Use Placemaking to Strengthen Neighbourhood Identity
- Create Lively and Attractive Streets & Public Spaces
- Design Buildings to the Human Scale
- Strive for Design Excellence

The General Residential and Mixed Use Guidelines : provide the key guidelines that all residential and mixed use projects should strive to achieve to support the Design Foundations.

- The General Guidelines are supplement by typology-specific guidelines (e.g., Townhouses & Infill on page 18-19, High-Rise Residential and Mixed-Use on page 18-42), which provide additional guidance about form and character.

Chapter 2 - Design Foundations
Apply To All Projects
Page 18-8

Section 2.1 - General Residential and Mixed Use Design Guidelines
Page 18-9

Section 2.2 - Achieving High Performance
Page 18-17

Chapter 3 Townhouses & Infill
Page 18-19

Chapter 4 Low & Mid-Rise Residential & Mixed Use
Page 18-34

Chapter 5 High-Rise Residential & Mixed Use
Page 18-42

ATTACHMENT B
This forms part of application
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***Note: Refer to the Design Foundations and the Guidelines associated with the specific building typology.**

FORM & CHARACTER - DEVELOPMENT PERMIT GUIDELINES

Consideration has been given to the following guidelines as identified in Chapter 18 of the City of Kelowna 2040 Official Community Plan:

RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE *(1 is least complying & 5 is highly complying)*	**N/A**	**1**	**2**	**3**	**4**	**5**
CHAPTER 4.0: LOW & MID-RISE RESIDENTIAL & MIXED USE						
4.1 Guidelines						
4.1.1 Relationship to the Street						
Lobby area and main building entrance is clearly visible from the fronting street and sidewalk.					4	
Wherever possible, blank walls at grade are not encouraged.					4	
Enclosed parking garages are located away from street frontages or public open space.						5
Ground oriented units with entries or glazing have been provided to avoid the blank/dead frontage along the street.						5
When unavoidable, blank walls have been screened with landscaping or have been incorporated with a patio/café or special materials have been provided to make them visually interesting.					4	
Residential and Mixed-use Buildings						
Residential buildings at the ground floor have a set back between 3-5m from the property line to create a semi-private entry or transition zone to individual units and to allow for an elevated front entryway or raised patio.		1				
A maximum 1.2m desired height (e.g., 5-6 steps) for front entryways has been provided. Where the water table requires this to be higher, in these cases, larger patio has been provided and parking has been screened with ramps, stairs, and landscaping.						5
Ground floor units accessible from the fronting street or public open spaces have been provided with individual entrances.						5
Buildings are sited and oriented so that windows and balconies are overlooking public streets, parks, walkways, and shared amenity spaces while minimizing views into private residences.				3		
4.1.2 Scale and Massing						
Proposed residential building façade has a length of 60m (40m length is preferred).						5
Buildings over 40m in length are incorporating significant horizontal and vertical breaks in façade.	NA					
Commercial building facades are incorporating significant break at approximately 35m intervals.	NA					
Proposed residential building has a maximum width of 24m.						5
4.1.3 Site Planning						

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RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE *(1 is least complying & 5 is highly complying)*	**N/A**	**1**	**2**	**3**	**4**	**5**
On sloping sites, building floor levels are following the natural grade and avoiding the blank wall situation.	NA					
Buildings are sited to be parallel to the street and have a distinct front-to-back orientation to public street and open spaces and to rear yards, parking, and/or interior courtyards.						5
Building sides that are interfacing with streets, mid-block connections, and other open spaces (building fronts) are positively framing and activating streets and open spaces and supporting pedestrian activity.					4	
Larger buildings are broken up with mid-block connections which have public accessibility wherever possible.	NA					
Ground floors adjacent to mid block connections have entrances and windows facing the mid block connection.	NA					
4.1.4 Site Servicing, Access, and Parking						
Vehicular access is provided from the lane.						5
Where there is no lane, and where the re-introduction of a lane is difficult or not possible, access is provided from the street, provided: • Access is from a secondary street, where possible, or from the long face of the block; • Impacts on pedestrians and the streetscape is minimized; and, • There is no more than one curb cut per property.	NA					
Above grade structure parking should only be provided in instances where the site or high water table does not allow for other parking forms.						5
When parking cannot be located underground due to the high water table and is to be provided above ground, screen the parking structure from public view as follows: • On portions of the building that front a retail or main street, line the above ground parking with active retail frontage; • On portions of the building that front onto non-retail streets, line the above ground parking with an active residential frontage, such as ground oriented townhouse units; • When active frontages are not able to be accommodated, screen parking structures by using architectural or landscaped screening elements; • On corner sites, screen the parking structure from public view on both fronting streets using the appropriate strategy listed above.						5

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RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE *(1 is least complying & 5 is highly complying)*	**N/A**	**1**	**2**	**3**	**4**	**5**
Buildings with ground floor residential may integrate half-storey underground parking to a maximum of 1.2m above grade, with the following considerations: • Semi-private spaces should be located above to soften the edge and be at a comfortable distance from street activity; and • Where conditions such as the high water table do not allow for this condition, up to 2m is permitted, provided that entryways, stairs, landscaped terraces, and patios are integrated and that blank walls and barriers to accessibility are minimized.	NA					
4.1.5 Publicly Accessible and Private Open Spaces						
Publicly accessible private spaces (e.g,. private courtyards accessible and available to the public) have been integrated with public open areas to create seamless, contiguous spaces.	NA					
Semi-private open spaces have been located to maximize sunlight penetration, minimize noise disruptions, and minimize 'overlook' from adjacent units.				3		
Outdoor Amenity Areas: design plazas and parks to: • Contain 'three edges' (e.g., building frontage on three sides) where possible and be sized to accommodate a variety of activities; • Be animated with active uses at the ground level; and, • Be located in sunny, south facing areas.				3		
Internal courtyard design provides: • amenities such as play areas, barbecues, and outdoor seating where appropriate. • a balance of hardscape and softscape areas to meet the specific needs of surrounding residents and/or users.	NA					
Mid-block connections design includes active frontages, seating, and landscaping.					4	
Rooftop Amenity Spaces						
Shared rooftop amenity spaces (such as outdoor recreation space and rooftop gardens on the top of a parkade) are designed to be accessible to residents and to ensure a balance of amenity and privacy by: • Limiting sight lines from overlooking residential units to outdoor amenity space areas through the use of pergolas or covered areas where privacy is desired; and • Controlling sight lines from the outdoor amenity space into adjacent or nearby residential units.	NA					
Reduce the heat island effect by including plants or designing a green roof, with the following considerations: • Secure trees and tall shrubs to the roof deck; and • Ensure soil depths and types are appropriate for proposed plants and ensure drainage is accommodated.	NA					

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RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE *(1 is least complying & 5 is highly complying)*	**N/A**	**1**	**2**	**3**	**4**	**5**
4.1.6 Building Articulation, Features & Materials						
Articulate building facades into intervals that are a maximum of 15m wide for mixed-use buildings and 20m wide for residential buildings. Strategies for articulating buildings should consider the potential impacts on energy performance (see 2.2.1), and include: • Façade Modulation – stepping back or extending forward a portion of the façade to create a series of intervals in the facade; • Repeating window patterns at intervals that correspond to extensions and step backs (articulation) in the building facade; • Providing a porch, patio, deck, or covered entry for each interval; • Providing a bay window or balcony for each interval, while balancing the significant potential for heat loss through thermal bridge connections which could impact energy performance; • Changing the roof line by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval; • Changing the materials with the change in building plane; and • Provide a lighting fixture, trellis, tree, or other landscape feature within each interval.					4	
Break up the building mass by incorporating elements that define a building's base, middle and top.						5
Use an integrated, consistent range of materials and colors and provide variety by, for example, using accent colors.						5
Articulate the facade using design elements that are inherent to the building as opposed to being decorative. For example, create depth in building facades by recessing window frames or partially recessing balconies to allow shadows to add detail and variety as a byproduct of massing.						5
Incorporate distinct architectural treatments for corner sites and highly visible buildings such as varying the roofline *(See Figure 41)*, articulating the facade, adding pedestrian space, increasing the number and size of windows, and adding awnings and canopies.					4	
Weather Protection						
Provide weather protection (e.g. awnings, canopies, overhangs, etc.) along all commercial streets and plazas (*See Figure 42*), with particular attention to the following locations: • Primary building entrances, • Adjacent to bus zones and street corners where people wait for traffic lights; • Over store fronts and display windows; and • Any other areas where significant waiting or browsing by people occurs.	NA					
Architecturally-integrate awnings, canopies, and overhangs to the building and incorporate architectural design features of buildings from which they are supported.				3		

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RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE *(1 is least complying & 5 is highly complying)*	**N/A**	**1**	**2**	**3**	**4**	**5**
Place and locate awnings and canopies to reflect the building's architecture and fenestration pattern.	NA					
Place awnings and canopies to balance weather protection with daylight penetration. Avoid continuous opaque canopies that run the full length	NA					

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DP21-0088
602 Wardlaw Ave

Development Permit Application

Proposal

- To consider the form and character of a new multiple dwelling housing rental development.

Development Process

April 20, 2021 — Development Application Submitted

↓

Staff Review & Circulation

↓

March 14, 2022 — Development Permit

↓

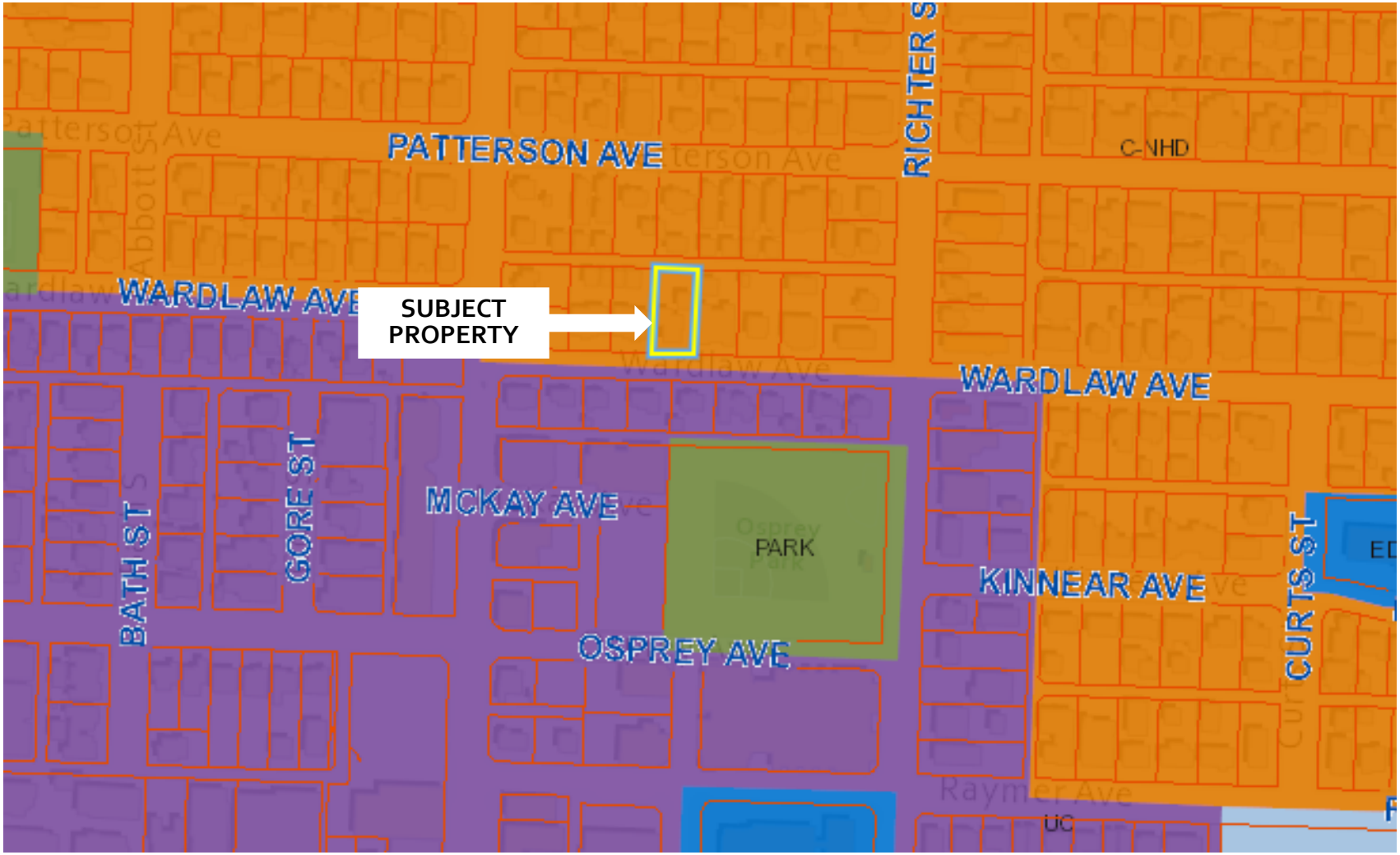
Building Permit

Council Approvals

Context Map

MORRISON AVE
Kinsmen Park
PATTERSON AVE
ABBOTT ST
PATTERSON AVE
WARDLAW AVE
WARDLAW AVE
BATH ST
GORE ST
McKAY AVE
Osprey Park
KINNEAR AVE
OSPREY AVE
WEST AVE
RAYMER AVE

OCP Future Land Use / Zoning

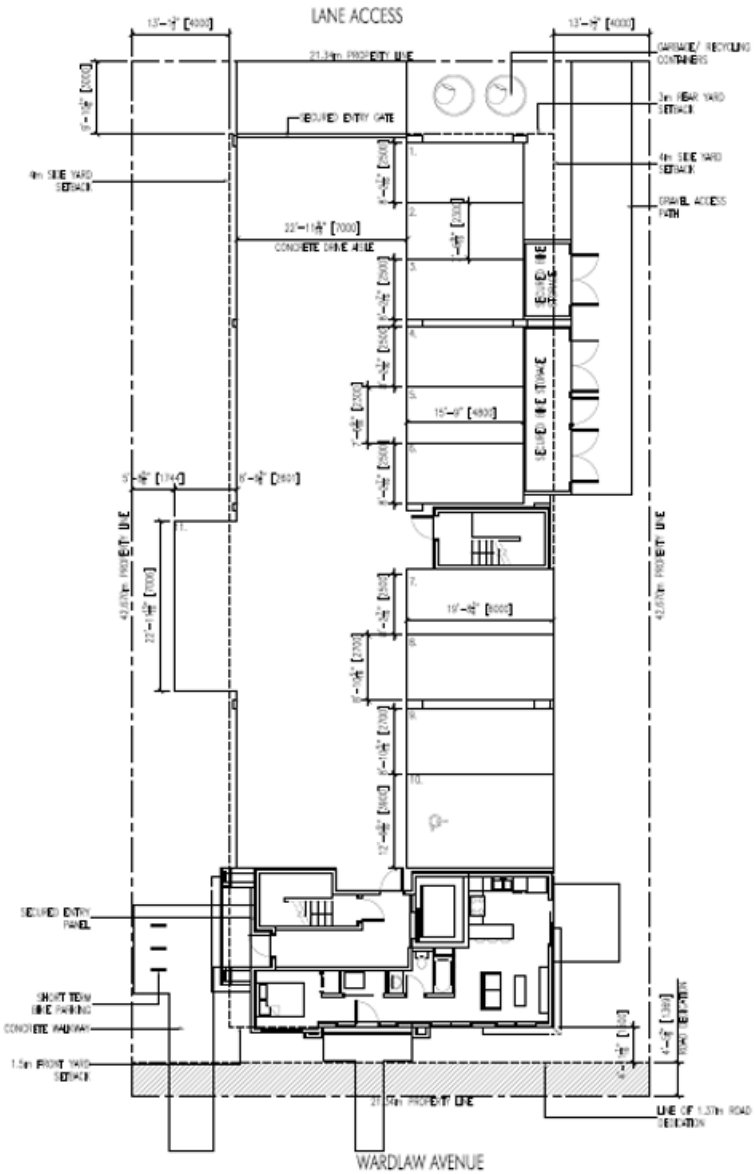


Subject Property Map

Project details

- 3 storey condo building
- 10 dwelling units proposed
  - 4 two-bedroom
  - 4 one-bedroom
  - 2 bachelor units
- Covered parking at grade with 2 storeys of residential above
  - 10 parking stall
  - 26 bike stalls (6 short term, 20 long term)
  - All access from lane
- Finish Material:
  - Blue Hardieplank
  - Grey Stucco
  - Exposed Wood Beams
  - Brown Brick
  - Silver Corrugated Metal

Site Plan



Rendering

Elevations

South Elevations

North Elevations

Elevations

West Elevations

East Elevations

Landscape Plan

City of Kelowna

Proposed Shrubs, Perennials and Grasses

Proposed Plant List - Wardlaw Ave

Symbol	QTY	Botanical Name	Common Name	Size	Spacing
	2	City of Kelowna approved Street Tree		60mm cal	
	2	Cornus florida 'Cherokee Chief'	Cherokee Chief Flowering Dogwood	60mm cal	
	5	Pyrus calleryanna 'Cleveland'	Cleveland Pear	60mm cal	
	4	Buxus microphylla	Japanese Boxwood	#2	9m OC
	14	Cornus sericea	Arctic Fire Red Twig Dogwood	#2	1.2m OC
	3	Euonymus alata compacta	Dwarf Burning Bush	#2	1.2m OC
	9	Hydrangea macrophylla	Cityline Paris Hydrangea	#2	1.0m OC
	5	Philadelphus x virginalis	Mockorange	#2	1.5m OC
	3	Physocarpus opulifolius nana	Dwarf Ninebark	#2	1.2m OC
	4	Pinus mugo pumilio	Dwarf Mugo Pine	#2	1.2m OC
	33	Rhus aromatica 'Grow Low'	Grow Low Fragrant Sumac	#2	1.2m OC
	38	Calamagrostis ' Karl Foerster'	Karl Foerster Reed grass	#2	1.0m OC
	10	Helictotrichon sempervirens	Blue Oat Grass	#2	9m OC
	8	Pennisetum alopecuroides 'Karley Rose'	Red Head Fountain Grass	#2	9m OC
	15	Lavandula 'Munstead' (purple)	Munstead lavender	#2	1.0m OC

Washed River Rock (75mm-150mm dia.) @ 150mm depth on Nilex 950EB Landscape Fabric or approved equivalent

1.2m ht Wood Perimeter and Screen Fence

Proposed Ornamental Trees

Notes

- The illustrated landscape plan is conceptual only. NOT FOR CONSTRUCTION.
- All plants, material and planting practices to conform to the Canadian Landscape Standard - Current Edition
- Contractor to provide a warranty and maintenance period of 1 year on all plants and materials. Plants and materials that fall below end of the warranty period shall be replaced by the contractor.
- All planting areas receive 450mm of topsoil
- Prior to delivery to site, a representative sample and test results of topsoil should be made available to the consultant for approval.
- Plant material selections are conceptual only. Final planting selections may vary depending on availability. No plant species substitution will be accepted without the written consent of the consultant.
- All front planting beds to receive 50 mm depth of Ogo - Grow mulch or approved equivalent
- Prior to any construction, contractor to verify the location of all existing utilities on the site.
- Install Deep Root Tree Root Barrier UB 18-2 along sidewalk edges within 2.0m of tree trunks.
- Boulevard street trees planted as per City of Kelowna Landscape Standard detail for boulevard tree planting
- All planting beds and lawn areas to be irrigated.

Schematic Front Elevation

Context

Development Policy

- Consistent with Future Land Use of Core Area Neighbourhood:
  - Where proposed development is not adjacent to a Transit Supportive Corridor consider low rise apartments.

- Prioritize the construction of purpose-built rental housing.

Staff Recommendation

- Staff recommend **support** of the proposed Development Permit:
  - Consistent with OCP Design Guidelines
  - Appropriate location for low rise rental apartment

Conclusion of Staff Remarks

REPORT TO COUNCIL

Date:	March 7, 2022		
To:	Council		
From:	City Manager		
Department:	Development Planning		
Application:	Z18-0026	**Owner:**	Pacific Pasnak Holdings Ltd., Inc. No. BC1051633
Address:	Pacific Avenue & Pasnak Street	**Applicant:**	New Town Services Inc
Subject:	Rezoning Application – Rescindment of Bylaw No. 11636 Readings		
Existing OCP Designation:	UC – Urban Centres		
Existing Zone:	RU6 – Two Dwelling Housing		
Proposed Zone:	RM5 – Medium Density Multiple Housing		

1.0 Recommendation

THAT Council receives, for information, the Report from the Development Planning Department dated March 7, 2022 with respect to Rezoning Application No. Z18-0026 for the properties legally described as:

1. Lot 1 Block 2 District Lot 137 ODYD Plan 5042, located at 1211 Pacific Ave, Kelowna, BC;
2. Lot 2 Block 2 District Lot 137 ODYD Plan 5042, located at 1223 Pacific Ave, Kelowna, BC;
3. Lot A District Lot 137 ODYD Plan 23294, located at 1237 Pacific Ave, Kelowna, BC;
4. Lot B District Lot 137 ODYD Plan 23294, located at 1239 Pacific Ave, Kelowna, BC;
5. Lot 3 Block 2 District Lot 137 ODYD Plan 5042, located at 1929 Pasnak St, Kelowna, BC;
6. Lot 4 Block 2 District Lot 137 ODYD Plan 5042, located at 1933 Pasnak St, Kelowna, BC;

AND THAT Bylaw No. 11636 be forwarded for rescindment consideration and the file be closed.

2.0 Purpose

To rescind all three readings given to Rezoning Bylaw No. 11636 and direct Staff to close the file.

3.0 Development Planning

Rezoning Bylaw No. 11636 received second and third reading at a Regular Meeting of Council on July 31, 2018. An extension for the Bylaw was granted until July 31, 2021 to allow the applicant more time to meet the requirements of the Development Engineering Memorandum (Schedule "A") prior to final adoption of the Zone Amendment Bylaw. The applicants have not met the requirements and therefore Staff are recommending that Council rescind first, second, and third readings and direct Staff to close the file.

Subject Property Map: Pacific Ave & Pasnak St

Report prepared by: Trisa Atwood, Planner II

Reviewed by: Jocelyn Black, Urban Planning Manager

Approved for inclusion: Terry Barton, Development Planning Department Manager

CITY OF KELOWNA

BYLAW NO. 11636
Z18-0036 – 1211, 1221-1223, 1237 & 1239 Pacific Avenue and 1929 & 1933 Pasnak Street

---

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1 Block 2 District Lot 137, ODYD Plan 5042, located on Pacific Avenue, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone;
2. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2 Block 2 District Lot 137, ODYD Plan 5042, located on Pacific Avenue, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone;
3. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A District Lot 137, ODYD Plan 23294, located on Pacific Avenue, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone;
4. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B District Lot 137, ODYD Plan 23294, located on Pacific Avenue, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone;
5. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3 Block 2 District Lot 137, ODYD Plan 5042, located on Pasnak Street, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone;
6. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 4, Block 2 District Lot 137, ODYD Plan 5042, located on Pasnak Street, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone;
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 time by the Municipal Council this 16th day of July, 2018.

Considered at a Public Hearing on this 31st day of July, 2018.

Read a second and third time by the Municipal Council this 31st day of July, 2018.

Approved under the Transportation Act this 16th day of August, 2018.

Audrie Henry

(Approving Officer – Ministry of Transportation)

Rescind first, second and third reading by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council

Date:	March 7, 2022		
To:	Council		
From:	City Manager		
Department:	Development Planning		
Application:	Z19-0122	**Owner:**	Dr A Ravindran Inc
Address:	550 Mugford Road	**Applicant:**	New Town Services
Subject:	Rezoning Application – Rescindment of Bylaw No. 11975 Readings		
Existing OCP Designation:	C-NHD – Core Area Neighbourhood		
Existing Zone:	RU1 – Large Lot Housing		
Proposed Zone:	RU2 – Medium Lot Housing		

Recommendation:

THAT Council receives, for information, the Report from the Development Planning Department dated March 7th, 2022, with respect to Rezoning Application No. Z19-0122 for the property located at 550 Mugford Road;
AND THAT Bylaw No. 11975 be forwarded for rescindment consideration and the file be closed.

Purpose:

To rescind all three readings given to Rezoning Bylaw No. 11975 and direct Staff to close the file.

Background:
Rezoning Bylaw No. 11975 received second and third readings at a Public Hearing held on February 4th, 2020. Final adoption of the zone amendment bylaw is subject to the applicant meeting the requirements of a Development Engineering Memorandum (Schedule "A").

The applicant was given a one-year extension by Council on February 2, 2021, since then no measures have been made by the applicant to meet these requirements. Given the above, Staff are recommending that Council rescind first, second and third readings and direct Staff to close the file.

Subject Property Map: 550 Mugford Road

Submitted by: Tyler Caswell, Planner I

Approved for Inclusion: Terry Barton, Development Planning Department Manager

CITY OF KELOWNA

BYLAW NO. 11975
Z19-0122 – 550 Mugford 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 E Sec 26 TWN 26 ODYD Plan 35641 located on Mugford Road, Kelowna BC from the RU1 – Large Lot Housing 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 20th day of January, 2020.

Considered at a Public Hearing on the 4th day of February, 2020.

Read a second and third time by the Municipal Council this 4th day of February, 2020.

Approved under the Transportation Act this 5th day of February, 2020.

Audrie Henry

(Approving Officer – Ministry of Transportation)

Rescind first, second and third reading by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL

Date:	March 7, 2022		
To:	Council		
From:	City Manager		
Department:	Development Planning		
Application:	Z19-0072	**Owner:**	2996 Sexsmith Holdings Ltd., Inc. No. BC1291161
Address:	2996 Sexsmith Road	**Applicant:**	Urban Options Planning & Permits
Subject:	Rezoning Extension Application		
Existing OCP Designation:	IND - Industrial		
Existing Zone:	A1 – Agriculture 1		
Proposed Zone:	I6 – Low Impact Transitional Industrial		

1.0 Recommendation

THAT in accordance with Development Application and Heritage Procedures Bylaw No. 12310, the deadline for the adoption of Rezoning Bylaw No. 12177, be extended from March 16, 2022 to March 16, 2023.

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

2.0 Purpose

To extend the deadline for adoption of Rezoning Bylaw No. 12177 to March 16, 2023.

3.0 Development Planning

Rezoning Bylaw No. 12177 received second and third readings at a Regular meeting of Council held on Tuesday, March 16, 2021. Final adoption of the zone amendment bylaw is subject to the applicant meeting the requirements of the Schedule "A": Development Engineering Memorandum. The applicant has been working with Staff on the development plan for the site and has made progress on the rezoning application, however, has not yet met all the engineering requirements. Staff are recommending that Council supports extending the deadline for adoption for the Rezoning Bylaw No. 12177 by one year to March 16, 2023, with no further extension requests granted.

Subject Property Map: 2996 Sexsmith Road

4.0 Application Chronology

Date of Application Accepted:	February 22, 2019
Date of Second and Third Readings:	March 16, 2021
Date of Extension Application Received:	February 10, 2022

Report prepared by: Barbara B. Crawford, Planner II

Reviewed and Approved by Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A – Development Engineering Memorandum

CITY OF KELOWNA

MEMORANDUM

SCHEDULE A
This forms part of application
Z19-0072
Planner Initials BC
City of Kelowna
DEVELOPMENT PLANNING

Date: June11, 2019

File No.: Z19-0072

To: Planning & Development Services Department (BC)

From: Development Engineer Manager (JK)

Subject: 2996 Sexsmith Rd., Lots 32, Plan 18861 A1 – I6

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

1. General

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

2. Geotechnical Study

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

3. Sanitary Sewer System

a) The developer's consulting mechanical engineer will determine the development requirements of the proposed development and establish the service needs. Only one service per lot will be permitted for this development. There is an existing 100mm PVC sanitary service to lot.

a) The Connection Area #35 charge is currently set by Bylaw at $13,300 per Single Family Equivalent (SFE). This Bylaw was reviewed for and accepted by Council in 2018.

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

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

4. Water Servicing Requirements

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

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

5. Storm Drainage

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

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

6. Road Improvements

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

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

7. Road Dedication and Subdivision Requirements

(a) The developer is required dedicate 5m of roadway fronting Sexsmith Road to achieve the 4 lane arterial urban standard width in accordance with Bylaw 7900

(b) Grant Statutory Rights Of Way if required for utility services.

(c) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, TELUS, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

8. Power and Telecommunication Services

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

9. Design and Construction

a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.

b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.

c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).

d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.

e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

10. Servicing Agreements for Works and Services

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

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

11. DCC Credits

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

12. Bonding and Levies Summary

Levies

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

James Kay

James Kay, P. Eng.
Development Engineering Manager
RO

Report to Council

Date: March 7, 2022

To: Council

From: City Manager

Subject: Rotary Centre for the Arts – Value for Money Review

Department: Active Living and Culture

Recommendation:

THAT Council receives, for information, the report from Cultural Services dated March 7, 2022, regarding the Rotary Centre for the Arts Value for Money Review.

Purpose:

To provide Council with an overview of the results from the Value for Money Review report for the Rotary Centre for the Arts and to advise of next steps.

Background:

To demonstrate greater accountability for its use of public funds, the City performs reviews of ongoing projects and programs as a best practice in support of rigorous economic governance.

Value for Money (VFM) reviews provide an objective, professional and systematic examination to ensure business elements such as, financial, human and physical resources, are managed with due regard to economy, efficiency and effectiveness. The process involves project/program selection, establishing the specific project scope, sourcing a qualified independent professional, preparation (by the independent professional) of draft and final reports, delivery of an executive summary to the City Manager and reporting annually at the year-end Audit Committee meeting.

The Rotary Centre for the Arts (RCA) opened in November 2002 and is operated by the Kelowna Visual and Performing Arts Centre Society (KVPACS) under terms and conditions outlined through a lease and operating agreement (L&O). The current agreement commenced January 1, 2013 for a 10-year period and includes 2, 5-year renewal options. The City provides an annual operating grant to KVPACS for programming, administration and maintenance of the building. While the City and KVPACS share responsibility for maintenance, KVPACS is expected to perform the majority of operational maintenance.

The RCA provides significant contributions to the creative sector of Kelowna; it is the community centre for arts and culture. Key facility features and activities operated by KVPACS include a 326-seat theatre, a bistro, 12 leased artists' studios, various rental spaces for short and long-term rentals and an abundance of all-ages arts and cultural activities offered through direct programming and community partnerships.

In 2020/21, Financial Services commissioned MNP to conduct a VFM Review of the RCA. The objectives of this review were to develop a report addressing the following:

- Drivers of budget vs. actual variances at KVPACS
- Necessary changes to budgets or assumptions within budgeting for KVPACS, if any
- Stakeholder interview results from the City as well as KVPACS by key topic/risk/issue
- Recommendations regarding change(s) to the current operating and funding models, if any
- Recommendations related to the lease and operating agreement, if any
- Results of comparisons with other lease and operating agreements
- Other recommendations to strengthen operations or the funding agreement with the City.

The KVPACS Board and the RCA staff welcomed the opportunity to participate in this review. They took on a collaborative approach and were active participants throughout the review process. Upon completion of the report by MNP, the results were presented by City staff to the KVPACS Board of Directors and a written response from the KVPACS Board was provided including an action plan for implementation.

Discussion:

The review identified opportunities for consideration by the City, as well as KVPACS, for long-term financial sustainability as well as operational performance. They are as follows:

1. **Operating Grant not CPI Adjusted:** The current annual operating grant received from the City is fixed with no adjustment linked to inflationary considerations such as the Consumer Price Index (CPI). The negative effect is that the purchasing power of the grant decreases each year because of inflationary increases to expenditures.

   RCA Response: Annual CPI adjustments would help close the gap on the decreased purchasing power due to inflation on overall operating costs.

   Action Step: City staff have reviewed and will recommend inclusion of annual adjustments in line with the CPI during the upcoming renewal of the Lease and Operating Agreement (Q4 2022).

2. **Lease Rates:** Lease rates are significantly below current market value. KVPACS should immediately begin market rate adjustments for each tenant regardless of tenure in their respective leased space.

   RCA Response: It was the early vision of the RCA that studio space for artists should be an affordable space for artists to create with lease rates set at approximately 75% of current market value. However, over an almost 20-year period, rate increases have not kept pace with the ever-rising commercial lease rates in downtown Kelowna.

Action Plan: A market-rate evaluation was conducted to compare similar commercial lease rates in downtown Kelowna in 2019 and 2020. KVPACS has created a 5-year lease increase schedule that is currently being implemented.

3. **Repairs & Maintenance:** KVPACS and the City should establish consistent annual expectations of repairs and maintenance including tracking of work performed in order to meet the expectations within the L&O as well as maximize the useful life of existing infrastructure.

   RCA Response: The language in the agreement is complex and not easily understood. It is further complicated by the reality of how maintenance requests are treated today vs. what is described in the L&O. Hence the desire for clarification by all parties.

   Action Plan: In 2021, a committee was struck to work on this issue. The committee met in August 2021 to clarify the terms of the L&O, what has taken place in past years regarding maintenance, and to discuss repair expenses and tracking. This discussion and work are ongoing.

4. **Financial Acumen:** At the time of the report, the financial knowledge and acumen of KVPACS staff is not considered advanced, with most employee backgrounds and experiences limited to arts (exception of Executive Director and Finance). KVPACS should undertake training of staff on minimum expectations for financial considerations, recording and reporting as this is necessary to build bench strength and limit negative consequences to financial results from operational activities.

   RCA Response: There is an emphasis that new hires have the financial acumen necessary to perform their work including prior budgeting experience. The staff members are also involved in the analytics for the prior year's performance, projections, forecasts and goal setting for revenues in their areas. The Executive Director and Finance Director have been developing and implementing this new process.

   Action Plan: The City of Kelowna Recovery and Sustainability Grant will be used to explore new revenue generation models for the Society. Additionally, the RCA is applying to Canadian Association for the Performing Arts (CAPACOA) Presenter's Capacity Building Program (PCBP), which provides project funding to CAPACOA members who want to build on their organizational capacity, support research projects and seek out mentorships.

5. **Financial Performance:** Tracking of financial performance needs to be adjusted to reflect the true financial results for each operational area. At present financial results for operational areas do not reflect the overhead necessary to operate (e.g., payroll expenses). KVPACS should review and create both an understanding of the ratio of employee time and other overhead expenses to be allocated and then to track actual performance and financial results for decisions related to these activities (continue as is, adjust course, cancel offering).

   RCA Response: The RCA's new approach is to drill down and evaluate the operating costs and related overhead for each program/offering and evaluate its effectiveness. It is to be considered that not all program outcomes are measured financially as programs also support our mandate, vision and the overall goals and objectives of the City of Kelowna 2020-2025 Cultural Plan.

Action Plan: Camps and community programs were evaluated in March 2021 and positive results show that new goals have been or are being met. Starting with the 2021-2022 budget, each manager was given accountability for their budget area. Managers are responsible for final reports for programs that summarize whether the program met its goals, advanced the organization's mission and if it was fiscally positive.

The RCA has not run programs at a net loss under its new management. An example of financial improvement in our programs in 2021 was the RCA's Arts Blast Summer Camps, which saw a sharp increase in registrations and revenues. By moving to more profitable 5-day camps, 2021 Arts Blast Summer Camp total revenues exceeded expectations.

6. **Liquidity Risk:** The financial performance of KVPACS is impacted by its ability to generate positive cashflow. KVPACS will need to enhance the rigor of budgeting, tracking of financial results and linking of key decisions to key financial goals to ensure this financial risk is sufficiently mitigated.

   RCA Response: Liquidity presented less of a risk in the last fiscal budget for the RCA in which 10 of the last 12 months were cash positive. To continue to operate in a cash-positive position requires a full exploration of past performance in all areas of the operation.

   Action Plan: A plan to reduce liquidity risk will be developed over the next three years. This will involve discussions for such financial strategies with KVPACS' auditors. All internal policies will be reviewed and updated with liquidity risk in mind. For example, HR policies for the time in lieu or other areas that may have outstanding payables.

7. **Bistro:** It is not considered financially viable to continue operation of the Bistro under the management of KVPACS. KVPACS should continue its search for a long-term outsourced operator for the Bistro and rely on a fixed source of revenue from sub-leasing.

   RCA Response: KVPACS is continuing its search for a long-term outsourced operator for the Bistro. The RCA has no intention to go back to the previous operating model.

   Action Plan: Several serious proposals are currently under consideration, KVPACS will have the space leased by early 2022.

8. **Grants vs. Self-Generated Revenue:** KVPACS should evaluate self-generated revenue as a long-term solution focus as opposed to grants. This does not negate the need to look for grants, however, the strategy should be on self-sustainment first. KVPACS is recommended to explore opportunities to participate in organizational learning related to the operation of a social enterprise of which community grants/opportunities are periodically available.

   RCA Response: RCA will prioritize revenue development that is not grant-dependent. However, we score high on the scale of self-generated revenues (70% versus the national average for similar organizations of 60%).

   Action Plan: The City of Kelowna Recovery and Sustainability Grant is earmarked to explore revenue-generating models for the RCA. Additionally, the RCA will explore further core funding opportunities such as the BC Arts Council and the Canada Council core funding, two granting bodies the RCA does not currently receive supporting funds from.

9. **Value Proposition & Communication:** The value KVPACS brings to the community needs to be identified, measured and communicated with all key stakeholders to continually build support for the RCA and its programs.

   RCA Response: RCA recognizes the need to communicate its impact on the community and have clearly defined goals to ensure the organization is delivering on its mission.

   Action Plan: The KVPACS Board Strategic Committee identified Key Performance Indicators in 2021 and an appropriate platform for sharing this information is currently being explored. In 2020 and early 2021, past data was analyzed for meaningful impact metrics. The next steps include an examination of the organization's current situation with an assessment survey for the Board and leadership staff. A Fundraising and Donor Stewardship Development Plan is in progress and will further identify key messages and communication strategies which will continue to build support for the organization and its programs

10. **Knowledge Transfer:** Knowledge management tools such as knowledge maps, flow charts, business processes and other tools are necessary to facilitate knowledge transfer to new employees. Staff turnover has created an information gap. Building internal documentation will protect against the risk of loss of critical knowledge on operations, key relationships and strategic priorities.

    RCA Response: Knowledge transfer and attention to human resources strategies are key priorities and are recognized as critical to our centre's success. Tactics include mentorship, cross-training, work shadowing, and guided experience.

    Action Plan: Standard Operating Procedures are being created along with the implementation of supporting technology for information storage. To reduce staff turnover, strategies were introduced in 2020 that include supporting a revised benefits plan, the addition of an EAP Program, enhanced team building, and improved communication across the organization. In 2021, all human resource documentation and policies were updated including a compensation study, a revised HR Handbook and Core Protection Policy documentation.

11. **Capital Improvement Fund (CIF):** CIF funds should be earmarked, tracked, and used for the purposes for which they are collected. Internally reserving funds for future capital improvements is also particularly important to ensuring KVPACS is eligible for capital grants as many have a matching component.

    RCA Response: Moving forward, the RCA will formalize a Capital Improvement Fund (CIF) Plan which will include a 10-year capital plan for future specialized equipment needs.

    Action Plan: RCA has created a reserve account for the collection of the CIF. The Board plans to review the opportunity to add a portion of fiscal year 2020-2021's net profit to offset what was previously used for operational expenses.

12. **Donations:** KVPACS should strategically prioritize a renewed approach to pursuing and securing donations as a revenue source.

RCA Response: There is room to grow donor income from 1.7% to as much as 8% of total revenue in the long term. The 2021-2022 budget targets donor revenue to increase to 5% in year one, and targets for 2022-2024 will gradually increase closer to 8%.

Action Plan: The RCA has implemented a donor platform in June 2021, developed a Case for Support to strengthen their call to donors and obtained a BC Gaming License to open more opportunities. Additionally, the Executive Director has participated in various related training opportunities and the RCA will be hiring a Development Officer to take on these initiatives, with support from the Board's Fundraising Committee.

City staff will continue to monitor the progress toward implementation of the recommended action items through multiple points of contact with the organization including: the annual Strategic Partnership Reporting Framework, ongoing staff participation at meetings of the Board of Directors (monthly), lease and operating grant renewal discussions and ongoing partnership development that takes place through our daily operations.

Conclusion:
The VFM Review provided practical recommendations to the City and the KVPACS Board that will improve the operational and financial stability of the organization in the coming years. As described above, progress has already been made and there are plans in place to continue moving forward. We look forward to continuing our ongoing partnership with the RCA and their ongoing service to residents of Kelowna.

Internal Circulation:
Divisional Director, Financial Services
Divisional Director, Active Living and Culture
Corporate Finance Manager
Partnership Manager

Considerations applicable to this report: N/A

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: C. McWillis, Cultural Services Manager

Approved for inclusion: JG

cc:

Rotary Centre for the Arts Value for Money Review

March 7, 2022

Background

City of Kelowna

- The City and the RCA have a strong relationship in supporting our community's cultural development
- Relationship is governed by a Lease and Operating Agreement
- In 2020/21, we commissioned MNP to conduct a Value for Money (VFM) review of the RCA

About the RCA

- Provides significant contributions to the cultural sector of Kelowna; it is the community centre for arts and culture.
- KVPACS' current mandate is to:
  - Foster an appreciation for the arts by operating as a multipurpose art facility;
  - Provide arts programming and facility rentals at reasonable rates;
  - Provide arts programs and opportunities to the community; and
  - Cooperate with local government, educational bodies and the business community in the development of the arts.

Review Objectives

City of Kelowna

- Drivers of budget variances
- Budget practices
- Stakeholder interview results
- Current operating and funding models
- Compared with other lease and operating agreements
- Funding agreement with City

Key Findings

- 12 recommendations total
  - 1 opportunity directed to the City
  - 1 opportunity with joint responsibility
  - 10 opportunities directed to KVPACS with the following themes:
    - Increase revenue
    - Improve financial management
    - Planning & Succession
    - Communications

Report Recommendations

City of Kelowna

[redacted] Operating Grant not CPI Adjusted

[redacted] Lease Rates

[redacted] Repairs & Maintenance

[redacted] Financial Acumen

Report Recommendations

City of Kelowna

[redacted] Financial Performance

[redacted] Liquidity Rate

[redacted] Bistro

[redacted] Grants vs. Self-Generated Revenue

Report Recommendations

City of Kelowna

[redacted] Value Proposition & Communication

[redacted] Knowledge Transfer

[redacted] Capital Improvement Fund (CIF)

[redacted] Donations

Next Steps

- Continue to make progress on the realization of the recommendations
- Monitor progress through Strategic Partnership Reporting Framework
- RCA Lease Renewal by end of 2022
- Ongoing strategic partnership work with the RCA

For more information, visit **kelowna.ca/culture**.

Report to Council

Date: March 7, 2022

To: Council

From: City Manager

Subject: Revitalization Tax Exemption Agreements and Rental Housing Agreement Bylaw

Department: Policy and Planning

Recommendation:

THAT Council receives for information, the report from Policy & Planning Department dated March 7, 2022 recommending that Council adopt the following Revitalization Tax Exemption Agreements and Housing Agreement;

THAT Council approves the City entering into a Revitalization Tax Exemption Agreement with Mission Group Holdings Ltd. Inc. No. BC0993483 for Lot 1 District Lot 139 ODYD Plan EPP96156, Except Plan EPP103477, located at 1488 Bertram Street Kelowna BC, in the form attached to the Report from the Planner Specialist dated March 7, 2022;

AND THAT Council approves the City entering into a Revitalization Tax Exemption Agreement with 1295991 B.C. LTD., INC. No. BC1295991 for Lot 1 District Lot 129 ODYD Plan KAP47562, located at 1994 Springfield Road Kelowna BC, in the form attached to the Report from the Planner Specialist dated March 7, 2022;

AND THAT the Mayor and City Clerk be authorized to execute the Revitalization Tax Exemption Agreements, in the form attached to the Report from the Planner Specialist dated March 7, 2022 on behalf of the City of Kelowna;

AND THAT Bylaw No. 12329 authorizing a Housing Agreement between the City of Kelowna and 1295991 B.C. LTD., INC. No. BC1295991 which requires the owners to maintain 195 dwelling units as rental housing for 10 years for Lot 1 District Lot 129 ODYD Plan KAP47562, located at 1994 Springfield Road Kelowna BC, be forwarded for reading consideration.

Purpose:
To bring forward for authorization two Revitalization Tax Exemption Agreements and one Housing Agreement Bylaw in accordance with Revitalization Tax Exemption Bylaw No. 9561.

Background:
The Revitalization Tax Exemption (RTE) program is in place to encourage new residential and commercial development in strategic areas as well as to encourage construction of purpose-built rental housing throughout the core area of the City. Projects that meet eligibility criteria outlined in Bylaw No. 9561 may apply for a 10-year tax exemption. This includes a requirement to enter into a Housing Agreement for purpose built rental housing projects. Applications for the RTE program are accepted throughout the year and then twice a year are brought forward as a group to Council for consideration.

Discussion:

Staff are in receipt of two RTE applications. Both meet the eligibility criteria from Revitalization Tax Exemption Bylaw No. 9561 to qualify for the program. They are described separately below:

The first project (RTE21-0005) at 1488 Bertram Street is located Downtown in the City Centre Urban Centre. This large mixed-used project contains two separate towers: a 28-storey tower with 257 residential units in 263,000 square feet, an 11-storey tower with 88,422 square feet of office space, ground floor retail space of 15,346 square feet, and a 5-level parkade. The project complies with the C7 – Central Business Commercial Zone and was granted Development Permit approval by Council on June 2, 2020. A building permit has been issued and construction has commenced.

The project is located within "Tax Incentive Area 2" pursuant to Schedule A of Bylaw No. 9561 which, because of the size of the project, allows for a tax exemption on 100% of the improvements to the property. The applicant has provided a supporting letter and signed RTE Agreement (Attachment A and B).

The second project (RTE22-0001) is a purpose-built rental building located in the southwest corner of the Midtown Urban Centre at 1994 Springfield Road. This project contains 195 dwelling units in 123,500 square feet, a single level parkade, and a small 1,280 square foot commercial area. The project complies with the C4 – Urban Centre Commercial zoning and was granted Development Permit approval by Council on November 16,2021. A building permit application has been made and review is in progress.

This latter project is located within the "Purpose Built Rental Housing" Tax Incentive Area pursuant to Schedule A of Bylaw No. 9561, which allows for a tax exemption on 100% of the improvements to the rental housing component of the property (less the commercial space). The applicant has provided a supporting letter and signed RTE Agreement (Attachment C and D).

To qualify for the purpose-built rental housing tax exemption, the latter project (RTE22-0001) must also enter into a 10-year Housing Agreement with the City. The Housing Agreement becomes a bylaw and is registered on title. Its purpose is to secure the use of the market rental units for a minimum of ten years (concurrent with the timeframe of the RTE) and prohibits stratification. This ensures that the financial incentive is matched with the commitment to provide rental housing. After 10 years, the owner may apply to discharge the Housing Agreement. The draft housing agreement is contained within Attachment D.

The anticipated tax revenue impact of the proposed tax exemptions is detailed below:

Project Location	Project Details	Estimated 10-year Revenue Impact	Tax Area
1488 Bertram Street (RTE21-0005)	257 residential units, 88,422 sq.ft. office, 15,346 sq.ft. commercial space.	$6,239,000	Tax Incentive Area 2
1994 Springfield (RTE22-0001)	195 residential units, 1,280 sq.ft commercial space	$1,642,500	Purpose Built Rental Housing Area

Conclusion:

Both projects reflect the objectives of RTE Bylaw No. 9561, specifically to encourage new residential and commercial development, to reinforce the prominence and importance of urban centres within Kelowna, and to encourage a supply of purpose built rental housing. Understanding that the fiscal impact of the Revitalization Tax Exemption program is significant, and that patterns of development within the City have evolved since the program's inception – particularly in the downtown incentive areas – staff intend to undertake a process to evaluate the RTE program. Consideration will be taken to compare the objectives of the RTE program against its outcomes, consider tax impacts, and take account of where incentives are truly needed and where impact can be most effective. A report outlining the results of this process and findings, alongside any recommended changes, will be brought forward to Council later in 2022.

Internal Circulation:
Financial Services
Policy & Planning
Development Planning
City Clerk

Considerations applicable to this report:

Legal/Statutory Authority:

Revitalization Tax Exemption Program Bylaw No. 9561, 2006
Community Charter, Division, Section 226
Local Government Act, Section 483

Legal/Statutory Procedural Requirements:

Revitalization Tax Exemption Program Bylaw No. 9561, 2006

Existing Policy:

Kelowna Official Community Plan Bylaw No. 12300:

Policy 4.4.7. Downtown Revitalization Tax Exemption. Continue to support a revitalization tax

exemption program to encourage investment Downtown.

Objective 5.11. Increase the diversity of housing forms and tenure to create an inclusive, affordable and complete Core Area.

Policy 5.11.2. Diverse Housing Tenures. Encourage a range of rental and ownership tenures that support a variety of households, income levels and life stages. Promote underrepresented forms of tenure, including but not limited to co-housing, fee-simple row housing, co-ops, and rent-to-own.

Considerations not applicable to this report:

Financial/Budgetary Considerations:
External Agency/Public Comments:
Communications Comments:

Submitted by: D. Sturgeon, Planner Specialist

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

Attachments:

- **A.** Applicant Letter for RTE21-0005 (Mission Group for 1488 Bertram Street)
- **B.** Draft Revitalization Tax Exemption Agreement 21-0005 (1488 Bertram Street)
- **C.** Applicant Letter for RTE22-0001 (Westpoint Projects for 1994 Springfield Road)
- **D.** Draft Revitalization Tax Exemption Agreement 22-0001 (1994 Springfield Road)

MISSION GROUP

James Moore
Long Range Policy Planning Manager
City of Kelowna
1435 Water Street, Kelowna BC V1Y 1J4

March 1, 2022

RE: Revitalization Tax Exemption Application - Bernard Block

Dear Mr. Moore,

By now you have no doubt seen the progress to-date at our Bernard Block site. After a great deal of work on ground improvements and underground services, the project is now beginning to rise quickly out of the ground on Bernard Avenue. What once was a vacant department store, sitting dilapidated for nearly 10 years, is now a major sign of progress and revival starting to take shape on downtown Kelowna's high street.

For the past decade, the City of Kelowna has admirably taken a leadership role in downtown revitalization through public investment. This includes the Bernard Avenue streetscape project, Stuart Park and tax incentive programs. Spurred on by this initial public investment, private development has started to take root in the historic heart of our city – an area that stayed derelict for decades.

Mission Group has made significant investment in Kelowna's historic downtown core in recent years. Our *Build It Forward* approach commits to the long-term prosperity of the communities we serve, and we are pleased to bring this approach to Bernard Avenue. The Bernard Block project represents a significant benefit to downtown, comprising 257 new homes, more than 100,000sf of Class 'A' office space, and over 16,000sf of street-front retail space. This is a critical mass that brings new energy: hundreds of new residents and employees living, working and playing downtown; public spaces will be enlivened; entrepreneurs can thrive. The project also represents a significant new property tax base for many years to come.

The City of Kelowna's Revitalization Tax Exemption program has been a key driver in attracting development to this part of our City. Indeed, it was an important factor in Mission Group's decision to acquire the property in 2017. This program helps to attract new businesses and homeowners to this location, who become the primary beneficiaries of the program – not the developer. This in turn helps all of downtown to prosper, as more residents and businesses are encouraged to locate within the incentive area.

We are pleased to see the Bernard Block RTE application moving forward for implementation. We believe this revitalization program continues to be a success, and we applaud the City of Kelowna in their ongoing encouragement of development in key areas of our City.

Regards,

Luke Turri
Executive Vice President

BUILD IT FORWARD
Landmark Six - 10th Floor
1000-1631 Dickson Ave, Kelowna, BC V1Y 0B5
T 250.448.8810 | missiongroup.ca

BL10566, BL10674 & BL11457 amended SCHEDULE "B" and BL10974 & BL11854 replaced SCHEDULE "B":

SCHEDULE "B"
Revitalization Tax Exemption Agreement

THIS AGREEMENT dated for reference the 03 day of February 2022 is

BETWEEN:

MISSION GROUP HOLDINGS LTD., INC.NO. BC0993483
1000-1631 Dickson Avenue
Kelowna, B.C.
V1Y 0B5

(the "Owner")

AND:

CITY OF KELOWNA
1435 Water Street,
Kelowna, B.C.
V1Y 1J4

(the "City")

GIVEN THAT:

A. The Owner is the registered owner in fee simple of lands in the City of Kelowna at *1488 Bertram Street* legally described as LOT 1 DISTRICT LOT 139 OSOYOOS DIVISION YALE DISTRICT PLAN EPP96156, EXCEPT PLAN EPP103477 (the "Parcel");

B. Council has established a revitalization tax exemption program and has included within the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561 the designation of areas which include the Parcel as a revitalization area; and

C. The Owner proposes to construct new improvements on the Parcel as described in Appendix "A" attached to and forming part of this agreement (the "Project") and has applied to the City to take part in the revitalization tax exemption program in respect of the Project and the City has agreed to accept the Project under the program;

THIS AGREEMENT is evidence that in consideration of the promises exchanged below, the Owner and the City covenant and agree each with the other as follows:

1. **The Project** – the Owner will use its best efforts to ensure that the Project is constructed, maintained, operated and used in a fashion that will be consistent with and will foster the objectives of the revitalization tax exemption program, as outlined in the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561. Without limiting the generality of the foregoing, the Owner covenants to use its best efforts to ensure that the Project will:

    a. 5-level shared podium with 28-storey residential tower and 11-storey office tower. Including:

    b. 28-storey concrete high-rise with 257 residential homes at 163,000.22 SF, including 1-bedroom, 1 bedroom with den, and 2-bedroom homes on Bertram Street.

    c. 11-storey office high-rise at 88,422.18 SF.

    d. Retail units on ground floor of building at 15,346.39 SF.

    e. 5-level parkade shared between residential, office, and retail; 242 residential, 158 commercial, and 58 visitor stalls.

2. **Operation and Maintenance of the Project** – throughout the term of this agreement, the Owner shall operate, repair and maintain the Project and will keep the Project in a state of good repair as a prudent owner would do.

3. **Revitalization Amount** – In this agreement, "**Revitalization Amount**" means the municipal portion of property tax calculated in relation to the increase in the assessed value of improvements on the Parcel resulting from the construction of the Project as described in section 1;

4. **Revitalization Tax Exemption** – subject to fulfilment of the conditions set out in this agreement and in "City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561", the City shall issue a revitalization tax exemption certificate (the "Tax Exemption Certificate") to the British Columbia Assessment Authority entitling the Owner to a property tax exemption in respect of the property taxes due (not including local service taxes) in relation to the Revitalization Amount on the Parcel (the "Tax Exemption") for the calendar year(s) set out in the Tax Exemption Certificate .

5. **Conditions** – the following conditions shall be fulfilled before the City will issue a Tax Exemption Certificate to the Owner in respect of the Project:

    a. [deleted]

    b. The completed Project must substantially satisfy the performance criteria set out in Appendix "B" hereto, as determined by the City's Development Planning Manager or designate, in their sole discretion, acting reasonably; and

    c. The Owner must submit a copy of the Occupancy Permit and Title Certificate to the City of Kelowna's Revenue Branch within 48 months from the date the Agreement is executed by Council.

6. **Calculation of Revitalization Tax Exemption** – the amount of the Tax Exemption shall be equal **to *100% of Revitalization Amount on Parcel as per Tax Incentive Area 2 applied to both residential, office, and retail uses.***

   a) For "Tax Incentive Area 2,"

      i. **100% of the Revitalization Amount on the Parcel, for a project with a minimum floor area of 3,716 m² (40,000 sq. ft.);**

      ii. 75% of the Revitalization Amount on the Parcel which can be attributed to a residential land use, and/or 50% of the Revitalization Amount on the Parcel which can be attributed to a commercial land use, for a project with a minimum floor area of less than 3,716 m² (40,000 sq. ft.);

7. **Term of Tax Exemption** – provided the requirements of this agreement, and of the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561, are met the Tax Exemption shall be for 10 years after the BC Assessment Authority validates the Tax Exemption Certificate issued by the City of Kelowna's Revenue Branch.,

8. **Compliance with Laws** – the Owner shall construct the Project and, at all times during the term of the Tax Exemption or any renewal term, use and occupy the Parcel and the Project in compliance with all statutes, laws, regulations and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or bylaws, including all the rules regulations policies guidelines criteria or the like made under or pursuant to any such laws.

9. **Effect of Stratification** – if the Owner stratifies the Parcel under the Strata Property Act, then the Tax Exemption shall be prorated among the strata lots in accordance with the unit entitlement of each strata lot for:

   a. the current and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office before May 1; or

   b. for the next calendar year and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office after May 1;

   so long as, if the Project is the subject of an operating agreement between the Owner and the Provincial Rental Housing Corporation, the Owner is in compliance with the operating agreement. The Owner agrees to provide written confirmation to the City regarding the Owner's compliance with the said operating agreement, satisfactory to the City, upon the City's reasonable inquiry.

10. **Termination of the agreement** - the revitalization tax exemption agreement will be valid for 48 months from the date the agreement is executed by Council. If the conditions for issuance of a Tax Exemption Certificate have not been met during this term, the owner may request a renewal term to this agreement or the agreement will be terminated.

11. **Cancellation** – the City may in its sole discretion cancel the Tax Exemption Certificate at any time:

    a. on the written request of the Owner; or

    b. effective immediately upon delivery of a notice of cancellation to the Owner if at any time any of the conditions in the Tax Exemption Certificate are not met.

    c. If the Owner is subject to an operating agreement with the Provincial Rental Housing Corporation and is not in compliance with the operating agreement.

    If such cancellation occurs, the Owner of the Parcel for which the Tax Exemption Certificate was issued will remit to the City an amount equal to the value of any Tax Exemption received after the cancellation of the Tax Exemption Certificate.

12. **No Refund** – for greater certainty, under no circumstances will the Owner be entitled under the City's revitalization tax exemption program to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.

13. **Notices** – any notice or other writing required or permitted to be given hereunder or for the purposes hereof to any party shall be sufficiently given if delivered by hand or posted on the Parcel, or if sent by prepaid registered mail (Express Post) or if transmitted by facsimile to such party:

    a. in the case of a notice to the City, at:

    THE CITY OF KELOWNA
    1435 Water Street,
    Kelowna, B.C.
    V1Y 1J4

    Attention: Revenue Department
    Email: revenue@kelowna.ca

    b. in the case of a notice to the Owner, at:
    MISSION GROUP HOLDINGS LTD., INC.NO. BC0993483
    Luke Turri
    1000-1631 Dickson Avenue
    Kelowna, B.C.
    V1Y 0B5

    Attention: Luke Turri
    Phone: 250-470-7617
    Email: lturri@missiongroup.ca

    Or at such other address as the party to whom such notice or other writing is to be given shall have last notified the party giving the same.

14. **No Assignment** – the Owner shall not assign its interest in this agreement except to a subsequent owner in fee simple of the Parcel.

15. **Severance** – if any portion of this agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this agreement.

16. **Interpretation** – wherever the singular or masculine is used in this agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so require.

17. **Further Assurances** – the parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this agreement.

18. **Waiver** – waiver by the City of a default by the Owner shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.

19. **Powers Preserved** – this agreement does not:

    a. Affect or limit the discretion, rights or powers of the City under any enactment or at common law, including in relation to the use or subdivision of the Parcel;
    b. Affect or limit any enactment relating to the use or subdivision of the Parcel; or

    c. Relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Parcel and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges, application fees, user fees or other rates, levies or charges payable under any bylaw of the City.

20. **Reference** – every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.

21. **Enurement** – this agreement shall ensure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.

22. Any construction of a new improvement or alteration of an existing improvement as of this bylaw undertaken prior to the application for a Revitalization Tax Exemption will not be eligible for consideration

23. The maximum Revitalization Tax Exemption authorized under this Bylaw must not exceed the Revitalization Amount on the Property between:

    a. the calendar year before the construction or alteration began, as outlined under Section 1 of this agreement; and
    b. the calendar year in which the construction or alteration, as outlined under Section 1 of this agreement, is completed.

24. The Property's assessed value of improvements must not be reduced below the amount assessed in the calendar year prior to construction or alteration, as a result of the Revitalization Tax Exemption.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first above written.

Executed by the CITY OF KELOWNA by
Its authorized signatories:

_____
Mayor

_____
City Clerk

Executed by MISSION GROUP HOLDINGS LTD. by its Authorized signatories:

_____
Name: Luke Turri

_____
Name: Arpan Kandola (Witness)

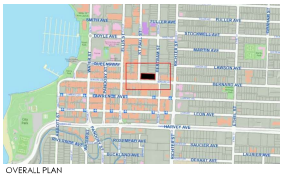
Appendix "A": Plans and Specifications

SCHEDULE A & B
This forms part of application
DP19-0064 / DP19-0065
Planner Initials AC
City of Kelowna

BERNARD BLOCK

DP APPLICATION RESUBMITION
MARCH 2020

SOUTH WEST PERSPECTIVE



OVERALL PLAN

NEIGHBOURHOOD PLAN

A0-0	COVER
A0-1	PROJECT DATA
A0-2	CONTEXT
A0-3	DESIGN RATIONALE
A0-4	CONCEPTS
A0-5	ELEVATION DETAILS
A0-6	PODIUM DETAILS
A0-7	CANOPY DETAILS
A0-8	PERSPECTIVE SKETCHES
A0-9	SHADOW STUDY MARCH
A0-10	SHADOW STUDY JUNE
A0-11	SHADOW STUDY SEPTEMBER
A1-1	SURVEY
A1-2	SITE PLAN
A2-1	LEVEL 1
A2-1a	LEVEL 1 - WEST
A2-1b	LEVEL 1 - EAST
A2-2	LEVEL 2
A2-2a	LEVEL 2 - WEST
A2-2b	LEVEL 2 - EAST
A2-3	LEVEL 3
A2-3a	LEVEL 3 - WEST
A2-3b	LEVEL 3 - EAST
A2-4	LEVEL 4
A2-4a	LEVEL 4 - WEST
A2-4b	LEVEL 4 - EAST
A2-5	LEVEL 5
A2-5a	LEVEL 5 -WEST
A2-5b	LEVEL 5 - EAST
A2-6	LEVEL 6
A2-6a	LEVEL 6 - WEST
A2-6b	LEVEL 6 - EAST
A2-7	LEVEL 7 OVERALL
A2-8	CONDO LEVELS 7-21
A2-9	CONDO LEVELS 22-30
A2-10	CONDO LEVELS 31-33
A2-11	CONDO LEVEL 34
A2-12	CONDO LEVEL 35
A2-13	OFFICE LEVEL 7
A2-14	OFFICE LEVEL 16
A2-15	OFFICE LEVEL 17
A2-16	ROOF PLAN OVERALL
A3-1	SOUTH ELEVATION
A3-2	WEST ELEVATION
A3-3	NORTH ELEVATION
A3-4	EAST ELEVATION
A4-1	SECTION A
A4-2	SECTIONS B & C
A5-1	UNIT PLANS
A5-2	UNIT PLANS
A5-3	UNIT PLANS
A5-4	UNIT PLANS
A7-1	WALL SECTIONS A1 & B3
A7-2	WALL SECTIONS B1 & B2
A7-3	WALL SECTION A4
A7-4	WALL SECTIONS A2 & A3
A7-5	WALL SECTIONS C1 & C2
A7-6	WALL SECTION C3
A8-1	WINDOW SCHEDULE_PODIUM
A8-2	WINDOW SCHEDULE_PODIUM
A8-4	WINDOW SCHEDULE_RESIDENTIAL
A8-5	WINDOW SCHEDULE_RESIDENTIAL
A8-6	WINDOW SCHEDULE_RESIDENTIAL
A8-7	WINDOW SCHEDULE_RESIDENTIAL
A100	PERSPECTIVES
A101	ISOMETRICS
LDP1	LANDSCAPE PLAN GROUND
LDP2	LANDSCAPE PLAN LEVEL 6
LDP3	LANDSCAPE PLAN TOWER ROOFS

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	2019-04-05	DP APPLICATION	FR
2	2019-04-05	DP APPLICATION PROGRESS SET	FMA
3	2020-04-03	DP APPLICATION RESUBMITTAL	SM
4	2020-04-03	B-PROGRESS	SM
5	2020-04-03	ISSUED FOR SITE REVIEW	SM
6	2020-04-07	B-PROGRESS	SM

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Architecture Architecture Architecture

Client
MISSION GROUP

Project
500 BERNARD AVENUE
KELOWNA, B.C.
BERNARD BLOCK

Drawing Title
COVER

Date: MARCH 2020
Project No.: 15-59
Scale:
Drawing No.: A0-0
Drawn By: FMA
File Name: C:\Users\Foad\AppData\Local\Temp\AcPublish_6260\BERNARD BLOCK CD-DP-MAR 2020.dwg

DESIGN RATIONALE

Project Background
The redevelopment of "Bernard Block" provides the opportunity to extend and anchor the successful evolution and revitalization of Bernard Avenue, Kelowna's High Street. Building on the success of our Brooklyn residential development, which ignited the transformation and urban renewal of the emerging "Bernard District", Bernard Block's mixed-use redevelopment program creates an opportunity for meaningfully integrated uses and significant placemaking. Structured around a framework of active, destination-oriented ground floor uses, inviting outdoor spaces, and a carefully curated public realm, the newly imagined Bernard Block becomes a cornerstone and gateway to an evolving downtown centre.

Zoning Context
C7 Central Business Commercial – Residential District

A development permit is sought to approve the form & character of the proposed "Bernard Block" redevelopment. Mission Group is also requesting approval of residential tower height above the 26-storey height limit referenced in Kelowna's C-7 Zone and Downtown Plan.

Physical Context
The site is consolidated into a single one-half city block that is 101.590 meters (332.30') by 40.520 m (130.94'). It is bounded to the south by Bernard Avenue, to the north by a laneway, to the east by Bertram Street and to the west by St. Paul Street. Total area is 4,116.427 sm, (44,310.30 sf)

Bertram Street to the east constitutes a primarily residential street, with a few single-family homes and predominantly two to four storey multifamily residential apartment buildings along its length to the north. It is characterized as a tree-lined street with a pleasant residential quality. A small commercial building wraps the corner to the east and continues the commercial "High Street" quality of Bernard Avenue.

St. Paul Street to the west continues with a commercial wrap of Bernard Avenue up toward the north. A commercial frontage has been continued along St. Paul Street with the first phase of the Bernard Block development ("Brooklyn" at 1471 St. Paul Street) immediately to the north, across the lane. This development is comprised of a 25-storey residential mixed-use complex, with a four storey podium along St. Paul, and a five storey podium to the rear.

Bernard Avenue in this area is primarily comprised of one to three storey commercial buildings, with retail functions at grade. The laneway to the north functions to serve garbage and loading requirements, while offering additional parking for these uses, and is proposed to maintain that principle use.

Use, Form and Height
The allowable uses, form and height as proposed are generally in keeping with the Downtown Plan policy objectives. The project is conceived as a true mixed-use, live-work, play and shop contribution to the emerging and expanding downtown area with opportunities to do all of the above, with only a modest reliance on vehicular transportation to achieve other more distant objectives.

Commercial retail is proposed for street level use along Bernard Avenue, wrapping north along Bertram Street and St. Paul Street. A small amenity area "neighborhood cafe" is proposed as a semi-private use at the interface with residential neighbours to the north along Bertram Street. This is seen as a potential social gathering place to connect with neighbours in the area over a coffee, continuing a "soft" commercial use, extending to the lane.

A "Class A", 17-storey office building (including podium) is proposed for the western half of the site and is held back 95 feet from the new 25-storey residential tower neighbor to the north (Brooklyn). Access for pedestrians to this building is located mid-block along St. Paul Street. Parking, in all cases, is accessed from the middle of the lane to the north.

A 33-storey residential tower (including podium) is proposed on the eastern half of the site, setback 100 feet from the office tower to the west. Contrasting day/night use times between the office and residential buildings maintain privacy for residents. The total number of residential units proposed is 257, with a fairly even split between family oriented and non-family oriented units.

The podium massing model established with the "Brooklyn" development has been followed; a slightly higher parking podium along the lane (five storeys) and lower (four storeys) along the principle street, Bernard Avenue.

Soil conditions dictate a partially elevated parking podium, with commercial retail at grade. All podium elements have been kept below the prescribed 16 meter height restriction, as was followed by the "Brooklyn" development. Further shoulder step-backs are discussed below. Due to the significant scale of the podium, there is an opportunity to create a substantial semi-private platform for outdoor use for both the office and residential building end users. The detailed planning of these potential uses is underway and are indicated on these drawings in a schematic fashion.

Setbacks and Step-backs
As previously noted, building setbacks in relation to one another conform to the 100 foot objective, with the exception of a small upper portion of the angled office component to the west. Offsetting day/night activities between residential and office use mitigate potential privacy concerns in this case.

The closest components of the residential tower have been set 3.05m (10') from both the lane and Bertram Street and 6.47m (21.2') from Bernard Avenue. The distance to the Brooklyn residential tower exceeds 45m (150'). The vertical planes of the residential tower step back towards the water views, and an eight units per floor (differing from Brooklyn's ten units per floor) give the tower a more vertical and slender appearance from most angles, creating a hierarchical composition of taller, medium and shorter building forms that add interest to the skyline of the area. The tower also steps back for the uppermost three storeys, giving a tripartite expression of base (podium), middle, and top.

Architectural Expression
Architecturally the development has been separated into a hierarchy of discreet and contrasting forms. The form and character of these components are intended to present an elegant, clean and contemporary expression to this area of Bernard Avenue.

Podium
The elevated parking podium was recognized at the outset to be of potential concern, due to its horizontal scale and mass. Conversely, it also provides the opportunity to express a meaningful design, worthy of its prominence in the downtown community. Elevating the bar and setting context for future downtown projects, Bernard Block's podium design proposes to celebrate, rather than hide this prominent feature of the buildings' expression. A gesture that is both thoughtfully conceived and purposefully executed, sculptural and artful in nature, and ultimately contextual in its meaning and origination offers an opportunity to become an attraction and destination along the Bernard Avenue streetscape.

Generally speaking, the podium offers a very horizontal expression, with all elements intended to convey a grounding effect for the overall development above. The active ground floor level has been highly articulated and further characterized by multiple recessed entries, extending the urban character of the Bernard Avenue streetscape. Numerous retail entries provide opportunities for spill-out spaces onto Bernard Avenue's generous sidewalks, attracting a variety of retail services such as food stores, boutique shops, cafés and service orientated businesses. A large canopy of high opacity provides water protection and sun shade for most of the year, while additional retractable shade awnings located at their outer edge offer further shading, providing retailers the opportunity to obscure the line between indoor and outdoor space during warmer months. The overall design objectives for the retail commercial areas at Bernard Block are to attract goods and services tailored to the specific needs of this mixed-use neighborhood, in an environment that is convenient, service-oriented, pedestrian-scaled and connected to the urban lifestyles of the neighborhood residents.

A feature element is located at the southwest corner of the podium and is designed to make an artful reference to how transformative the introduction of irrigation to the Okanagan area has been. It is formed as a series of overlapping "flumes", referencing the method utilized to bring water down from the mountains at the turn of the century, and is intended to both attract people up along Bernard Ave from the lake, and act in concert with the podium expression as a visual anchor point for this emerging area of the downtown district. Wind and temperature permitting it will operate as a cascading waterfall and will be specially lit to accent its components at night.

Residential Tower
The residential tower, with its stacked balconies, window elements and smaller floorplate, is intended to exaggerate its vertical expression as a contrast to its strong horizontal base. While the general intention is to attract one's attention to the top of the building, where a common and evening-lit amenity area exists for owners use, the emphasis is on creating a vertical gesture, thereby reinforcing the "tallest-in-the-neighbourhood" stance.

A playful fenestration pattern draws attention to the east façade and similarly emphasizes the building's verticality, creating interest as one moves westward along Bernard Avenue.

Office
The office building, as the lowest form in this composition of elements, uses an office floor plate size of 1000sm (10,000 sf), and has a slender aspect as seen from Bernard Avenue to the west. It benefits from its own semi-private roof terraces and has direct access to both the common podium level terraces and the residential tower itself. A truly live/work/play opportunity is presented here with this unique arrangement of uses.

The southern face of the office building intentionally angles back to draw attention to the important southwest corner of the podium, as well as create a more interesting contemporary form.

Nature, Culture and History
In the pursuit of finding an "artful" positioning for the building base, we have explored regional, cultural, historical, and in some cases metaphorical representations and interpretations for certain design elements.

To begin with, a "bird's nest" found from the area was thought to be an appropriate and interesting form in how it represented a unique and wonderfully beautiful expression of the most rudimentary of dwelling types. The one shown on the Concept Panel was primarily comprised of grass stalks and blades from the area, hence the notion of native "grasses" becoming a metaphor for the "foil" coverage for much of the office building base.

Followed by delicate "cirrus clouds" which have been interpreted for the special horizontal windows that allow light into the parkade, with overlapping frit layers implying these features. Bernard Block's design rationale further integrates materials and elements rooted in Kelowna's natural and cultural heritage, inspired by Bernard Avenue's streetscape revitalization, which incorporated "themes derived from Kelowna's local natural and cultural heritage combined with tributes to the First Nation people of this area". These elements including grasses and reeds, once used to craft useful objects such as mats, baskets and fabrics, integrate the notion of "weaving" into a basket form explored as the "foil" on the parkade podium under the residential tower (see Concept Panel).

Sedimentary deposits in the lower hill and mountain areas are an important and visible part of the region so the design incorporates a reference to this with robust and deep concrete walls forming the anchor points to the floating base while declaring entranceways to the two buildings and parking access points.

Water was an important and revolutionary element in the "greening" of the Okanagan Valley. The use of irrigation water transported from the surrounding mountains and hills transformed the area from relatively sparse grazing land into an agricultural and horticultural oasis. Water was a fundamental component in the current use of the land, and while not currently shown on the drawings submitted, we are continuing to explore design concepts that would express this important component to the history of the region.

Detail and Materiality
The podium is principally intended to express the nature of "grass foils" floating in front of a charcoal background. The "nest" version occupies the area under the office tower, comprised of prefinished aluminum extrusions layered in two overlapping planes that project in front of the windows and panels behind. The "basket" version is on one plane and is comprised of aluminum plating or sheeting hydro-cut to shape and partially overlapping the windows.

The charcoal background for these foils expresses itself and wraps the laneway as well. It is from a panelized, cementitious system of surface mounted plates in a deep charcoal color. Windows in the base are silver capped curtain wall with fritted cantilevered canopies and support system to match. White retractable awnings will be further fitted to shade certain areas. The horizontal windows above will have overlapping translucent frits, creating a soft glow behind the foils in the evening.

The office building is intended to be a simple crystalline form made of reflective glass surfaces and butt glazed curtainwall for its entirety. Some spandrel glass will be integrated to reduce heat loss.

The residential building is made of highly contrasting white painted cast-in-place concrete together with a dark charcoal mullion and spandrel glazed upstands emphasizing the building's verticality.

The "earth" entranceways are made from random loosely poured cast-in-place concrete that emulates a rammed earth composition of sedimentary layers.

COR-TEN steel, in its weather-rusted form, is proposed for entryway accents and landscape features at grade and at the podium. In keeping with the earth metaphor, the rusted iron brings a warmth and appropriateness to the materiality of the arid and semi-arid region of the Okanagan.

SCHEDULE A & B
This forms part of application
DP19-0064 / DP19-0065
Planner Initials AC
City of Kelowna

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	2019-04-25	DP APPLICATION	RR
2	2019-06-03	DP APPLICATION PROGRESS SET	RHA
3	2020-04-03	DP APPLICATION RESUBMISSION	SM
4	2020-05-05	RE-PROGRESS	SM
5	2020-06-05	ISSUED FOR SITE REVIEW	SM
6	2020-06-22	RE-PROGRESS	SM

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Client
MISSION GROUP

Project
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KELOWNA, B.C.
BERNARD BLOCK

Drawing Title
DESIGN RATIONALE

Date: MARCH 2020
Project No.: 15-59
Scale:
Drawing No.: A0-3
Drawn By: RH / LL
File Name: C:\Users\Laura\AppData\Local\Temp\AcPublish_1464\BERNARD BLOCK CD-15-59.rvt - Sheet - A0-3.rvt

AREA SUMMARY PHASE A

28 LEVEL MARKET CONDO TOWER OVER 5 LEVEL PODIUM

LEVEL	RESIDENTIAL	COMMON	CRU	GROSS BUILD	BALCONY	ROOF DECK	PARKING	UTILITIES/STRG	GROSS SERVICE
LEVEL 1	0.00 SF	3,010.38 SF	8,503.19 SF	11,513.57 SF	0.00 SF	0.00 SF	1,650.97 SF	3,478.08 SF	5,129.05 SF
LEVEL 2	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	11,150.52 SF	2,826.86 SF	13,977.38 SF
LEVEL 3	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	15,542.41 SF	1,122.07 SF	16,664.48 SF
LEVEL 4	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	15,542.41 SF	1,208.14 SF	16,750.55 SF
LEVEL 5	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	14,669.28 SF	250.29 SF	14,919.57 SF
LEVEL 6	5,021.00 SF	1,935.14 SF	0.00 SF	6,956.14 SF	161.30 SF	12,798.38 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 7	5,930.08 SF	1,066.88 SF	0.00 SF	6,996.96 SF	840.90 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 8	5,930.14 SF	1,066.88 SF	0.00 SF	6,997.02 SF	840.84 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 9	5,930.14 SF	1,066.88 SF	0.00 SF	6,997.02 SF	840.84 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 10	5,930.14 SF	1,066.88 SF	0.00 SF	6,997.02 SF	840.84 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 11	5,930.14 SF	1,066.88 SF	0.00 SF	6,997.02 SF	840.84 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 12	5,930.14 SF	1,066.88 SF	0.00 SF	6,997.02 SF	840.84 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 13	5,929.87 SF	1,066.88 SF	0.00 SF	6,996.75 SF	840.84 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 14	5,930.14 SF	1,066.88 SF	0.00 SF	6,997.02 SF	840.84 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 15	5,930.14 SF	1,066.88 SF	0.00 SF	6,997.02 SF	840.84 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 16	5,930.14 SF	1,066.88 SF	0.00 SF	6,997.02 SF	840.84 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 17	5,930.14 SF	1,066.88 SF	0.00 SF	6,997.02 SF	840.84 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 18	5,930.14 SF	1,066.88 SF	0.00 SF	6,997.02 SF	840.84 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 19	5,930.14 SF	1,066.88 SF	0.00 SF	6,997.02 SF	840.84 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 20	5,930.14 SF	1,066.88 SF	0.00 SF	6,997.02 SF	840.84 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 21	5,930.14 SF	1,066.88 SF	0.00 SF	6,997.02 SF	840.84 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 22	5,917.56 SF	1,066.55 SF	0.00 SF	6,984.11 SF	866.08 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 23	5,917.56 SF	1,066.55 SF	0.00 SF	6,984.11 SF	866.08 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 24	5,917.56 SF	1,066.55 SF	0.00 SF	6,984.11 SF	866.08 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 25	5,917.56 SF	1,066.55 SF	0.00 SF	6,984.11 SF	866.08 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 26	5,917.56 SF	1,066.55 SF	0.00 SF	6,984.11 SF	866.08 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 27	5,917.56 SF	1,066.55 SF	0.00 SF	6,984.11 SF	866.08 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 28	5,917.56 SF	1,066.55 SF	0.00 SF	6,984.11 SF	866.08 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 29	5,917.56 SF	1,066.55 SF	0.00 SF	6,984.11 SF	866.08 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 30	5,917.56 SF	1,066.55 SF	0.00 SF	6,984.11 SF	866.08 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 31	4,986.80 SF	1,078.61 SF	0.00 SF	6,065.41 SF	1,374.56 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 32	4,986.80 SF	1,078.61 SF	0.00 SF	6,065.41 SF	1,374.56 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 33	4,986.80 SF	1,078.61 SF	0.00 SF	6,065.41 SF	1,297.77 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 34 (PH AMENITY)	0.00 SF	2,074.16 SF	0.00 SF	2,074.16 SF	0.00 SF	3,066.46 SF	0.00 SF	980.47 SF	980.47 SF
LEVEL 35 (PH ROOF)	0.00 SF	281.80 SF	0.00 SF	281.80 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
	162,191.21 SF	36,139.46 SF	8,503.19 SF	206,833.86 SF	24,615.57 SF	15,864.84 SF	58,555.59 SF	9,865.91 SF	68,421.50 SF

UNIT SUMMARY PHASE A

wt	DESCRIPTION	COUNT	AREA	TOTAL AREA
STUDIO	STUDIO	50	311 SF	15,573 SF
SUB PH1	2 BED	3	977 SF	2,930 SF
SUB PH2	2 BED	3	820 SF	2,460 SF
SUB PH3	1 BED	3	498 SF	1,495 SF
SUB PH4	2 BED	3	817 SF	2,450 SF
SUB PH5	2 BED	3	991 SF	2,973 SF
SUB PH6	2 BED	3	884 SF	2,653 SF
UNIT A	1 BED	30	438 SF	13,142 SF
UNIT B	1B+D	25	537 SF	13,427 SF
UNIT B1	1 BED	25	523 SF	13,083 SF
UNIT C	2 BED	50	802 SF	40,072 SF
UNIT C1	2 BED	50	883 SF	44,120 SF
UNIT C2	2 BED	9	868 SF	7,813 SF
		257		162,191 SF

1 BED	58
1B+D	25
2 BED	124
STUDIO	50

PARKING SUMMARY PHASE A

PHASE A PARKING		COMBINED PARKING	
COMPACT	10	COMPACT	25
DISABILITY	5	DISABILITY	9
FULLSIZE	67	FULLSIZE	251
MEDIUM	109	MEDIUM	183
	191		468

MINIMUM PARKING REQUIREMENTS AS LISTED IN THE CITY OF KELOWNA CONSOLIDATED ZONING BYLAW NO. 8000. DATED OCTOBER 26. 2015

RETAIL (C7 COMMERCIAL ZONE): 1.3 SPACES / 100m2(1.076SF) FOR GROSS FLOOR AREA UNDER 1,000m2 (10,760 SF) 8,503.19 SF / 1.076 7.90 x 1.3 SPACES = 10 SPACES		10 SPACES	10 SPACES
RESIDENTIAL: APARTMENT HOUSING: 1 SPACE / UNITS OVER 312 SF 207 UNITS = 207 SPACES		one space for all units 257 SPACES	one space for all units 257 SPACES
+			
1 VISITOR SPACE / 7 UNITS 257 UNITS / 7 = 37 SPACES		37 SPACES	37 SPACES
MINIMUM PARKING REQUIRED	254 SPACES	304 SPACES	304 SPACES
PARKING BUILT FOR PHASE A	191 SPACES	191 SPACES	191 SPACES
PARKING ALLOCATED FROM PHASE B	160 SPACES 1.3 SPACES / 100m2 (1,076 SF)	111 SPACES 2 SPACE / 100 m2	160 SPACES
TOTAL PARKING AVAILABLE FOR PHASE A	351 SPACES	302 SPACES	351 SPACES
TOTAL PARKING PROVIDED FOR PHASE A	**254 SPACES**	**304 SPACES**	**304 SPACES**
TOTAL EXTRA PARKING	97 SPACES	-2 SPACES	47 SPACES

BICYCLE SUMMARY PHASE A

MINIMUM BICYCLE STORAGE REQUIREMENTS:

RESIDENTIAL:
CLASS 1 = 0.75 / UNIT 257 * 0.75 = 193 SPACES
CLASS 2 = 6 SPACES 6 SPACES

COMMERCIAL:
CLASS 1 = 0.2 / 100m2 (1076 SF) 8296.24 / 1076 * 0.2 = 2 SPACES
CLASS 2 = 0.125 / 100m2 (1076 SF) 8296.24 / 1076 * 0.125 = 1 SPACES

BICYCLE STORAGE PROVIDED:

PHASE 1 RESIDENTIAL		PHASE 1 COMMERCIAL	
CLASS 1	182	CLASS 1	6
CLASS 2	6	CLASS 2	2
	188		8

AREA SUMMARY PHASE B

11 LEVEL OFFICE TOWER OVER 5 LEVEL PODIUM

LEVEL	COMMON	CRU	OFFICE	GROSS BUILD	BALCONY	ROOF DECK	PARKING	UTILITIES/STRG	GROSS SERVICE
LEVEL 1	4,601.18 SF	6,937.29 SF	0.00 SF	11,538.47 SF	0.00 SF	0.00 SF	7,593.68 SF	4,315.56 SF	11,909.24 SF
LEVEL 2	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	22,808.46 SF	706.17 SF	23,514.63 SF
LEVEL 3	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	25,091.17 SF	88.24 SF	25,179.41 SF
LEVEL 4	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	25,196.08 SF	97.89 SF	25,293.97 SF
LEVEL 5	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	777.47 SF	24,068.89 SF	0.00 SF	24,068.89 SF
LEVEL 6	1,526.20 SF	0.00 SF	8,032.24 SF	9,558.44 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 7	1,502.13 SF	0.00 SF	8,037.44 SF	9,539.57 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 8	1,502.13 SF	0.00 SF	8,056.56 SF	9,558.69 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 9	1,502.13 SF	0.00 SF	8,063.35 SF	9,565.48 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 10	1,502.13 SF	0.00 SF	8,069.89 SF	9,572.02 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 11	1,502.13 SF	0.00 SF	8,067.71 SF	9,569.84 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 12	1,502.13 SF	0.00 SF	8,073.65 SF	9,575.78 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 13	1,502.13 SF	0.00 SF	8,079.37 SF	9,581.50 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 14	1,502.13 SF	0.00 SF	8,094.23 SF	9,596.36 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 15	1,502.13 SF	0.00 SF	8,100.03 SF	9,602.16 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 16	1,502.13 SF	0.00 SF	8,107.38 SF	9,609.51 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF
LEVEL 17	1,774.52 SF	0.00 SF	0.00 SF	1,774.52 SF	0.00 SF	5,866.03 SF	0.00 SF	0.00 SF	0.00 SF
	22,923.20 SF	6,937.29 SF	88,781.85 SF	118,642.34 SF	0.00 SF	6,643.50 SF	104,758.28 SF	5,207.86 SF	109,966.14 SF

PARKING SUMMARY PHASE B

PHASE B PARKING		COMBINED PARKING	
COMPACT	15	COMPACT	25
DISABILITY	4	DISABILITY	9
FULLSIZE	184	FULLSIZE	251
MEDIUM	74	MEDIUM	183
	277		468

MINIMUM PARKING REQUIREMENTS AS LISTED IN THE CITY OF KELOWNA CONSOLIDATED ZONING BYLAW NO. 8000. DATED OCTOBER 26. 2015

RETAIL (C7 COMMERCIAL ZONE):
1.3 SPACES / 100m2 (1.076 SF)
FOR GROSS FLOOR AREA UNDER 1,000m2 (10,760 SF)

6,937.29 SF / 1.076 = 6.45 x 1.3 SPACES = 9 SPACES

OFFICE (C7 COMMERCIAL ZONE):
1.3 SPACES / 100m2 (1.076 SF)

88,781.85 SF / 1.076 = 82.51 x 1.3 SPACES = 108 SPACES

MINIMUM PARKING REQUIRED 117 SPACES
160 EXTRA SPACES

OFFICE RATIO OF 2 (CLIENT PROPOSED RATIO):
2 SPACES / 100m2 (1.076 SF)

88,781.85 SF/ 1.076 = 82.51 x 2.0 SPACES = 166 SPACES

MINIMUM PARKING REQUIRED 166 SPACES
PARKING BUILT FOR PHASE B 277 SPACES
EXTRA PARKING FOR PHASE A 111 SPACES

BICYCLE SUMMARY PHASE B

MINIMUM BICYCLE STORAGE REQUIREMENTS:

COMMERCIAL:
CLASS 1 = 0.2 / 100m2 (1076 SF) 118,206.19 SF / 1076 * 0.2 = 22 SPACES
CLASS 2 = 0.125 / 100m2 (1076 SF) 118,206.19 SF / 1076 * 0.125 = 14 SPACES

BICYCLE STORAGE PROVIDED:

PHASE B COMMERCIAL	
CLASS 1	74
CLASS 2	9
	83

SCHEDULE A & B
This forms part of application
DP19-0064 / DP19-0065
Planner Initials AC
City of Kelowna DEVELOPMENT PLANNING

GENERAL DEFINITIONS:
- RESIDENTIAL, CRU, AND OFFICE AREAS (NET SELLABLE) ARE MEASURED FROM THE EXTERIOR FACE OF EXTERIOR WALLS TO CENTERLINE OF PARTY AND CORRIDOR (OR CORE) WALLS.
- COMMON AND CIRCULATION AREAS ARE MEASURED TO CENTERLINE OF CORRIDOR WALLS AND THE EXTERIOR FACE AT EXTERIOR WALLS (ON RESIDENTIAL TOWER, OFFICE BLOCK, AND GROUND FLOOR LOBBY/CRU/AMENITY ONLY)
- AMENITY AREAS ARE INCLUDED IN COMMON AND CIRCULATION AREAS
- GROSS BUILDABLE AREA IS THE SUM OF NET SELLABLE AND COMMON AREA
- GROSS SERVICE AREA IS THE SUM OF ALL ABOVE AND BELOW GRADE PARKING AND UTILITY/STORAGE AREA

PROJECT INFORMATION

CIVIC ADDRESS:	560 & 590-594 BERNARD AVENUE, KELOWNA, B.C.		
LEGAL DESCRIPTION:	LOT A, PLAN 18789; AND LOTS 2 AND 3, PLAN 2127; DISTRICT LOT 139 O.D.Y.D		
ZONING:	C7		
SITE AREA:		44,306 SF	4,116.22 m²
BUILDING HEIGHTS:	OFFICE:		48.33 m
	CONDO:		101.75 m
SETBACKS	SOUTH (BERNARD):		0.25 m
	WEST (ST. PAUL'S):		0.3 m
	EAST (BERTRAM):		0.3 m
	NORTH (LANE)		0.8 m
FSR CALCULATION	NET AREAS		
	RESIDENTIAL	162,191.21 SF	15,068.06 m²
	RETAIL	15,440.48 SF	1,434.47 m²
	OFFICE	88,781.85 SF	8,248.10 m²
		266,081.21 SF	24,719.76 m²
FAR	6.0		

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	2019-04-23	DP APPLICATION	TB
2	2019-06-25	DP APPLICATION PROGRESS SET	TB/RA
3	2020-04-03	DP APPLICATION RESUBMISSION	SM

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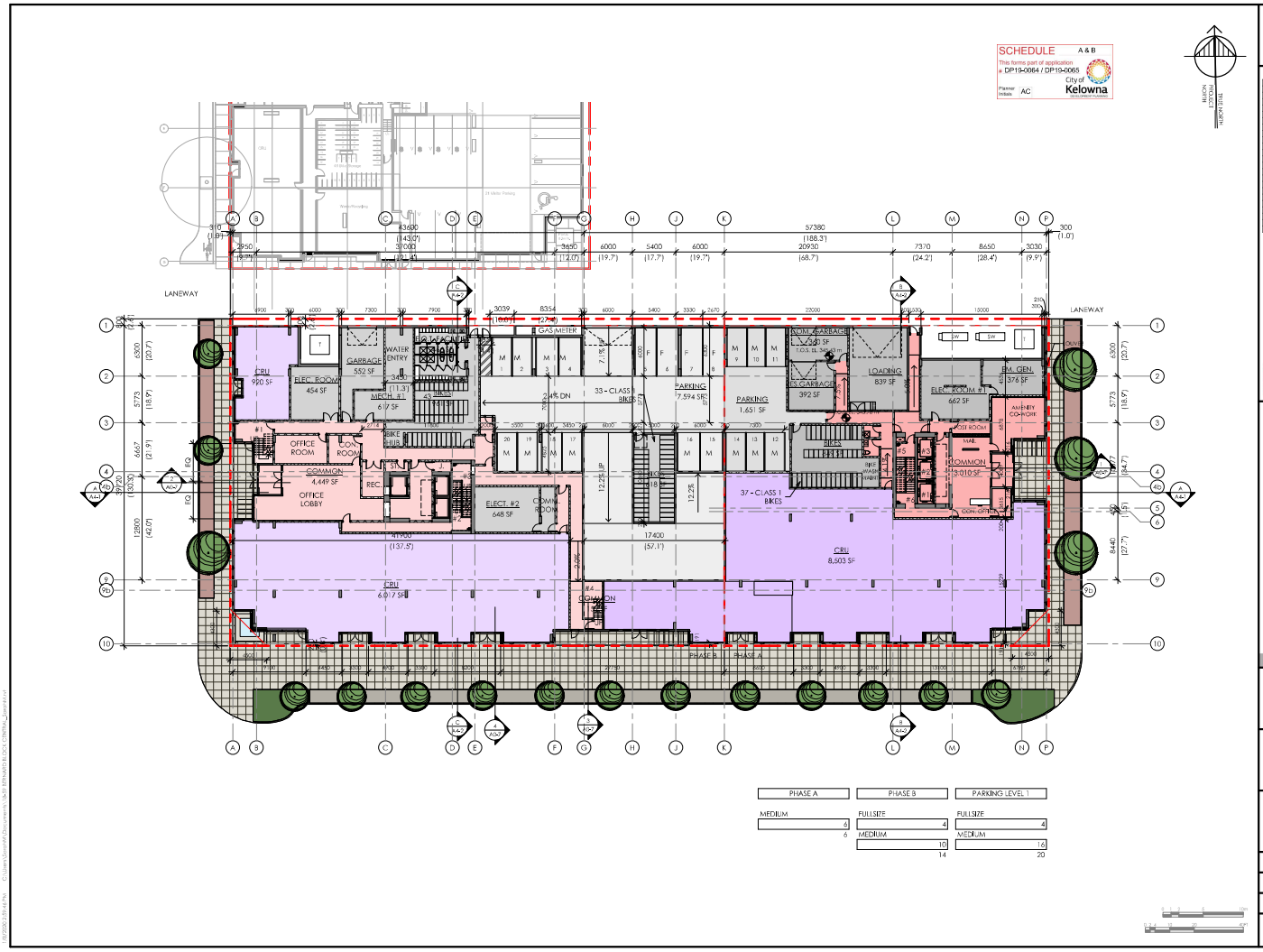
Architecture Architecture Architecture

Client
MISSION GROUP

Project
500 BERNARD AVENUE
KELOWNA, B.C.
BERNARD BLOCK

Drawing Title
PROJECT DATA

Date: JANUARY 2020
Project No.: 15-59
Scale:
Drawing No.: A0-1
Drawn By: SM
File Name: C:\Users\Sam\AppData\Local\Temp\AcPublish_1164\Bernard Block_Revit_Central_2020.rvt


SCHEDULE A & B
This forms part of application
DP19-0064 / DP19-0065
Planner Initials AC
City of Kelowna
LANEWAY
CRU 920 SF
ELEC. ROOM 454 SF
GARBAGE 552 SF
WATER ENTRY
MECH. #1 617 SF
BIKES
GAS METER
33 - CLASS I BIKES
PARKING 7,594 SFD
PARKING 1,651 SF
COM. GARBAGE 1,025 SF
US GARBAGE 392 SF
LOADING 839 SF
ELEC. ROOM #1 662 SF
BM. GEN. 376 SF
AMENITY COMMON
OFFICE ROOM
CON. ROOM
COMMON 4,449 SF
OFFICE LOBBY
REC.
ELECT. #2 648 SF
COMM. ROOM
37 - CLASS I BIKES
MAIL
COMMON 15,010 SF
CRU 8,503 SF
CRU 6,017 SF
COMMON
PHASE B
PHASE A
PHASE A
MEDIUM 4
6
PHASE B
FULLSIZE 4
MEDIUM 10
14
PARKING LEVEL 1
FULLSIZE 4
MEDIUM 16
20
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REVISIONS
NO. DATE DESCRIPTION BY
1 2019-04-23 DP APPLICATION SM
2 2019-06-03 DP APPLICATION PROGRESS SET RMA
3 2020-04-08 DP APPLICATION RESUBMISSION SM
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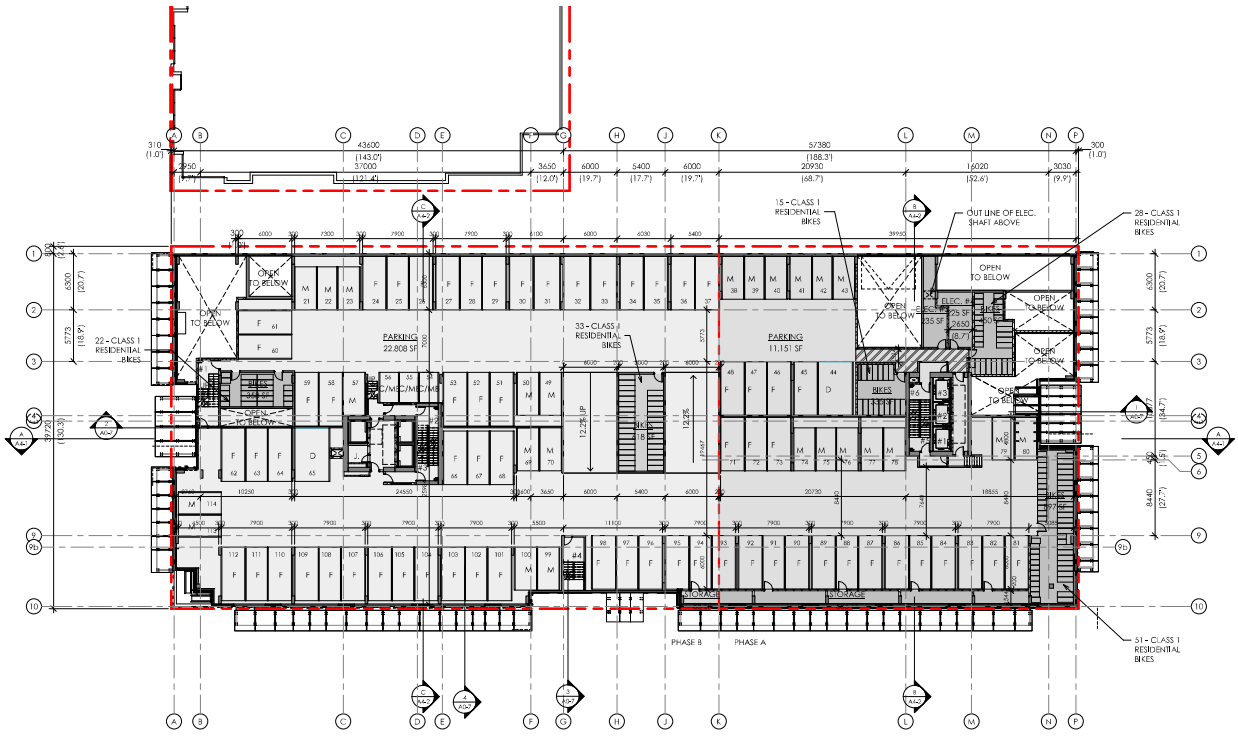
Project
500 BERNARD AVENUE
KELOWNA, B.C.
BERNARD BLOCK
Drawing Title
LEVEL 1
Date JANUARY 2020
Project No. 15-59
Scale 1:200
Drawing No. A2-1
Drawn By RMA



PHASE A	PHASE B	PARKING LEVEL 2
DISABILITY	COMPACT	COMPACT
1	3	3
FULLSIZE	DISABILITY	DISABILITY
20	1	2
MEDIUM	FULLSIZE	FULLSIZE
13	44	64
34	MEDIUM	MEDIUM
	12	25
	60	94

SCHEDULE A & B

This forms part of application # DP19-0064 / DP19-0065

Planner Initials AC

City of Kelowna

DEVELOPMENT PLANNING

PROJECT NORTH

TRUE NORTH

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	2019-04-23	DP APPLICATION	TR
2	2019-06-03	DP APPLICATION PROGRESS SET	RMA
3	2020-04-08	DP APPLICATION RESUBMISSION	SM

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Client: MISSION GROUP

Project: 500 BERNARD AVENUE KELOWNA, B.C.

BERNARD BLOCK

Drawing Title: LEVEL 2

Date: JANUARY 2020

Project No.: 15-59

Scale: 1:200

Drawing No.: A2-2

Drawn By: RMA

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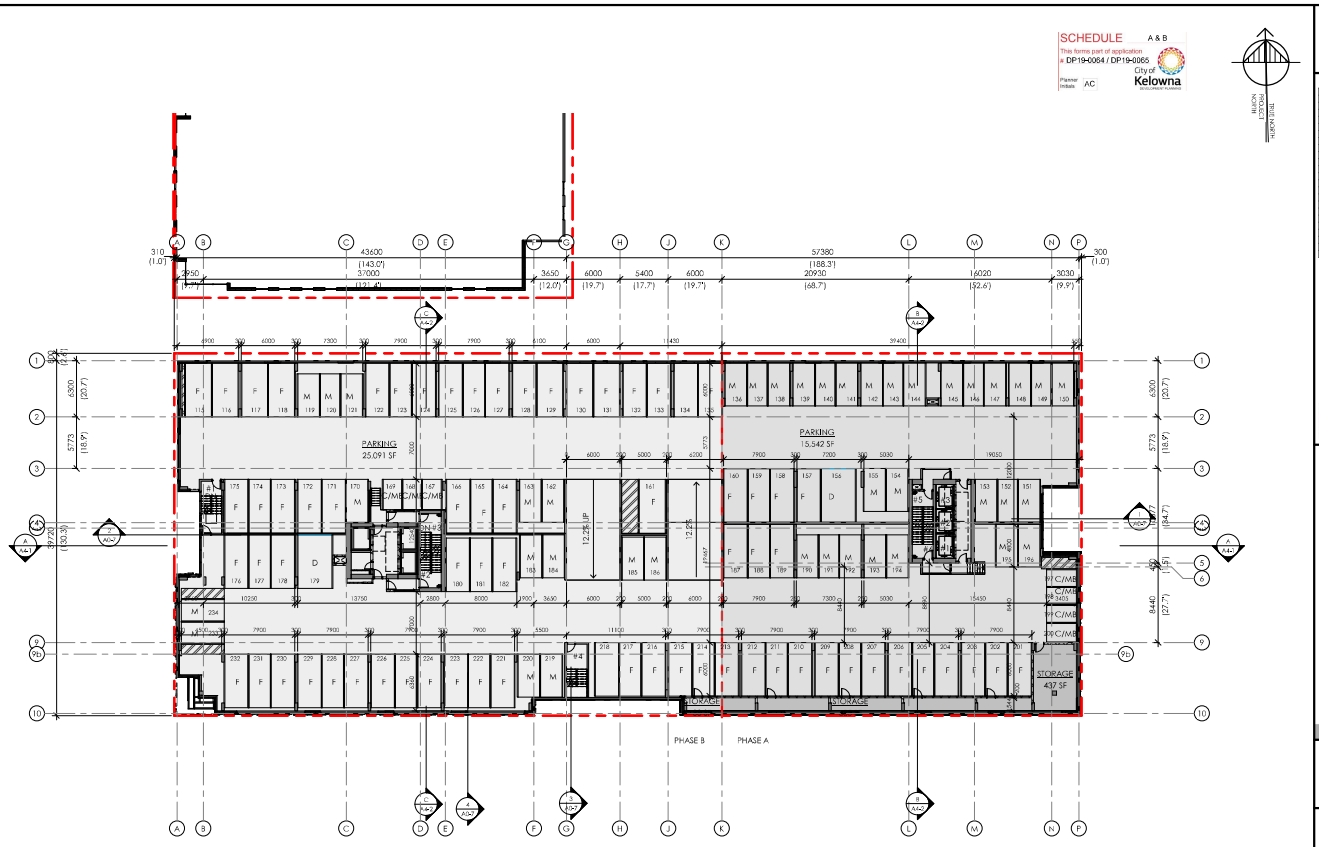

PHASE A	PHASE B	PARKING LEVEL 3
COMPACT	COMPACT	COMPACT
4	3	7
DISABILITY	DISABILITY	DISABILITY
1	1	2
FULL SIZE	FULL SIZE	FULL SIZE
20	50	70
MEDIUM	MEDIUM	MEDIUM
27	14	41
52	68	120

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	2019-04-23	DP APPLICATION	TR
2	2019-04-23	DP APPLICATION PROGRESS SET	RHA
3	2020-04-08	DP APPLICATION RESUBMISSION	SM

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Client: MISSION GROUP

Project: 500 BERNARD AVENUE KELOWNA, B.C.

BERNARD BLOCK

Drawing Title: LEVEL 3

Date: JANUARY 2020
Project No.: 15-59
Scale: 1:200
Drawing No.: A2-3
Drawn By: RMA
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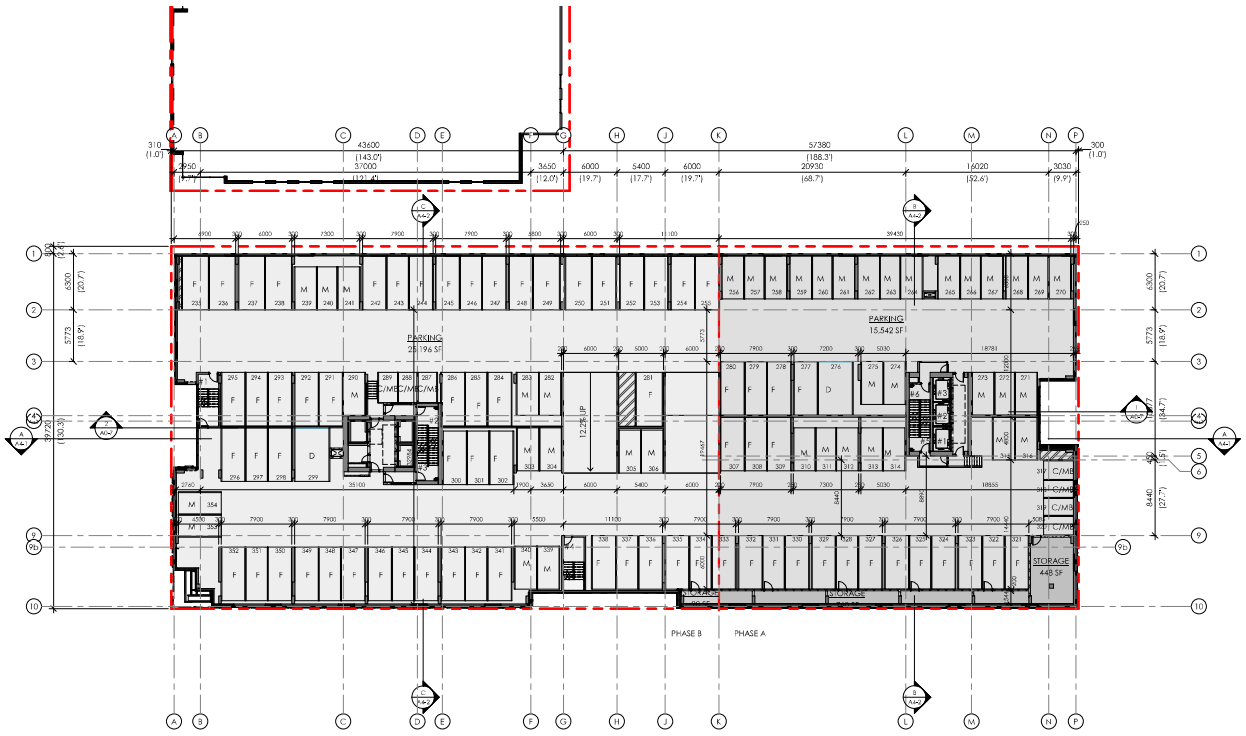

SCHEDULE A & B

This items part of application
DP19-0084 / DP19-0085

Planner Initials AC

City of Kelowna
DEVELOPMENT PLANNING

TRUE NORTH
PROJECT NORTH

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	2019-04-23	DP APPLICATION	TR
2	2019-04-23	DP APPLICATION PROGRESS SET	RHA
3	2020-04-08	DP APPLICATION RESUBMISSION	SM

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Client
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Project
500 BERNARD AVENUE
KELOWNA, B.C.

BERNARD BLOCK

Drawing Title
LEVEL 4

PHASE A	PHASE B	PARKING LEVEL 4
COMPACT	COMPACT	COMPACT
4	3	7
DISABILITY	DISABILITY	DISABILITY
1	1	2
FULL SIZE	FULL SIZE	FULL SIZE
20	50	70
MEDIUM	MEDIUM	MEDIUM
27	14	41
52	68	120

Date: JANUARY 2020
Project No.: 15-59
Scale: 1:200
Drawing No.: A2-4
Drawn By: RMA
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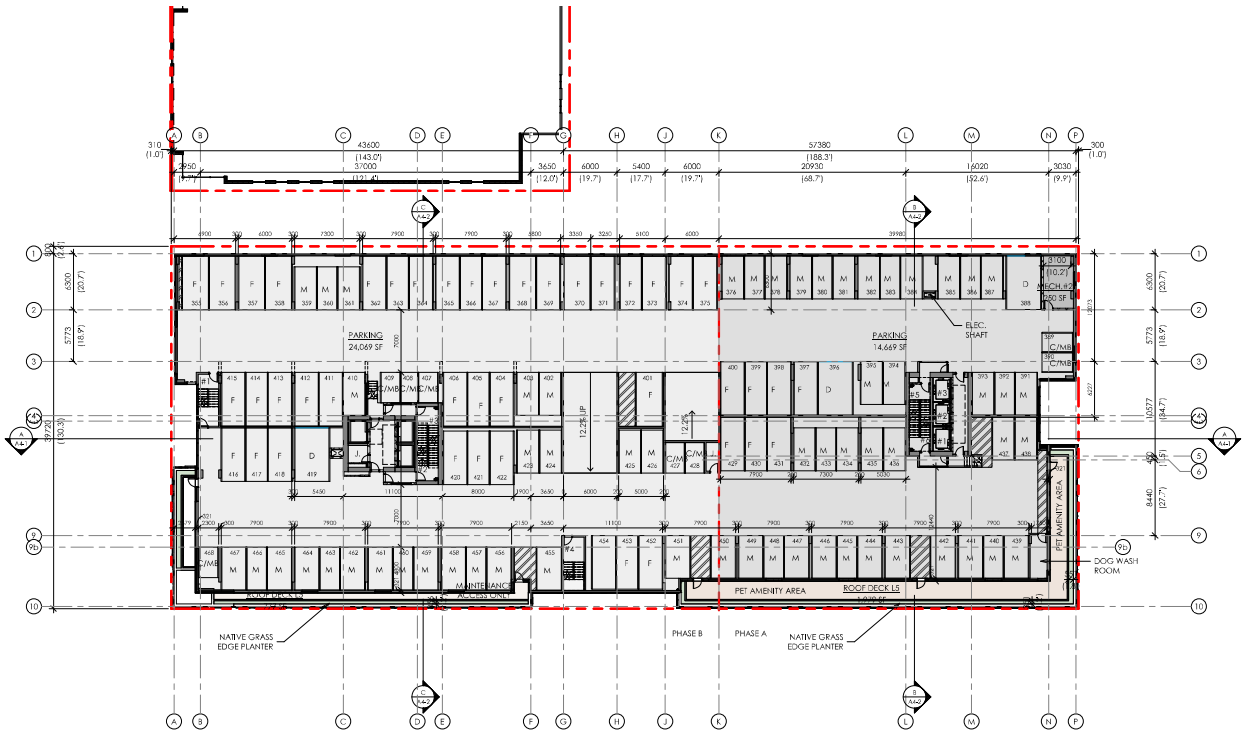

PHASE A	PHASE B	PARKING LEVEL 5
COMPACT 2	COMPACT 6	COMPACT 8
DISABILITY 2	DISABILITY 1	DISABILITY 3
FULL SIZE 7	FULL SIZE 36	FULL SIZE 43
MEDIUM 36	MEDIUM 24	MEDIUM 60
47	67	114

SCHEDULE A & B
This forms part of application
DP19-0064 / DP19-0065
Planner Initials AC
City of Kelowna
DEVELOPMENT PLANNING

PROJECT NORTH
TRUE NORTH

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	2019-04-23	DP APPLICATION	TR
2	2019-04-23	DP APPLICATION PROGRESS SET	RMA
3	2020-04-28	DP APPLICATION RESUBMISSION	SM

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1600 HOWE ST
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V6Z 2L9 CANADA

Client: MISSION GROUP

Project: 500 BERNARD AVENUE KELOWNA, B.C.

BERNARD BLOCK

Drawing title: LEVEL 5

Date: JANUARY 2020
Project No.: 15-59
Scale: 1:200
Drawing No.: A2-5
Drawn by: RMA
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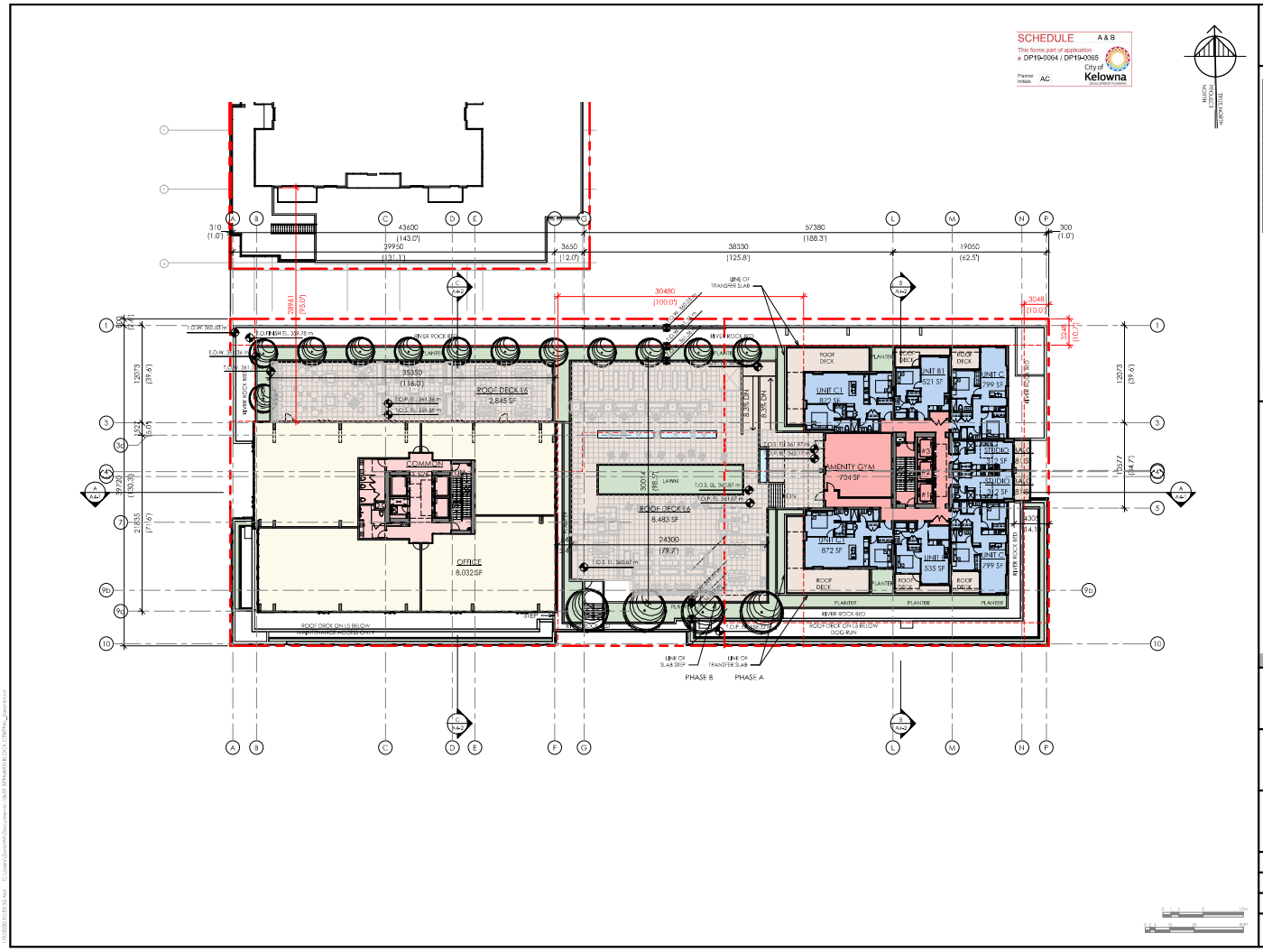
SCHEDULE A & B
This forms part of application
DP19-0064 / DP19-0065
Planner Initials AC
City of Kelowna
ROOF DECK L6
2,845 SF
COMMON
OFFICE
8,032SF
ROOF DECK L6
6,483 SF
AMENITY GYM
734 SF
UNIT C1
872 SF
UNIT B1
521 SF
UNIT C
799 SF
STUDIO
312 SF
PLANTER
RIVER ROCK BED
ROOF DECK ON L5 BELOW
LINE OF TRANSFER SLAB
LINE OF SLAB STEP
PHASE B
PHASE A
43600 (143.0')
39950 (131.1')
57380 (188.3')
38330 (125.8')
19050 (62.5')
30480 (100.0')
35350 (116.0')
24300 (79.7')
12073 (39.6')
23835 (77.6')
32004 (105.0')
28956 (95.0')
3048 (10.0')
3124 (10.2')
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REVISIONS
NO. DATE DESCRIPTION BY
1 2019-04-23 DP APPLICATION SUBMISSION PB
2 2019-06-03 DP APPLICATION PROGRESS SET PMA
3 2020-04-08 DP APPLICATION RESUBMISSION SM
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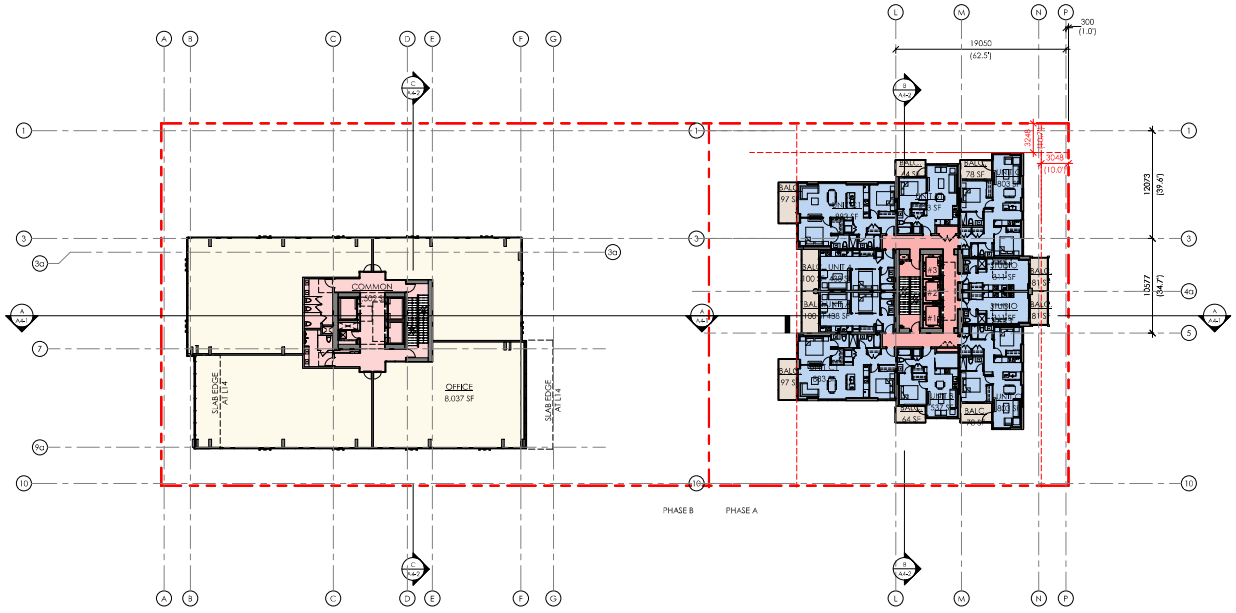
V6Z 2L9 CANADA
Client
MISSION GROUP
Project
500 BERNARD AVENUE
KELOWNA, B.C.
BERNARD BLOCK
Drawing Title
LEVEL 6
Date JANUARY 2020
Project No. 15-59
Scale 1:200
Drawing No. A2-6
Drawn By PMA



OFFICE LEVEL 7

CONDO LEVEL 7

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	2019-04-23	DP APPLICATION	TB
2	2019-04-23	DP APPLICATION PROGRESS SET	RHA
3	2020-04-08	DP APPLICATION RESUBMISSION	GM

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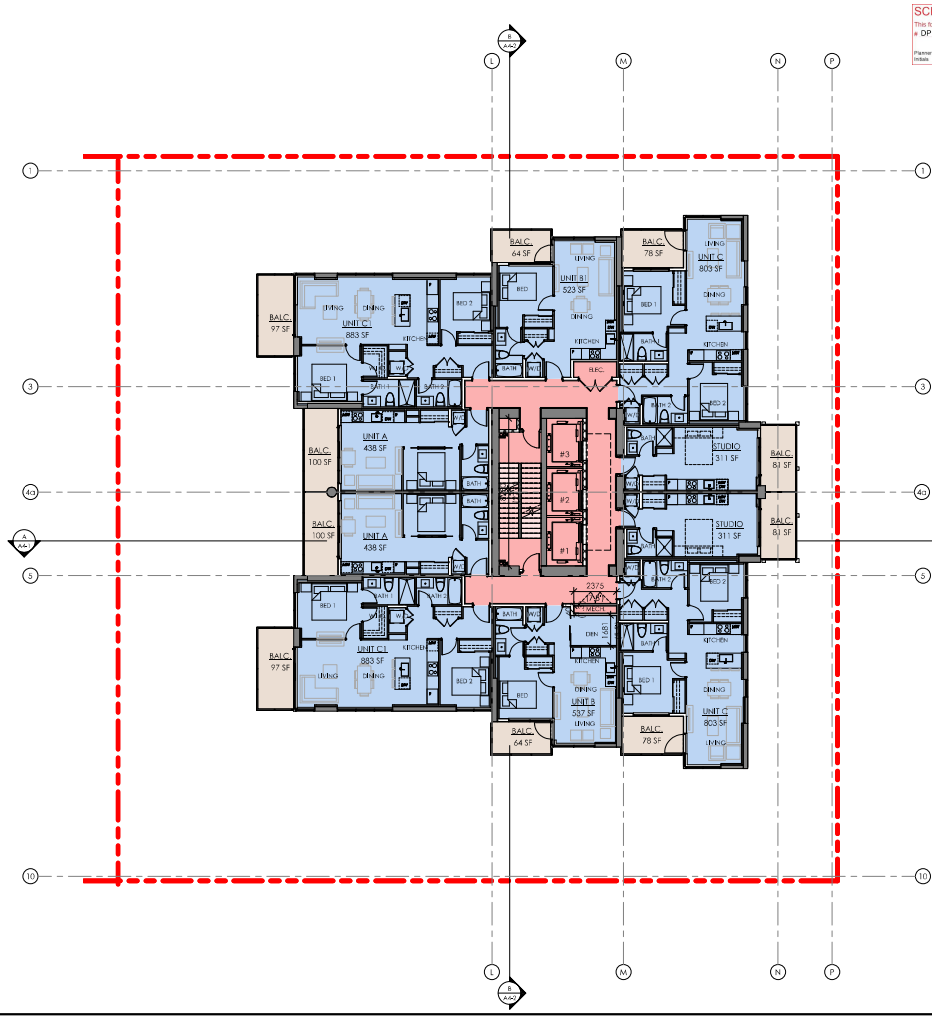
Client
MISSION GROUP

Project
500 BERNARD AVENUE
KELOWNA, B.C.
BERNARD BLOCK

Drawing Title
LEVEL 7 OVERALL

Date: JANUARY 2020	Project No.: 15-59
Scale: 1:200	Drawing No.: A2-7
Drawn By: RHA	
File Name:	



SCHEDULE A & B

This forms part of application

DP19-0064 / DP19-0065

Planner Initials AC

City of Kelowna

PROJECT NORTH

TRUE NORTH

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	2019-04-23	DP APPLICATION	TR
2	2019-04-23	DP APPLICATION PROGRESS SET	RMA
3	2020-04-28	DP APPLICATION RESUBMISSION	SM

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Client: MISSION GROUP

Project: 500 BERNARD AVENUE KELOWNA, B.C.

BERNARD BLOCK

Drawing Title: CONDO LEVELS 7-21

Date: JANUARY 2020

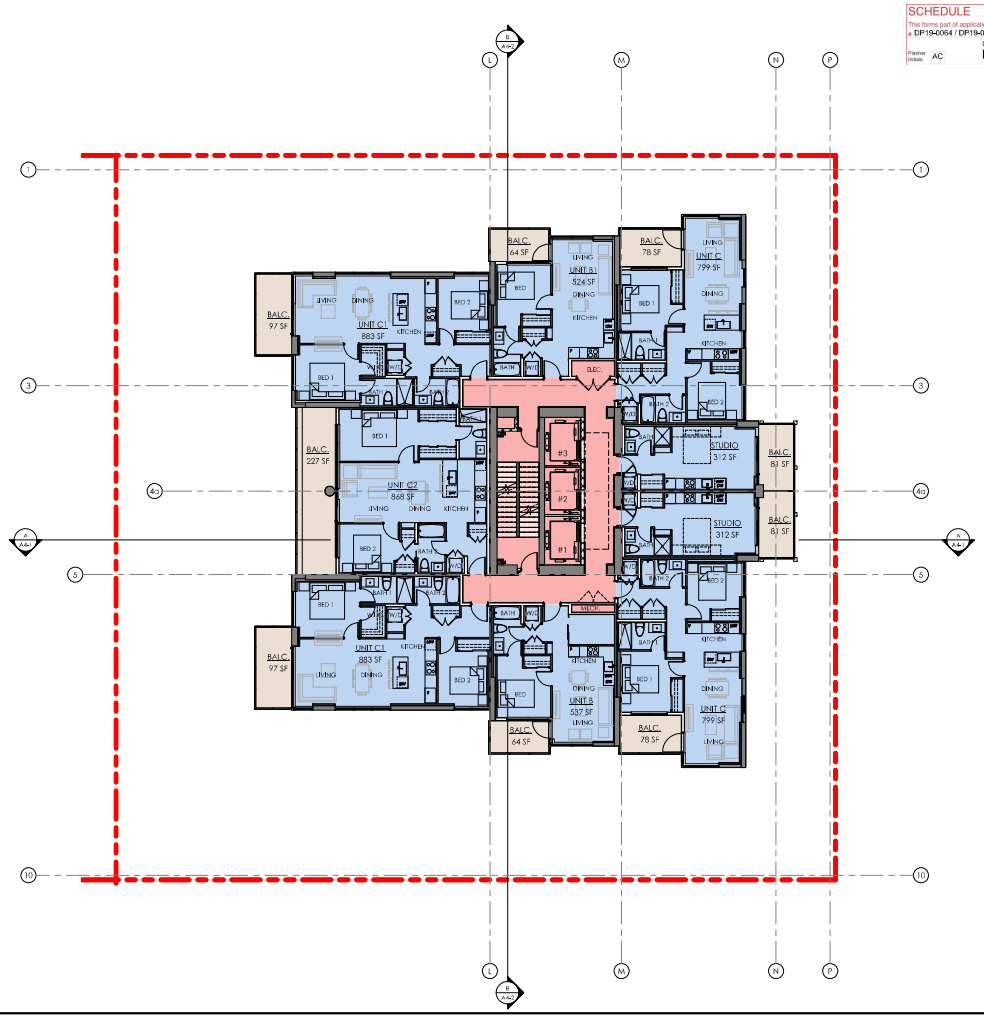
Project No.: 15-59

Scale: 1:100

Drawn By: RMA

Drawing No.: A2-8

File Name: C:\Users\User\AppData\Local\Temp\AcPublish_12604\Bernard_Block.dwg



SCHEDULE A & B
This forms part of application
DP19-0064 / DP19-0065
Planner Initials AC
City of Kelowna

TRUE NORTH
PROJECT NORTH

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	2017-04-20	DP APPLICATION	TR
2	2017-06-23	DP APPLICATION PROGRESS SET	RHA
3	2020-04-28	DP APPLICATION RESUBMISSION	SM

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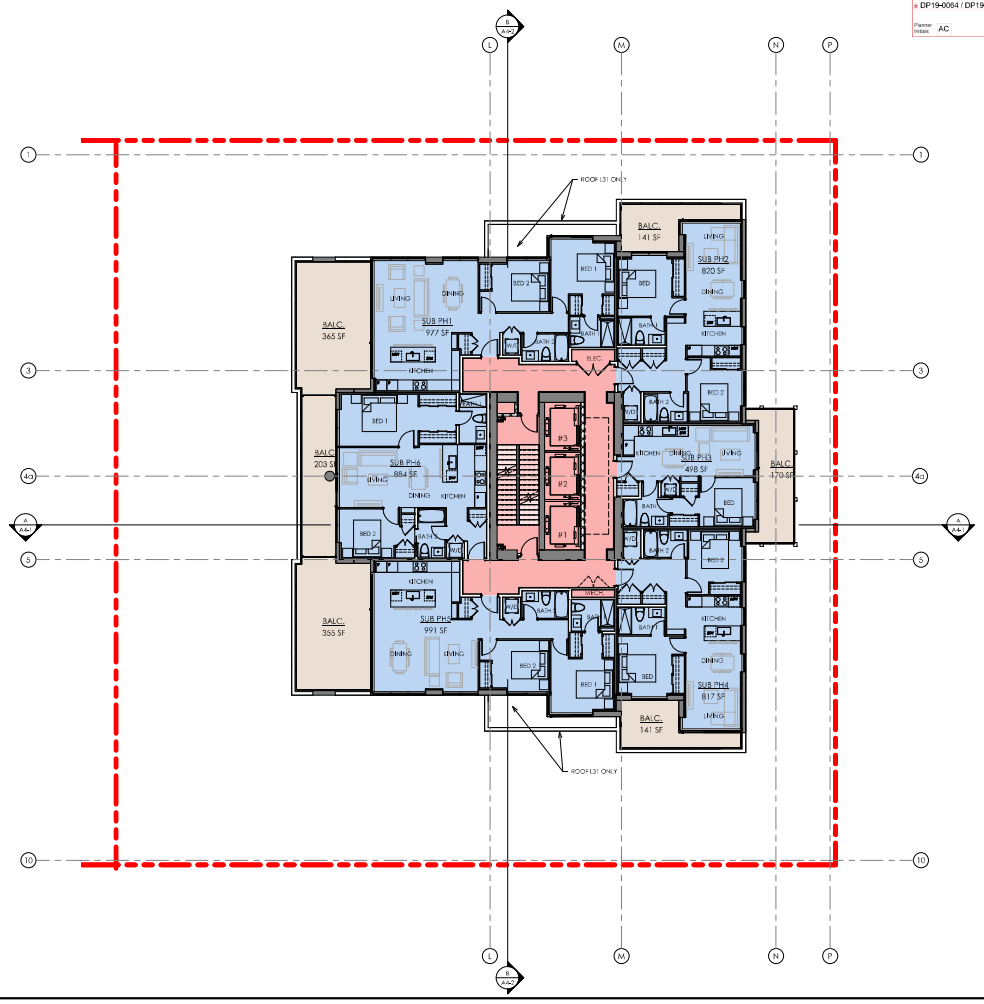
Client
MISSION GROUP

Project
500 BERNARD AVENUE
KELOWNA, B.C.
BERNARD BLOCK

Drawing Title
CONDO LEVELS 22-30

Date: JANUARY 2020
Project No.: 15-59
Scale: 1:100
Drawing No.: A2-9
Drawn By: RMA
File Name: E:\Users\Sam\AFI\Documents\15-59 Bernard Block\15-59 Bernard_Sam.dwg



SCHEDULE A & B

This form part of application
DP19-0084 / DP19-0085

Planner Initials AC

City of Kelowna
DEVELOPMENT PLANNING

PROJECT NORTH

TRUE NORTH

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	2019-04-23	DP APPLICATION	TR
2	2019-04-23	DP APPLICATION PROGRESS SET	RMA
3	2020-04-28	DP APPLICATION RESUBMISSION	SM

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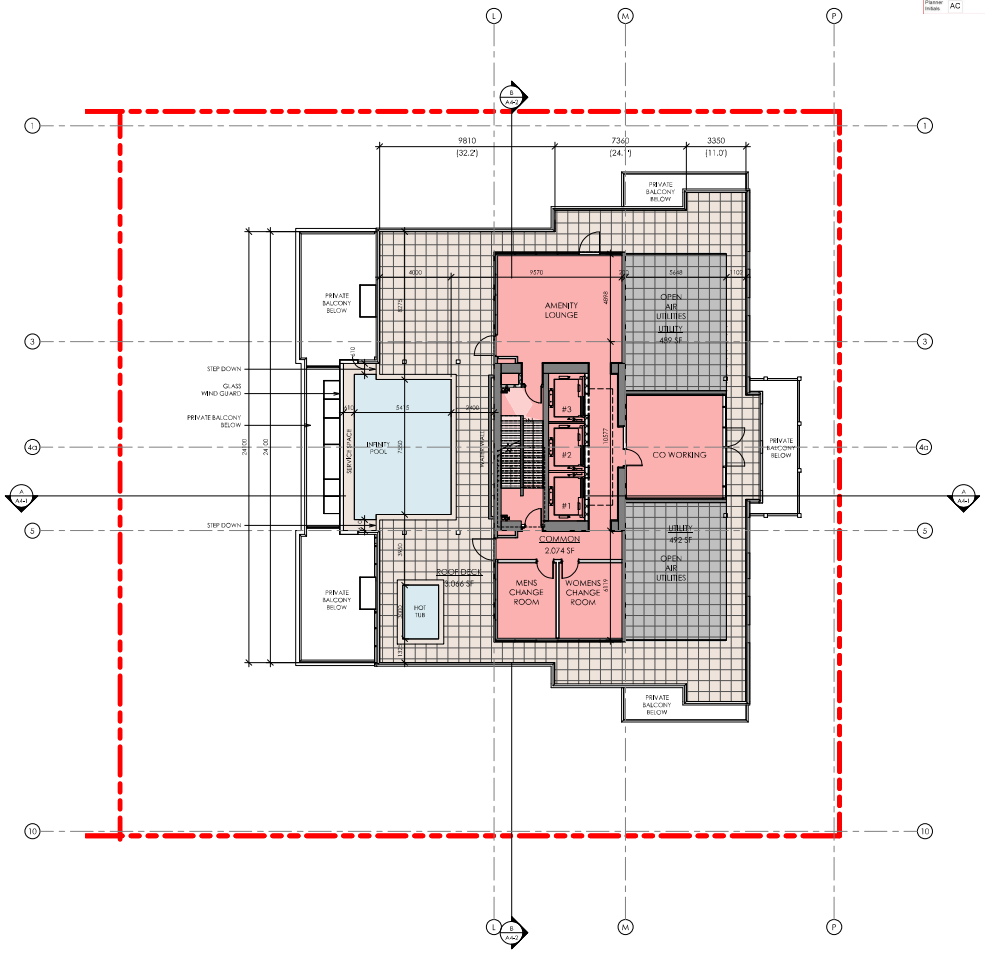
Client
MISSION GROUP

Project
500 BERNARD AVENUE
KELOWNA, B.C.
BERNARD BLOCK

Drawing Title
CONDO LEVELS 31-33

Date JANUARY 2020
Project No. 15-59
Scale 1:100
Drawing No. A2-10
Drawn By RMA
File Name



SCHEDULE A & B

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DP19-0064 / DP19-0065

Planner Initials AC

City of Kelowna

PROJECT NORTH

TRUE NORTH

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	2019-04-23	DP APPLICATION	FM
2	2019-04-23	DP APPLICATION PROGRESS SET	FMA
3	2020-04-28	DP APPLICATION RESUBMISSION	SM

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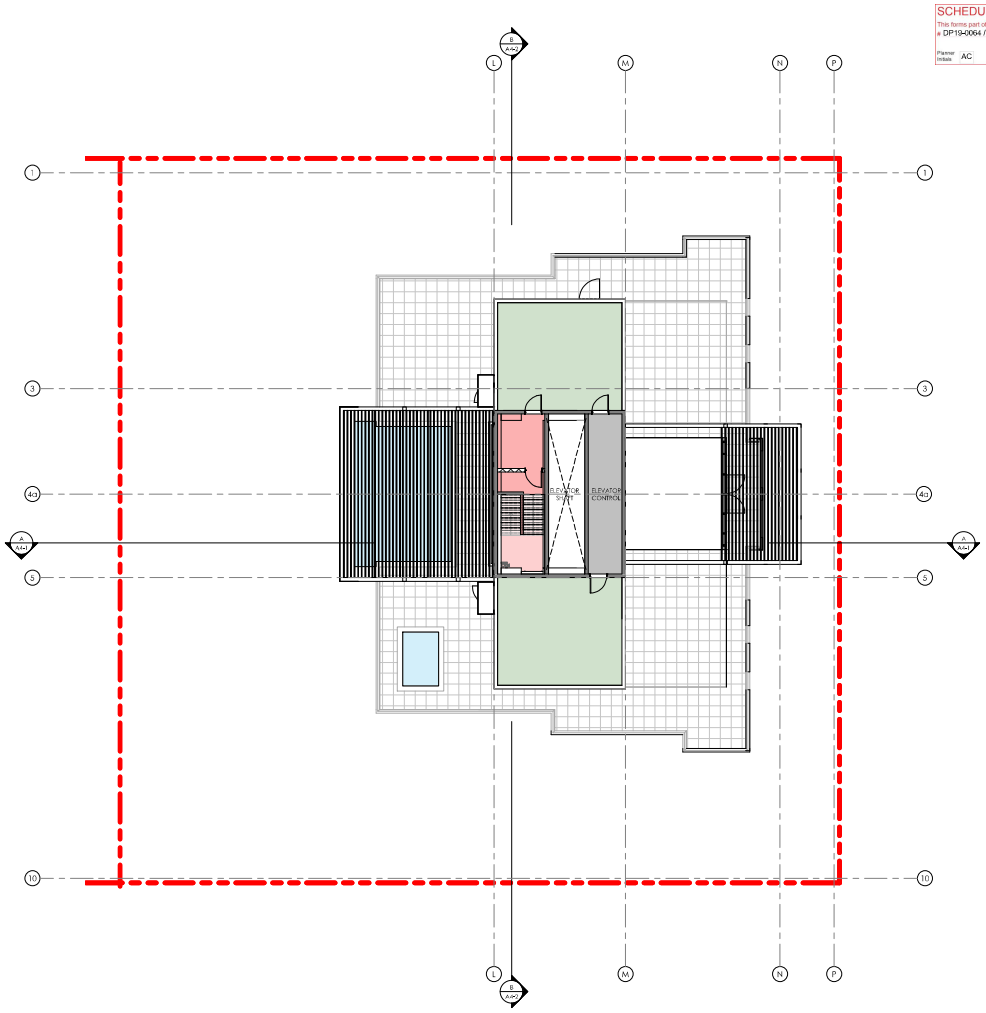
Client
MISSION GROUP

Project
500 BERNARD AVENUE
KELOWNA, B.C.
BERNARD BLOCK

Drawing Title
CONDO LEVEL 34

Date JANUARY 2020
Project No. 15-59
Scale 1:100
Drawing No. A2-11
Drawn By FMA
File Name



SCHEDULE A & B
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DP19-0064 / DP19-0065
Planner Initials AC
City of Kelowna

PROJECT NORTH
TRUE NORTH

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	2019-04-23	DP APPLICATION	TR
2	2019-04-23	DP APPLICATION PROGRESS SET	RMA
3	2020-04-08	DP APPLICATION RESUBMISSION	SM

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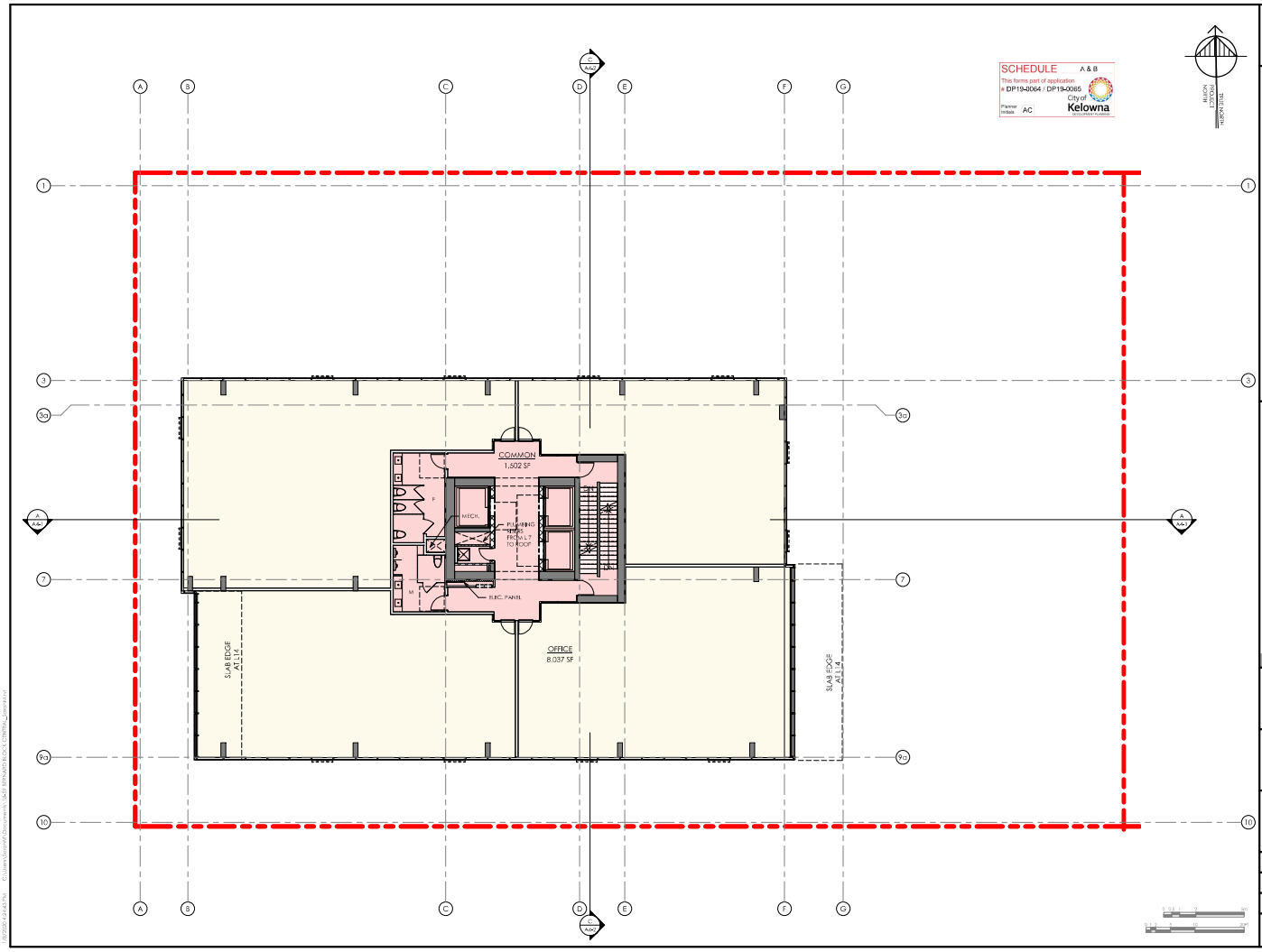
Client
MISSION GROUP

Project
500 BERNARD AVENUE
KELOWNA, B.C.
BERNARD BLOCK

Drawing Title
CONDO LEVEL 35

Date: JANUARY 2020	Project No. 15-59
Scale: 1:100	Drawing No. A2-12
Drawn By: RMA	
File Name:	


SCHEDULE A & B
This items part of application
DP19-0064 / DP19-0065
Planner Initials AC
City of Kelowna
COMMON
1,502 SF
MECH.
PLUMBING PIPES FROM L7 TO ROOF
ELEC. PANEL
OFFICE
8,037 SF
SLAB EDGE
A11.4
SLAB EDGE
A11.4
RICHARD HENRY ARCHITECT INC.
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rai@rafiiarchitects.com
www.rafiiarchitects.com
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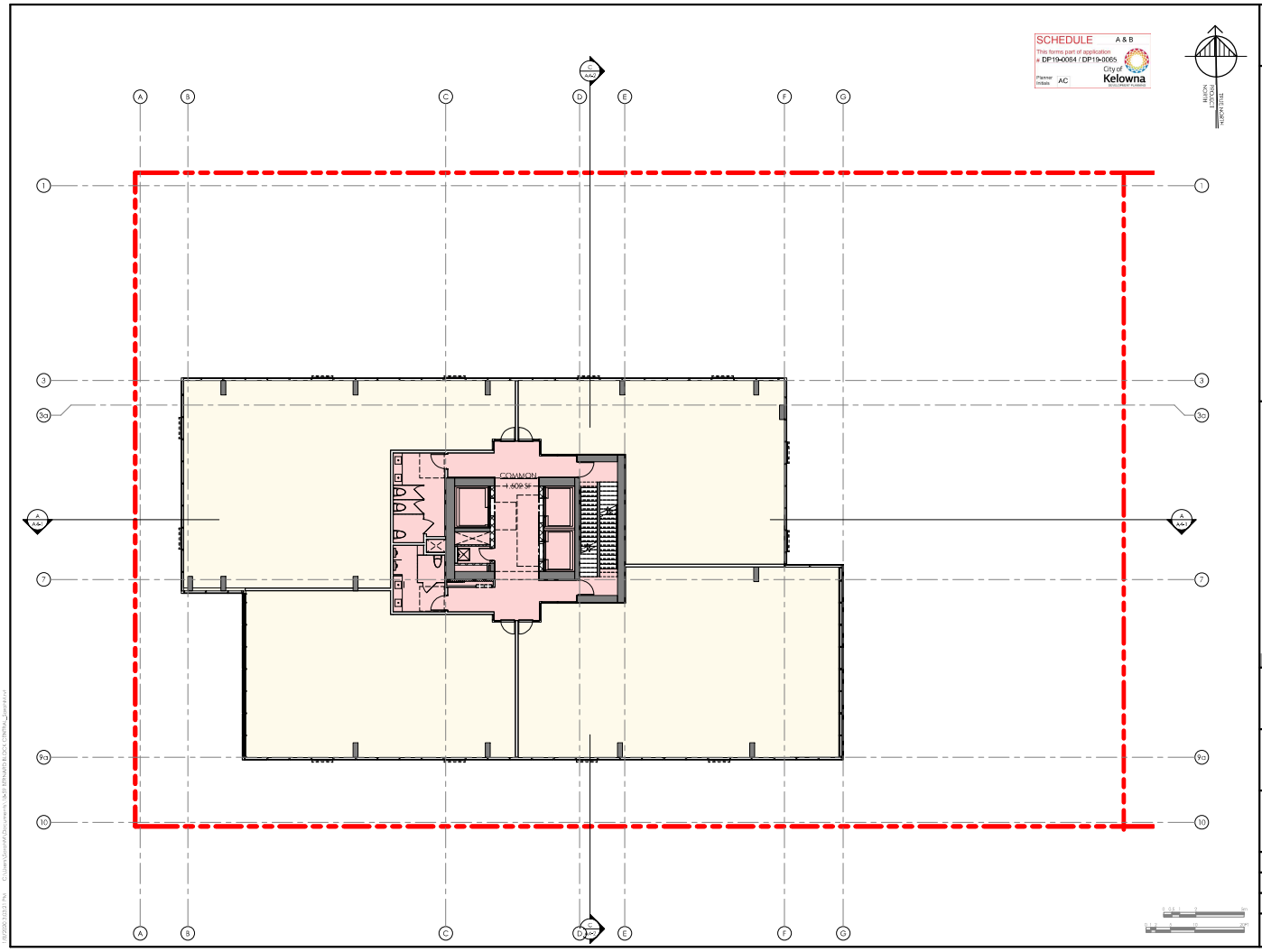
1600 HOWE ST
VANCOUVER BC
V6Z 2L9 CANADA
MISSION GROUP
500 BERNARD AVENUE
KELOWNA, B.C.
BERNARD BLOCK
OFFICE LEVEL 7
JANUARY 2020
1:100
FMA
A2-13



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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	2019-04-23	DP APPLICATION	TR
2	2019-04-23	DP APPLICATION PROGRESS SET	RMA
3	2020-04-08	DP APPLICATION RESUBMISSION	SM

RICHARD HENRY ARCHITECT INC.

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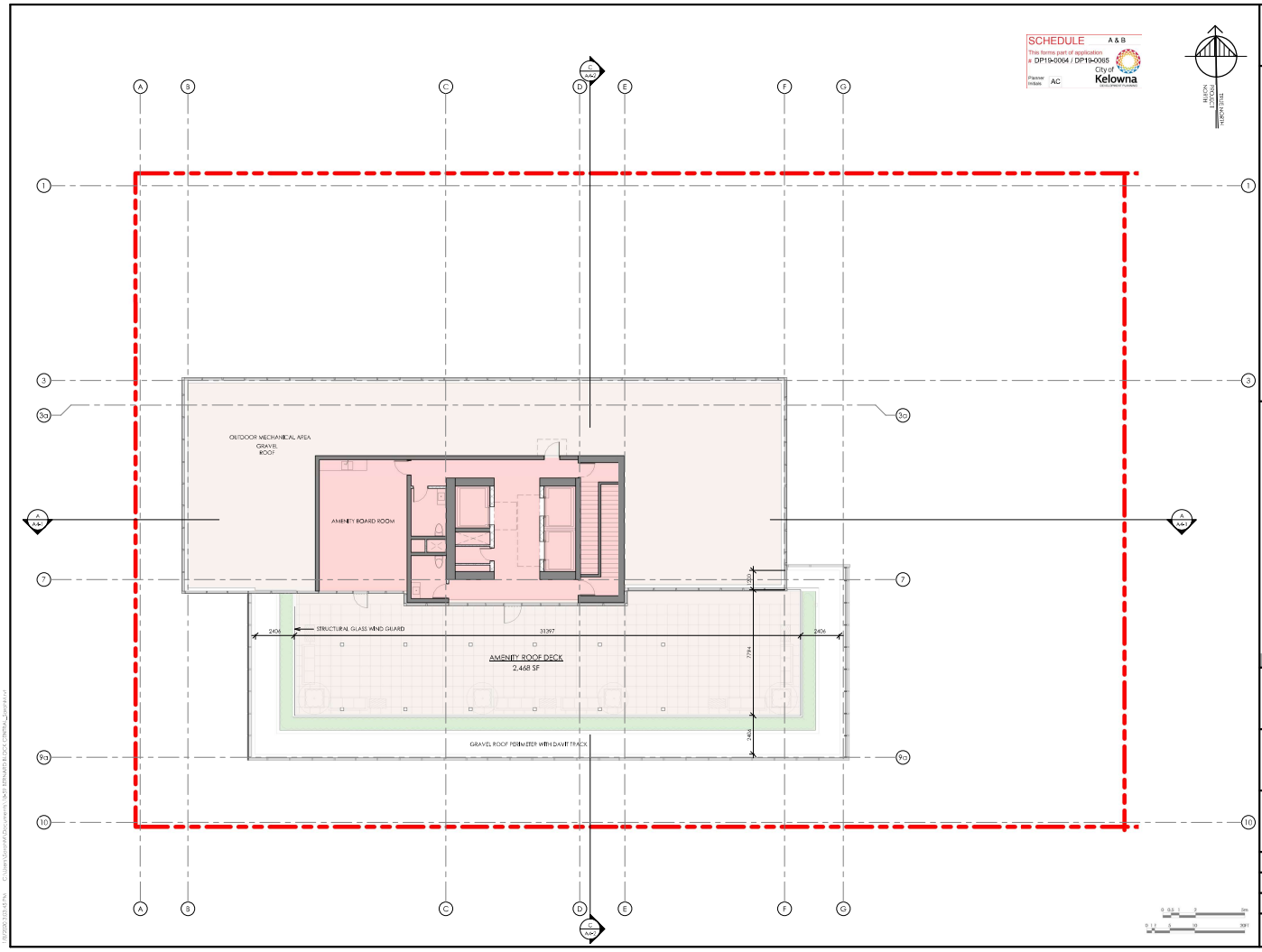
V6Z 2L9 CANADA

Client
MISSION GROUP

Project
500 BERNARD AVENUE
KELOWNA, B.C.
BERNARD BLOCK

Drawing Title
OFFICE LEVEL 16

Date: JANUARY 2020	Project No. 18-59
Scale: 1:100	Drawing No. A2-14
Drawn By: RMA	
File Name:	



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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	2019-04-23	DP APPLICATION	TB
2	2019-04-23	DP APPLICATION PROGRESS SET	RHA
3	2020-04-28	DP APPLICATION RESUBMISSION	GM

RICHARD HENRY ARCHITECT INC.

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Architecture Architecture Architecture

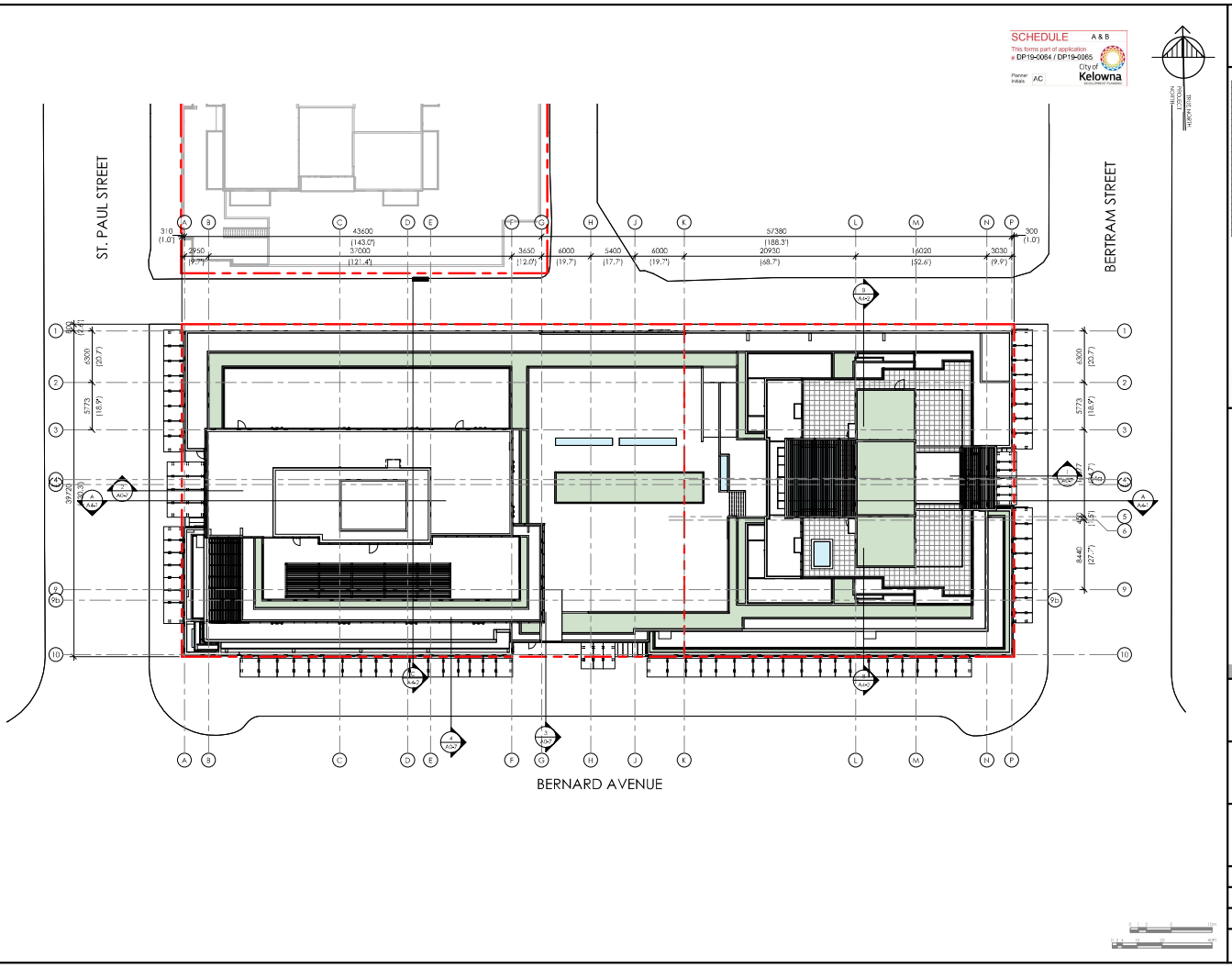
Client
MISSION GROUP

Project
500 BERNARD AVENUE
KELOWNA, B.C.

BERNARD BLOCK

Drawing Title
OFFICE LEVEL 17

Date: JANUARY 2020	Project No. 15-59
Scale: 1:100	Drawing No. A2-15
Drawn By: RHA	
File Name:	



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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	2019-04-23	DP APPLICATION	TB
2	2019-04-23	DP APPLICATION PROGRESS SET	RHA
3	2020-04-08	DP APPLICATION RESUBMISSION	SM

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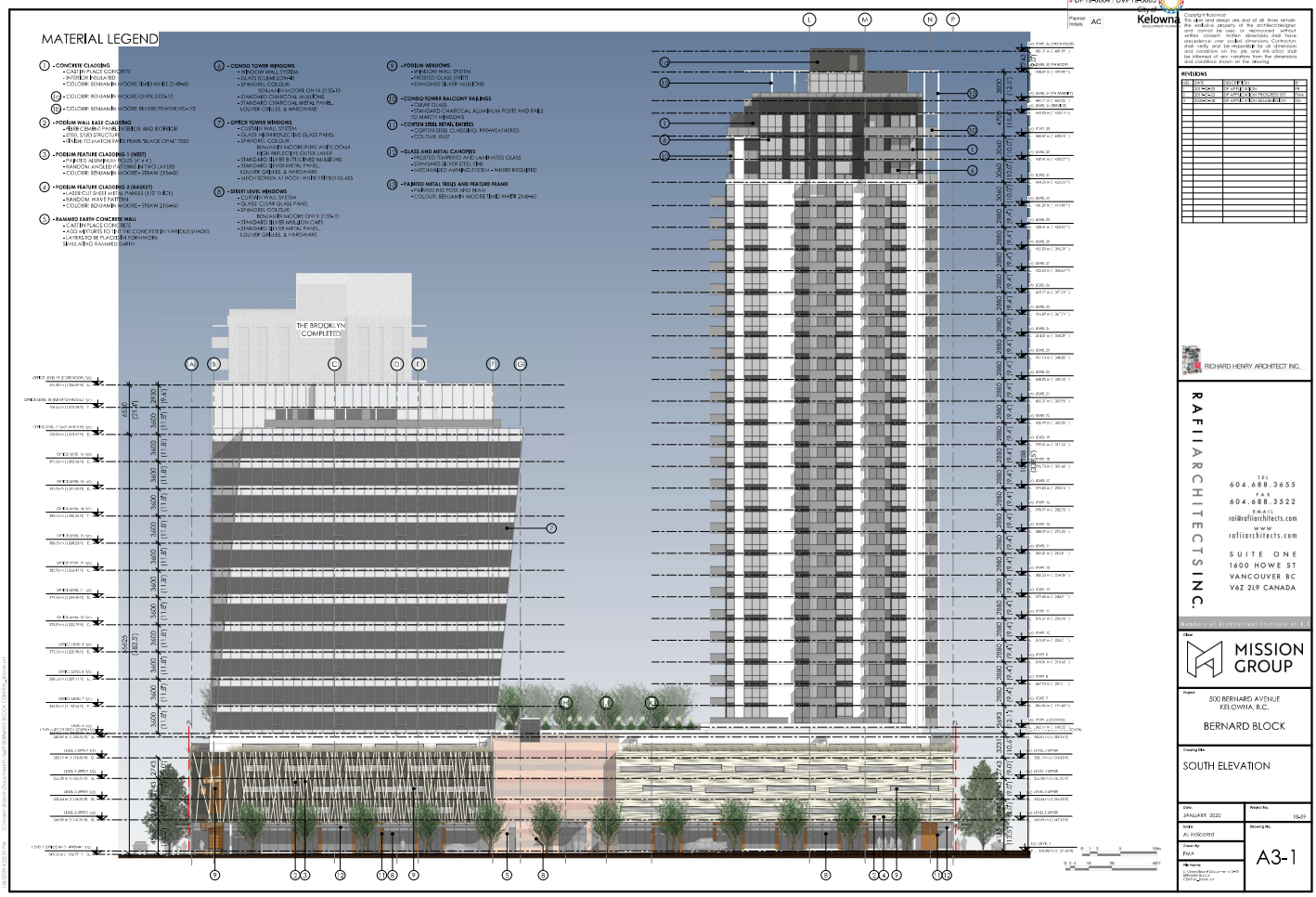
VANCOUVER BC
V6Z 2L9 CANADA

Client
MISSION GROUP

Project
500 BERNARD AVENUE
KELOWNA, B.C.
BERNARD BLOCK

Drawing Title
ROOF PLAN OVERALL

Date: JANUARY 2020	Project No.: 15-59
Scale: 1:200	Drawing No.: A2-16
Drawn By: RMA	
File Name:	


SCHEDULE A & B
This items part of application
DP19-0064 / DVP19-0065
City of Kelowna
Planner Initials AC
MATERIAL LEGEND
1 - CONCRETE CLADDING
- CAST IN PLACE CONCRETE
- INTERIOR INSULATED
- COLOUR: BENJAMIN MOORE TIMID WHITE 2148-60
10 - COLOUR: BENJAMIN MOORE ONYX 2133-10
12 - COLOUR: BENJAMIN MOORE BEVERE PEWTER HC-172
2 - PODIUM WALL BASE CLADDING
- FIBER CEMENT PANEL (EXTERIOR AND INTERIOR
- STEEL STUD STRUCTURE
- FINISH: TO MATCH SHERWIN PEARL "BLACK OPAL" 7020
3 - PODIUM FEATURE CLADDING 1 (WEST)
- PAINTED ALUMINUM POLES (5" X 4")
- RANDOM ANGLED PATTERN (IN TWO LAYERS
- COLOUR: BENJAMIN MOORE - STRAW 2154-60
4 - PODIUM FEATURE CLADDING 2 (BASKET)
- LASER CUT SHEET METAL PANELS (1/5" THICK)
- RANDOM WAVE PATTERN
- COLOUR: BENJAMIN MOORE - STRAW 2154-60
5 - RAMMED EARTH CONCRETE WALL
- CAST IN PLACE CONCRETE
- ADD MIXTURES TO THE CONCRETE IN VARIOUS SHADES
- LAYERS TO BE PLACED IN FORMWORK
SIMULATING RAMMED EARTH
6 - CONDO TOWER WINDOWS
- WINDOW WALL SYSTEM
- GLASS: SOLEAR LOW-E
- SPANDREL COLOUR:
BENJAMIN MOORE ONYX 2133-10
- STANDARD CHARCOAL MULLIONS
- STANDARD CHARCOAL METAL PANEL
LOUVER GRILLES, & HARDWARE
7 - OFFICE TOWER WINDOWS
- CURTAIN WALL SYSTEM
- GLASS: HIGH REFLECTIVE GLASS PANEL
- SPANDREL COLOUR:
BENJAMIN MOORE PURE WHITE OC-144
HIGH REFLECTIVE OUTER LAYER
- STANDARD SILVER BUTTONED MULLIONS
- STANDARD SILVER METAL PANEL
LOUVER GRILLES, & HARDWARE
- MESH SCREEN AT ROOF: WHITE PERFORATED GLASS
8 - STREET LEVEL WINDOWS
- CURTAIN WALL SYSTEM
- GLASS: CLEAR GLASS PANEL
- SPANDREL COLOUR:
BENJAMIN MOORE ONYX 2133-10
- STANDARD SILVER MULLIONS CAPS
- STANDARD SILVER METAL PANEL
LOUVER GRILLES, & HARDWARE
9 - PODIUM WINDOWS
- WINDOW WALL SYSTEM
- FROSTED GLASS PANEL
- STANDARD SILVER MULLIONS
18 - CONDO TOWER BALCONY RAILINGS
- CLEAR GLASS
- STANDARD CHARCOAL ALUMINUM POSTS AND RAILS
TO MATCH WINDOWS
11 - CORTEN STEEL RETAIL ENTRIES
- CORTEN STEEL CLADDING, PREWEATHERED
- COLOUR: RUST
15 - GLASS AND METAL CANOPIES
- FROSTED TEMPERED AND LAMINATED GLASS
- STANDARD SILVER STEEL FINS
- MECHANIZED AWNING SYSTEM + WINDS REQUIRED
13 - PAINTED METAL TRUSS AND FEATURE FRAME
- PAINTED RHS POSTS AND BEAMS
- COLOUR: BENJAMIN MOORE TIMID WHITE 2148-60
THE BROOKLYN COMPLETED
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REVISIONS
NO. DATE DESCRIPTION BY
1 2019-09-26 IFP APPLICATION JB
2 2019-10-31 IFP APPLICATION RESUBMISSION TMM
3 2020-01-31 IFP APPLICATION REVISIONS TMM
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V6Z 2L9 CANADA
Members of Architectural Institute of B.C.
Client
MISSION GROUP
Project
500 BERNARD AVENUE
KELOWNA, B.C.
BERNARD BLOCK
Drawing title
SOUTH ELEVATION
Date JANUARY 2020
Project No. 18-57
Scale A1: 1/8"=1'0"
Drawn by FMA
Drawing No. A3-1

MATERIAL LEGEND

1 - **CONCRETE CLADDING**
- CAST IN PLACE CONCRETE
- INTERIOR INSULATED
- COLOUR: BENJAMIN MOORE TINTED WHITE 2148-60

1a - COLOUR: BENJAMIN MOORE ONYX 2133-10

1b - COLOUR: BENJAMIN MOORE REVERE PEWTER HC-172

2 - **PODIUM WALL BASE CLADDING**
- FIBRE CEMENT PANEL INTERIOR AND EXTERIOR
- STEEL SUB STRUCTURE
- FINISH: TO MATCH SWISS PEARL BLACK OPAL 7020

3 - **PODIUM FEATURE CLADDING 1 (MESH)**
- PAINTED ALUMINUM TUBES (FT-4, FT-5)
- RANDOM ANGLED PATTERN IN TWO LAYERS
- COLOUR: BENJAMIN MOORE - STRAW 2154-50

4 - **PODIUM FEATURE CLADDING 2 (BASKET)**
- LASER CUT SHEET METAL PANELS (1/2" THICK)
- RANDOM WAVE PATTERN
- COLOUR: BENJAMIN MOORE - STRAW 2154-50

5 - **RAMMED EARTH CONCRETE WALL**
- CAST IN PLACE CONCRETE
- ACID MIXTURES TO TINT THE CONCRETE IN VARIOUS SHADES
- LAYERS TO BE PLACED HORIZONTALLY SIMULATING RAMMED EARTH

6 - **CONDO TOWER WINDOWS**
- WINDOW WALL SYSTEM
- GLASS: (CLEAR LOW-E)
- SPANDREL COLOUR:
  BENJAMIN MOORE ONYX 2133-10
- STANDARD CHARCOAL MULLIONS
- STANDARD CHARCOAL METAL PANEL
  LOUVER GRILLES, & HARDWARE

7 - **OFFICE TOWER WINDOWS**
- CURTAIN WALL SYSTEM
- GLASS: (HIGH PERFORMANCE GLASS PANEL
- SPANDREL COLOUR:
  BENJAMIN MOORE PURE WHITE OC-54
  HIGH REFLECTIVE OUTER LAYER
- STANDARD SILVER RUSTICATED MULLIONS
- STANDARD SILVER METAL PANEL
  LOUVER GRILLES, & HARDWARE
- MECH SCREEN AT ROOF: WHITE PRINTED GLASS

8 - **STREET LEVEL WINDOWS**
- CURTAIN WALL SYSTEM
- GLASS: CLEAR GLASS PANEL
- SPANDREL COLOUR:
  BENJAMIN MOORE ONYX 2133-10
- STANDARD SILVER MULLION CAPS
- STANDARD SILVER METAL PANEL
  LOUVER GRILLES, & HARDWARE

9 - **PODIUM WINDOWS**
- WINDOW WALL SYSTEM
- PROFILED GLASS (WHITE)
- STANDARD SILVER MULLIONS

10 - **CONDO TOWER BALCONY RAILINGS**
- CLEAR GLASS
- STANDARD CHARCOAL ALUMINUM POSTS AND RAILS TO MATCH WINDOWS

11 - **CORTEN STEEL RETAIL ENTRIES**
- CORTEN STEEL CLADDING, PRE-WEATHERED
- COLOUR: RUST

12 - **GLASS AND METAL CANOPIES**
- FROSTED TEMPERED AND LAMINATED GLASS
- STANDARD SILVER STEEL TUBE
- MECHANIZED AWNING SYSTEM - WHERE REQUIRED

13 - **PAINTED METAL TRELLIS AND FEATURE FRAME**
- PAINTED HSS POST AND BEAM
- COLOUR: BENJAMIN MOORE TINTED WHITE 2148-60

SCHEDULE A & B
This forms part of application
DP19-0064 / DVP19-0065
Planner Initials AC
City of Kelowna
DEVELOPMENT PLANNING

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	2019-NOV-05	DP APPLICATION	JB
2	2019-DEC-12	DP APPLICATION RESUBMISSION	TMM
3	2020-MAY-01	DP APPLICATION REVISED SET	TMM

RICHARD HENRY ARCHITECT INC.

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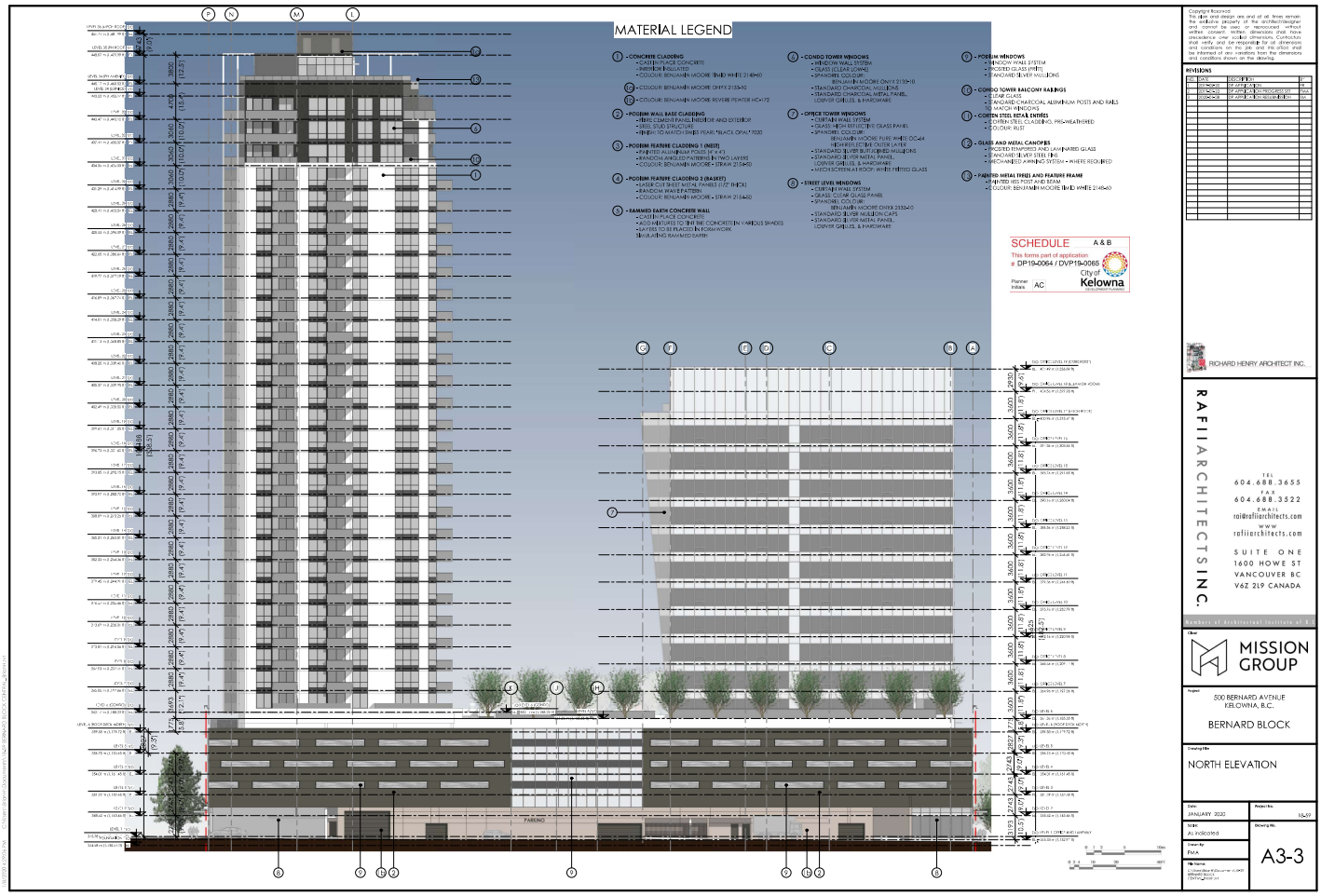
Client: MISSION GROUP

Project: 500 BERNARD AVENUE
KELOWNA, B.C.

BERNARD BLOCK

Drawing title: WEST ELEVATION

Date: JANUARY 2020	Project No.: 1827
Scale: 1 : 200	Drawing No.: A3-2
Drawn by: PMA	
File Name: G:\Mission Block\Bernard Block\Bernard Block_Revit\Bernard Block_Revit.rvt	


MATERIAL LEGEND
1 - CONCRETE CLADDING
- CAST IN PLACE CONCRETE
- INSULATED
- COLOUR: BENJAMIN MOORE "BIND WHITE 2149-60
12 - COLOUR: BENJAMIN MOORE ONYX 2133-10
13 - COLOUR: BENJAMIN MOORE REVERE PEWTER HC-172
2 - PODIUM WALL BASE CLADDING
- FIBRE CEMENT PANEL INSIDE OR AND EXTERIOR
- STEEL STUD STRUCTURE
- FINISH TO MATCH SWISS PEARL "BLACK OPAL" 7030
3 - PODIUM FEATURE CLADDING 1 (INSET)
- PAINTED ALUMINUM POSTS (4"x4")
- RANDOM ANGLED PATERNS IN TWO LAYERS
- COLOUR: BENJAMIN MOORE - STRAW 2154-50
4 - PODIUM FEATURE CLADDING 2 (BASE IT)
- LASER CUT SHEET METAL PANELS (1/2" THICK)
- RANDOM WAVE PATTERN
- COLOUR: BENJAMIN MOORE - STRAW 2154-50
5 - RAMMED EARTH CONCRETE WALL
- CAST IN PLACE CONCRETE
- ADD MIXTURES TO TINT THE CONCRETE IN VARIOUS SHADES
- LAYERS TO BE PLACED IN FORM WORK
SIMULATING RAMMED EARTH
6 - CONDO TOWER WINDOWS
- WINDOW WALL SYSTEM
- GLASS (CLEAR LOWE)
- SPANDREL COLOUR:
BENJAMIN MOORE ONYX 2133-10
- STANDARD CHARCOAL MULLIONS
- STANDARD CHARCOAL METAL PANEL,
LOUVER GRILLES, & HARDWARE
7 - OFFICE TOWER WINDOWS
- CURTAIN WALL SYSTEM
- GLASS: HIGH REFLECTIVE GLASS PANEL
- SPANDREL COLOUR:
BENJAMIN MOORE FIRE WHITE DC-44
HIGHREFLECTIVE OUTER LAYER
- STANDARD SILVER BUTTJOINED MULLIONS
- STANDARD SILVER METAL PANEL,
LOUVER GRILLES, & HARDWARE
- MESH SCREEN AT ROOF: WHITE PAINTED GLASS
8 - STREET LEVEL WINDOWS
- CURTAIN WALL SYSTEM
- GLASS: CLEAR GLASS PANEL
- SPANDREL COLOUR:
BENJAMIN MOORE ONYX 2133-10
- STANDARD SILVER MULLION CAPS
- STANDARD SILVER METAL PANEL,
LOUVER GRILLES, & HARDWARE
9 - PODIUM WINDOWS
- WINDOW WALL SYSTEM
- FROSTED GLASS (INSET)
- STANDARD SILVER MULLIONS
10 - CONDO TOWER BALCONY RAILINGS
- CLEAR GLASS
- STANDARD CHARCOAL ALUMINUM POSTS AND RAILS
TO MATCH WINDOWS
11 - CORTEN STEEL REAR ENTRYS
- CORTEN STEEL CLADDING, PRE-WEATHERED
- COLOUR: RUST
12 - GLASS AND METAL CANOPIES
- FROSTED TEMPERED AND LAMINATED GLASS
- STANDARD SILVER STEEL FINS
- MECHANIZED AWNING SYSTEM - WHERE REQUIRED
13 - PAINTED METAL TRUSS AND FEATURE FRAME
- PAINTED HSS POST AND BEAM
- COLOUR: BENJAMIN MOORE "BIND WHITE 2149-60
SCHEDULE A & B
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DP19-0064 / DVP19-0065
City of Kelowna
Planner Initials AC
PARKING
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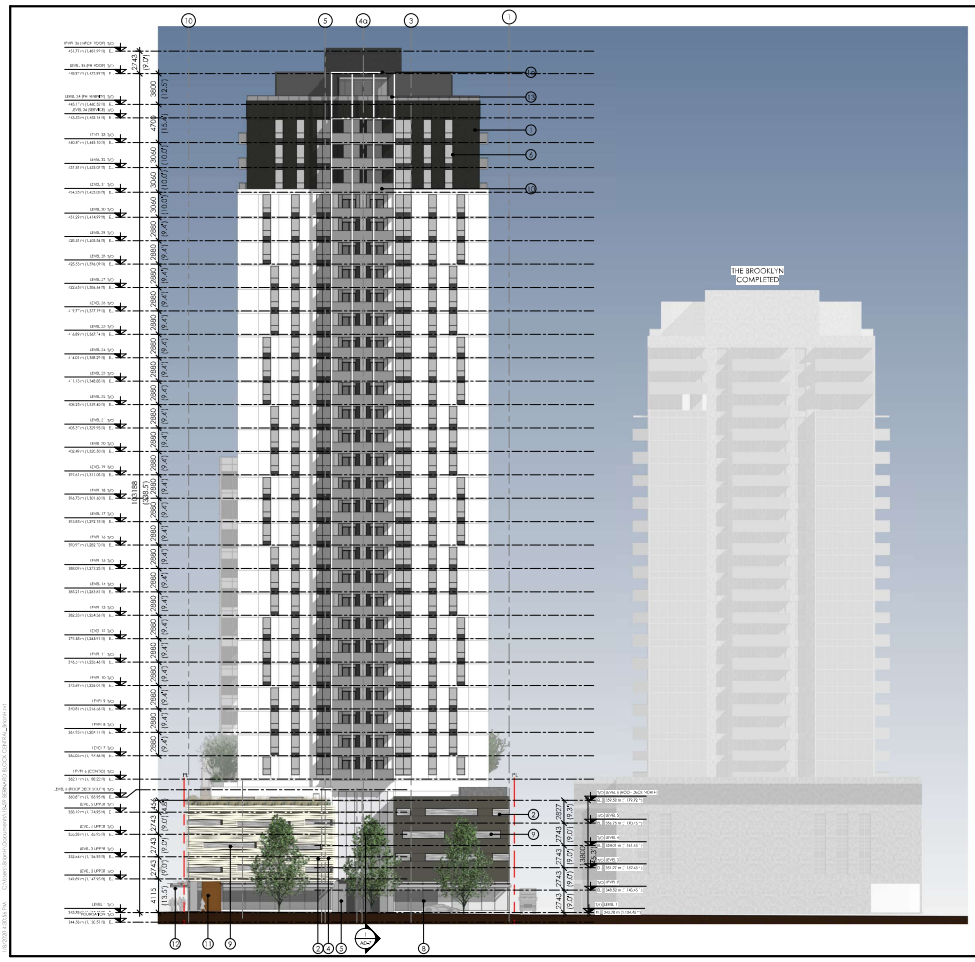
Client
MISSION GROUP
Project
500 BERNARD AVENUE
KELOWNA, B.C.
BERNARD BLOCK
Drawing title
NORTH ELEVATION
Date
JANUARY 2020
Project No.
18-57
Scale
A1 1:100/0.1:10
Drawn by
FMA
Drawing No.
A3-3



MATERIAL LEGEND

1. **CONCRETE CLADDING**
   - CAST IN PLACE CONCRETE
   - INTERIOR INSULATED
   - COLOUR: BENJAMIN MOORE TIMID WHITE 2148-40
10. - COLOUR: BENJAMIN MOORE ONYX 2133-10
11. - COLOUR: BENJAMIN MOORE REVERE PEWTER HC-172
2. **- PODIUM WALL BASE CLADDING**
   - FIBRE CEMENT PANEL INTERIOR AND EXTERIOR
   - STEEL STUD STRUCTURE
   - FINISH: TO MATCH SWISS PEARL "BLACK OPALE" 7020
3. **- PODIUM FEATURE CLADDING 1 (NESTS)**
   - PAINTED ALUMINUM POSTS (2 x 4)
   - RANDOM ANGLED PATTERN (3 TWO LAYERS)
   - COLOUR: BENJAMIN MOORE - STRAW 2154-60
4. **- PODIUM FEATURE CLADDING 2 (BASKET)**
   - LASER CUT SHEET METAL PANELS (1/2" THICK)
   - RANDOM WAVE PATTERN
   - COLOUR: BENJAMIN MOORE - STRAW 2154-60
5. **- RAMMED EARTH CONCRETE WALL**
   - CAST IN PLACE CONCRETE
   - ADD IMPURITIES TO TINT THE CONCRETE IN VARIOUS SHADES
   - LAYERS TO BE PLACED HORIZONTALLY
   - INSULATING RAMMED EARTH
6. **- CONDO TOWER WINDOWS**
   - WINDOW WALL SYSTEM
   - GLASS: (CLEAR LOW-E)
   - SPANDREL COLOUR:
     BENJAMIN MOORE ONYX 2133-40
   - STANDARD CHARCOAL MULLIONS
   - STANDARD CHARCOAL METAL PANEL,
     LOUVER GRILLES, & HARDWARE
7. **- OFFICE TOWER WINDOWS**
   - CURTAIN WALL SYSTEM
   - GLASS: HIGH REFLECTIVE GLASS PANEL
   - SPANDREL COLOUR:
     BENJAMIN MOORE PURE WHITE OC-64
     HIGH REFLECTIVE OUTER LAYER
   - STANDARD SILVER BUTTGLAZED MULLIONS
   - STANDARD SILVER METAL PANEL,
     LOUVER GRILLES, & HARDWARE
   - MESH SCREEN AT ROOF, WHITE PRINTED GLASS
8. **- STREET LEVEL WINDOWS**
   - CURTAIN WALL SYSTEM
   - GLASS: CLEAR GLASS PANEL
   - SPANDREL COLOUR:
     BENJAMIN MOORE ONYX 2133-10
   - STANDARD SILVER MULLION CAPS
   - STANDARD SILVER METAL PANEL,
     LOUVER GRILLES, & HARDWARE
9. **- PODIUM WINDOWS**
   - WINDOW WALL SYSTEM
   - FROSTED GLASS (TBD)
   - STANDARD SILVER MULLIONS
12. **- CONDO TOWER BALCONY RAILINGS**
   - CLEAR GLASS
   - STANDARD CHARCOAL ALUMINUM POSTS AND RAILS
   - TO MATCH WINDOWS
11. **- CORTEN STEEL RETAIL ENTRIES**
   - CORTEN STEEL CLADDING, PREWEATHERED
   - COLOUR: RUST
12. **- GLASS AND METAL CANOPIES**
   - FROSTED TEMPERED AND LAMINATED GLASS
   - STANDARD SILVER STEEL TUBE
   - MECHANIZED AWNING SYSTEM - WHERE REQUIRED
13. **- PAINTED METAL TRELLIS AND FEATURE FRAME**
   - PAINTED HSS POST AND BEAM
   - COLOUR: BENJAMIN MOORE TIMID WHITE 2148-40

SCHEDULE A & B
This forms part of application
DP19-0094 / DVP19-0065
Planner Initials AC
City of Kelowna

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	2019-09-05	DP APPLICATION	JB
2	2019-09-23	DP APPLICATION PROGRESS SET	TMA
3	2020-01-31	DP APPLICATION RESUBMISSION SET	TMA

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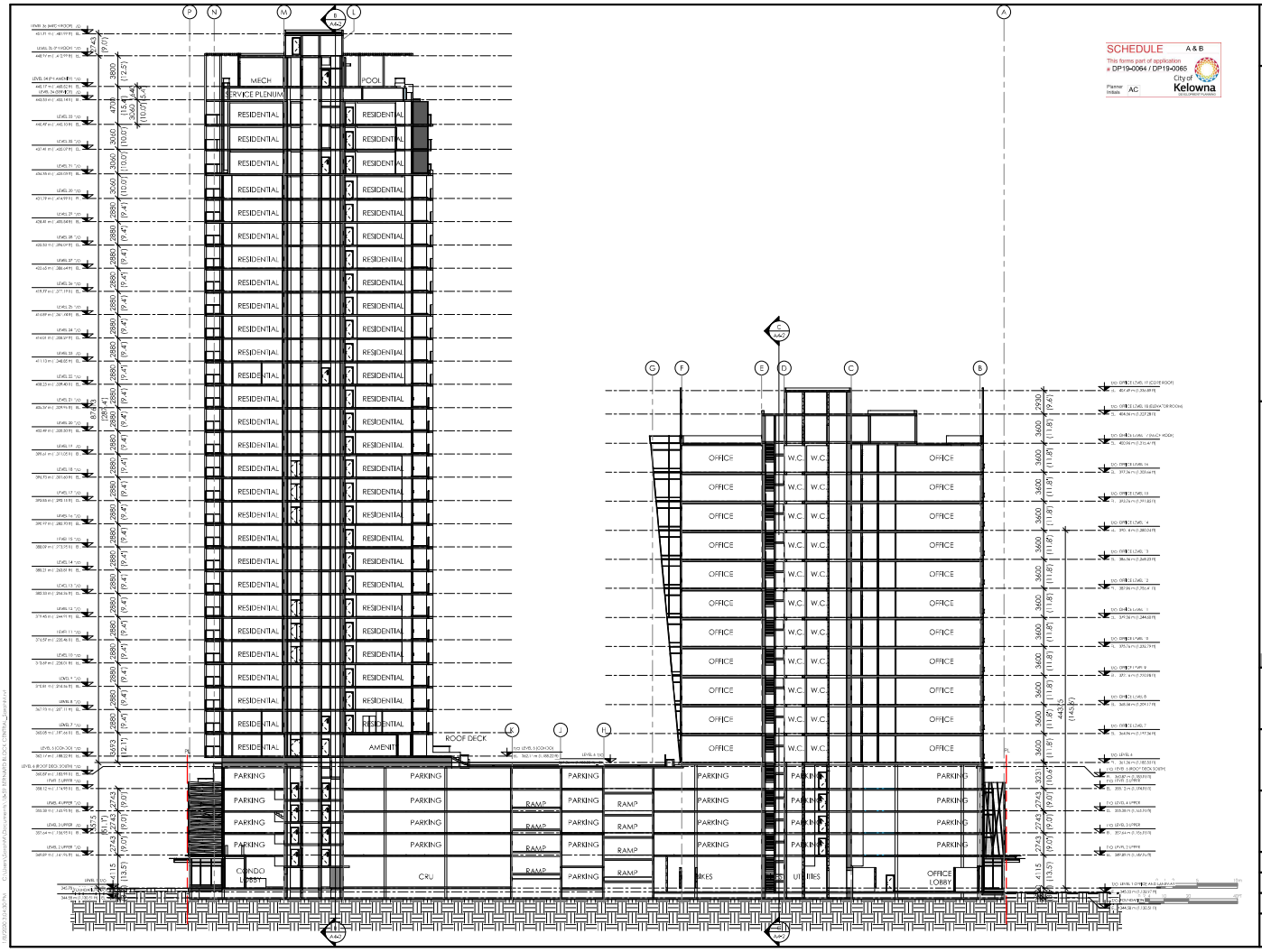
Client: MISSION GROUP

Project: 500 BERNARD AVENUE KELOWNA, B.C.
BERNARD BLOCK

Drawing title: EAST ELEVATION

Date: JANUARY 2020
Project No.: 1827
Scale: 1 : 200
Drawing No.: A3-4
Drawn by: TMA
File Name: G:\Jobs\Mission Group\Bernard Block\Bernard Block\Bernard Block_Rev3.rvt


SCHEDULE A & B
This forms part of application
DP19-0064 / DP19-0065
Planner Initials AC
City of Kelowna
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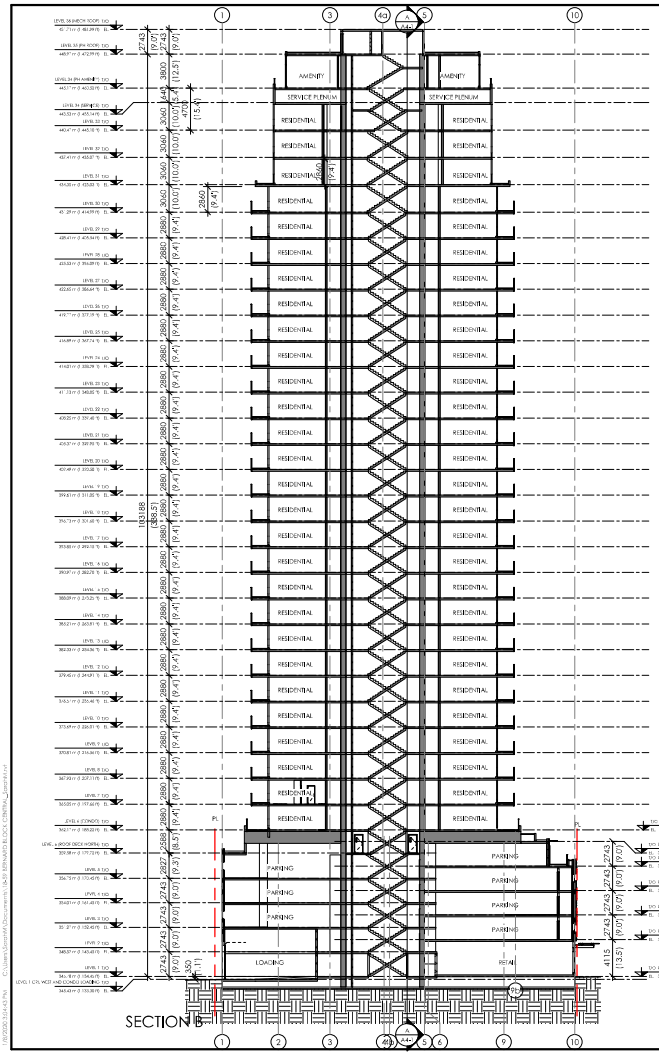
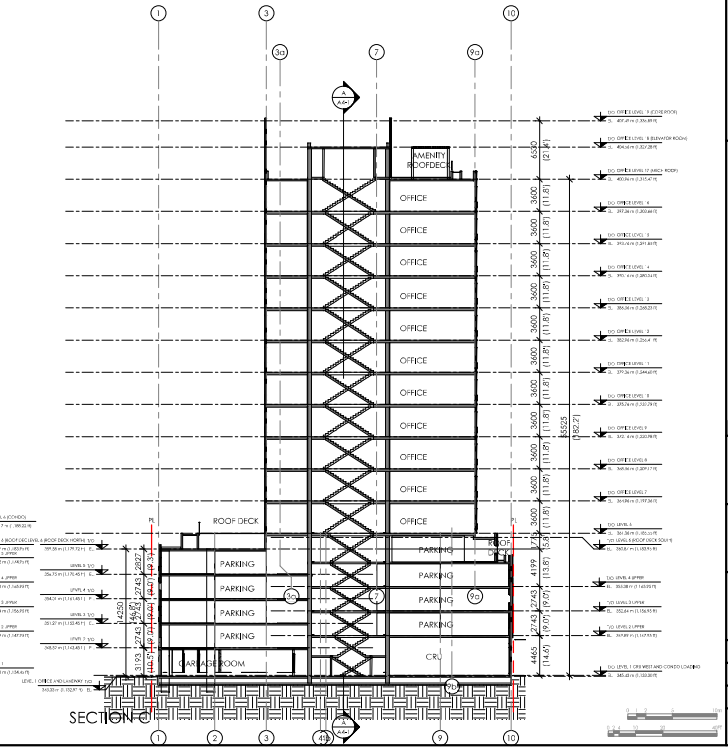
Client
MISSION GROUP
Project
500 BERNARD AVENUE
KELOWNA, B.C.
BERNARD BLOCK
Drawing Title
SECTION A
Date JANUARY 2020
Project No. 18-59
Scale 1:200
Drawing No. A4-1
Drawn By FMA
MECH
POOL
SERVICE PLENUM
RESIDENTIAL
AMENIT
ROOF DECK
PARKING
RAMP
CONDO LOBBY
CRU
BIKES
UTILITIES
OFFICE LOBBY
OFFICE
W.C.



SECTION B



SECTION C

SCHEDULE A & B

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DP19-0064 / DP19-0065

Planner Initials AC

City of Kelowna

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	2019-04-25	DP APPLICATION	TR
2	2019-06-03	DP APPLICATION PROGRESS SET	RHA
3	2020-04-28	DP APPLICATION RESUBMISSION	SM

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Client
MISSION GROUP

Project
500 BERNARD AVENUE
KELOWNA, B.C.
BERNARD BLOCK

Drawing Title
SECTIONS B & C

Date: JANUARY 2020
Project No.: 15-59
Scale: 1:200
Drawing No.: A4-2
Drawn By: RMA
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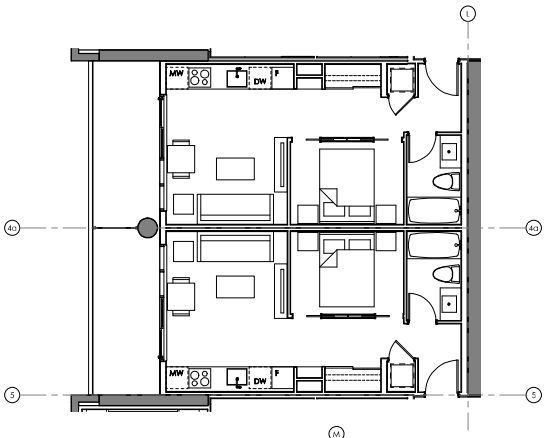
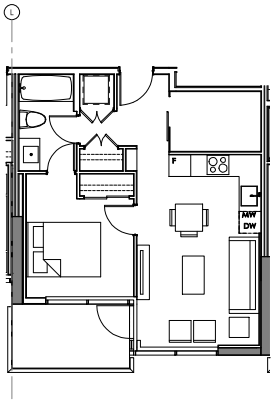


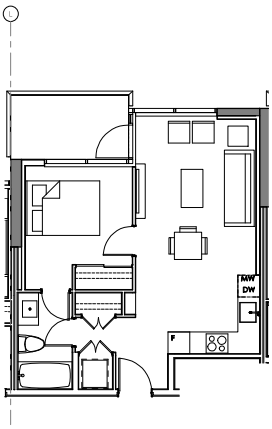
1 UNIT A
1 : 50

UNIT TYPE	LEVELS	DESCRIPTION	COUNT	AREA
UNIT A	LEVELS 7-14	1 BED	30	438.07 SF
			30	



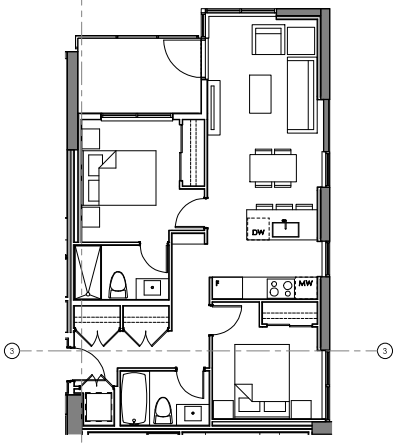
3 UNIT B
1 : 50

UNIT TYPE	LEVELS	DESCRIPTION	COUNT	AREA
UNIT B	LEVELS 6-30	1B+D	25	537.08 SF
			25	



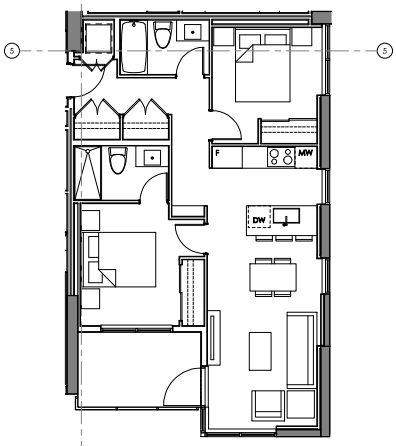
2 UNIT B1
1 : 50

UNIT TYPE	LEVELS	DESCRIPTION	COUNT	AREA
UNIT B1	LEVELS 6-30	1 BED	26	523.32 SF
			26	



4 UNIT C NORTH
1 : 50

UNIT TYPE	LEVELS	DESCRIPTION	COUNT	AREA
UNIT C NORTH	LEVELS 6-30	2 BED	25	801.44 SF
			25	



5 UNIT C SOUTH
1 : 50

UNIT TYPE	LEVELS	DESCRIPTION	COUNT	AREA
UNIT C SOUTH	LEVELS 6-30	2 BED	25	801.44 SF
			25	

SCHEDULE A & B
This forms part of application
DP19-0064 / DP19-0065
City of Kelowna
DEVELOPMENT PLANNING
Planner Initials AC

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	2019-04-23	DP APPLICATION	TR
2	2019-06-03	DP APPLICATION PROGRESS SET	RHA
3	2020-04-08	DP APPLICATION RESUBMISSION	SM

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Client
MISSION GROUP

Project
500 BERNARD AVENUE
KELOWNA, B.C.
BERNARD BLOCK

Drawing Title
UNIT PLANS

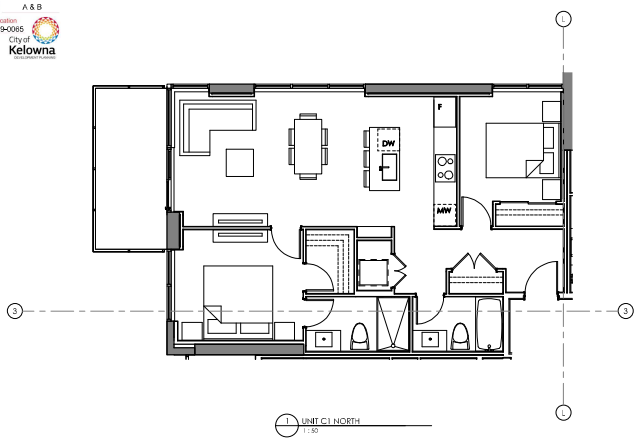
Date JANUARY 2020
Project No. 15-59
Scale 1 : 50
Drawn By SM
Drawing No. A5-1
File Name: C:\Users\Sam\AppDATA\Local\Temp\AcPublish_1164\Unit Plans_Revit.dwg

SCHEDULE A & B

This forms part of application
DP19-0064 / DP19-0065

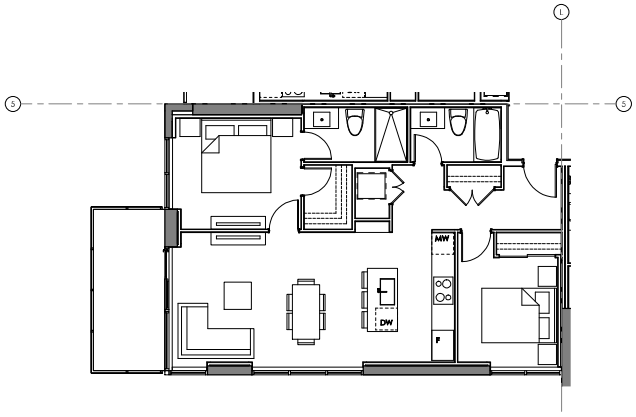
City of Kelowna
DEVELOPMENT PLANNING

Planner Initials AC



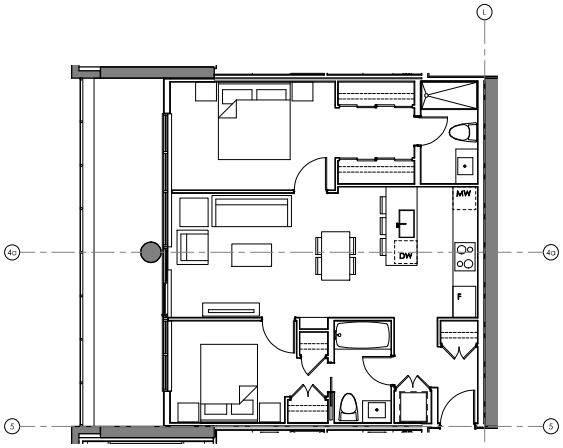
1 UNIT C1 NORTH
1 : 50

UNIT TYPE	LEVELS	DESCRIPTION	COUNT	AREA
UNIT C1 NORTH	LEVELS 6-30	2 BED	25 25	882.4 SF



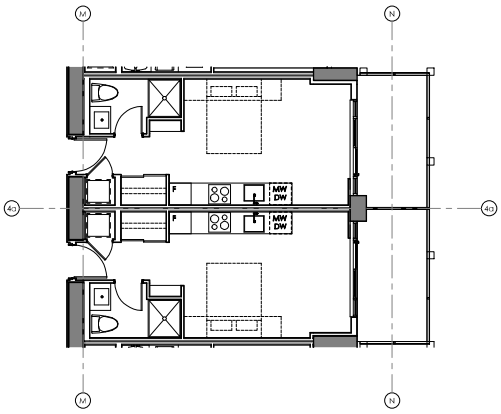
2 UNIT C1 SOUTH
1 : 50

UNIT TYPE	LEVELS	DESCRIPTION	COUNT	AREA
UNIT C1 SOUTH	LEVELS 6-30	2 BED	25 25	883 SF



3 UNIT C2
1 : 48

UNIT TYPE	LEVELS	DESCRIPTION	COUNT	AREA
UNIT C2	LEVELS 13-30	2 BED	9 9	868.11 SF



4 UNIT STUDIOS
1 : 50

UNIT TYPE	LEVELS	DESCRIPTION	COUNT	AREA
STUDIO	LEVELS 6-28	STUDIO	50 50	311.46 SF

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	2019-04-23	DP APPLICATION	TR
2	2019-06-03	DP APPLICATION PROGRESS SET	RHA
3	2020-04-08	DP APPLICATION RESUBMISSION	SM

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MISSION GROUP

Project
500 BERNARD AVENUE
KELOWNA, B.C.
BERNARD BLOCK

Drawing Title
UNIT PLANS

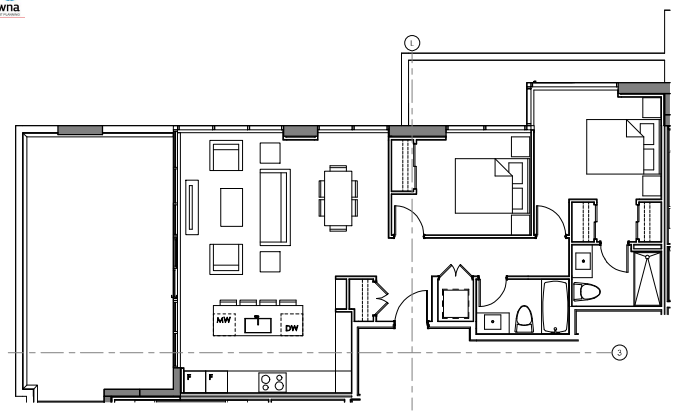
Date: JANUARY 2020
Project No.: 15-59
Scale: As Indicated
Drawing No.: A5-2
Drawn By: SM
File Name: E:\Users\Sam\AFI\Revit\Local\Temp\15-59-Bernard_Central_Revit_Local.rvt

SCHEDULE A & B

This forms part of application
DP19-0084 / DP19-0065

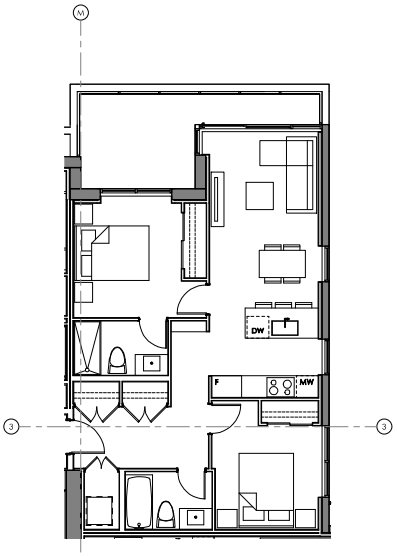
Planner Initials AC

City of Kelowna
DEVELOPMENT PLANNING



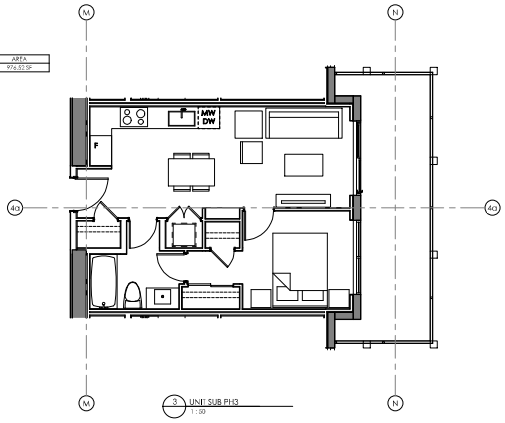
1 UNIT SUB PH1
1 : 50

UNIT TYPE	LEVELS	DESCRIPTION	COUNT	AREA
SUB PH1	LEVELS 31-33	2 BED	3 3	976.32 SF



2 UNIT SUB PH2
1 : 50

UNIT TYPE	LEVELS	DESCRIPTION	COUNT	AREA
SUB PH2	LEVELS 31-33	2 BED	3 3	819.91 SF



3 UNIT SUB PH3
1 : 50

UNIT TYPE	LEVELS	DESCRIPTION	COUNT	AREA
SUB PH3	LEVELS 31-33	1 BED	3 3	498.32 SF

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REVISIONS

NO.	DATE	DESCRIPTION	BY
1	2019-04-23	DP APPLICATION	TB
2	2019-04-23	DP APPLICATION PROGRESS SET	TB/SM
3	2020-04-08	DP APPLICATION RESUBMISSION	SM

RICHARD HENRY ARCHITECT INC.

RAFII ARCHITECTS INC.
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FAX 604.688.3522
EMAIL rai@rafiiarchitects.com
WWW rafiiarchitects.com
SUITE ONE
1600 HOWE ST
VANCOUVER BC
V6Z 2L9 CANADA

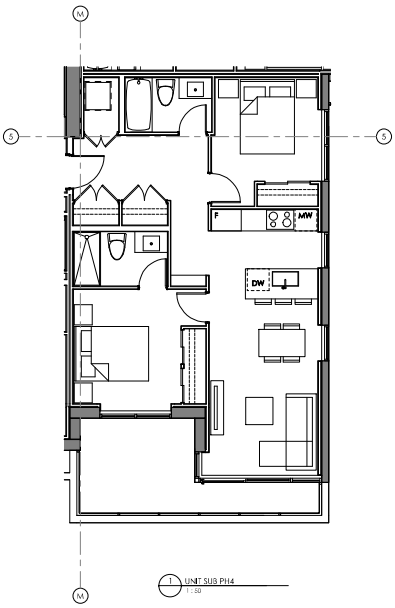
Client
MISSION GROUP

Project
500 BERNARD AVENUE
KELOWNA, B.C.
BERNARD BLOCK

Drawing Title
UNIT PLANS

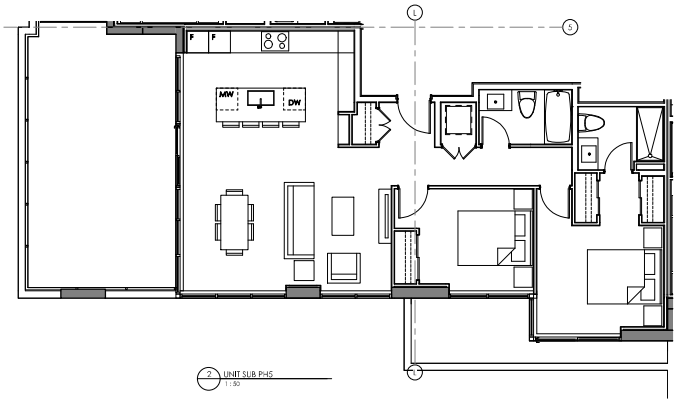
Date: JANUARY 2020
Project No.: 18-59
Scale: 1 : 50
Drawing No.: A5-3
Drawn By: SM
File Name: C:\Users\Sam\AppData\Local\Temp\AcPublish_4164\18-59 BERNARD BLOCK - CONCEPT_SAM.dwg

SCHEDULE A & B
This forms part of application
DP19-0064 / DP19-0065
Planner Initials AC
City of Kelowna



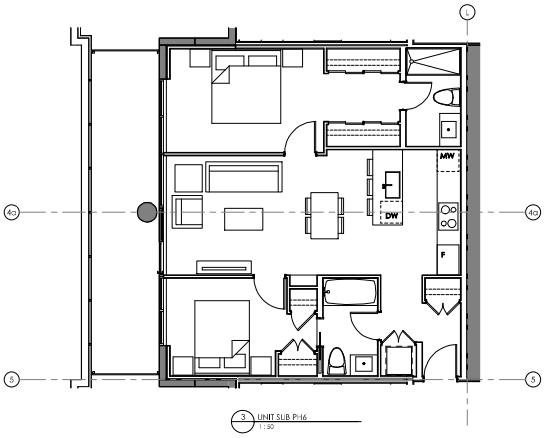
1 UNIT SUB PH4
1 : 50

UNIT TYPE	LEVELS	DESCRIPTION	COUNT	AREA
SUB PH4	LEVELS 31-33	2 BED	3	816.59 SF
			3	



2 UNIT SUB PH5
1 : 50

UNIT TYPE	LEVELS	DESCRIPTION	COUNT	AREA
SUB PH5	LEVELS 31-33	2 BED	3	990.98 SF
			3	



3 UNIT SUB PH6
1 : 50

UNIT TYPE	LEVELS	DESCRIPTION	COUNT	AREA
SUB PH6	LEVELS 31-33	2 BED	3	864.48 SF
			3	

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Client
MISSION GROUP

Project
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KELOWNA, B.C.
BERNARD BLOCK

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Drawing No.: A5-4
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WESTPOINT
PROJECTS LTD.

January 14, 2022

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

Attn: Mr. Daniel Sturgeon

RE: Revitalization Tax Exemption – 1994 Springfield Road Apartments

Dear Daniel,

We are pleased to submit the attached Revitalization Tax Exemption application for your review. Please accept this introductory letter as a brief overview of the completed application.

Project Description

The application proposes 195 dwelling units containing a mix of townhomes and apartments in two buildings, five-storey and six-storey structures. The property frontage will be oriented toward Ambrosi Road and borders Springfield Road to the south. The new buildings are responsive to the neighboring properties and are a positive introduction to this prominent corner.

This new purpose-built development replaces the vacant lot which operated as the Art Knapp Nursery for years. There is approximately 123,500 SF of new rentable living area comprised of townhomes, bachelor, 1-bdrm, 2-bdrm & 3-bdrm style apartment units. These rental homes will have onsite parking provided within an underground structured parkade.

Project Value

The proposed project is in a desirable rental node within the Midtown Urban Centre. The land has been rezoned to its highest and best use according to the appraisal prepared by Altus Group. For the purpose of the Building Permit Application we anticipate a construction cost in the range of $38,500,000. Complete copies of the Development Permit drawing have also been included with this application – elevations, site plan and floor plans.

Relevant Supporting Details

The State of Title and Property Assessment Notice for the property have been provided as part of the application package. We are also able to confirm the following:

- This proposal does not include any buildings listed on the City's Heritage Register
- The property is not presently receiving a municipal tax exemption
- Amendments to the Zoning and future land use designation (OCP) for the property have been ratified through the municipal City Council process in 2021

Should you have any questions or require clarification to our submission, please do not hesitate to contact me. We look forward to working together to finalize the RTE for this new rental development.

Sincerely,

Mr. Corey Makus
Partner, 1994 Springfield Developments Ltd.

cc: Rob Haberman
Sam Brovender
West Point Projects Ltd.

Revitalization Tax Exemption Agreement

THIS AGREEMENT dated for reference the ___ day of _____, 20___ is

BETWEEN:

1295991 B.C. LTD.
612 Bernard Avenue
Kelowna, BC V1Y 2G3

(the "Owner")

AND:

CITY OF KELOWNA
1435 Water Street,
Kelowna, B.C.
V1Y 1J4

(the "City")

GIVEN THAT:

A. The Owner is the registered owner in fee simple of lands in the City of Kelowna at *[civic address]* legally described as PID: 017-834-724; Lot 1 District Lot 129 ODYD Plan KAP47562 (the "Parcel");

B. Council has established a revitalization tax exemption program and has included within the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561 the designation of areas which include the Parcel as a revitalization area; and

C. The Owner proposes to construct new improvements on the Parcel as described in Appendix "A" attached to and forming part of this agreement (the "Project") and has applied to the City to take part in the revitalization tax exemption program in respect of the Project and the City has agreed to accept the Project under the program;

THIS AGREEMENT is evidence that in consideration of the promises exchanged below, the Owner and the City covenant and agree each with the other as follows:

1. **The Project** – the Owner will use its best efforts to ensure that the Project is constructed, maintained, operated and used in a fashion that will be consistent with and will foster the objectives of the revitalization tax exemption program, as outlined in the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561. Without limiting the generality of the foregoing, the Owner covenants to use its best efforts to ensure that the Project will:

    a. Provide 195 purpose-built rental units containing apartment style homes in a 5 & 6 storey wood frame structure;

    b. Provide approximately 123,500 square feet of new rentable living area complete with onsite parking enclosed within a one level structured parkade;

    c. Remain as dedicated purpose-built, long-term rental housing units within the duration set out in the Rental Housing Agreement.

2. **Operation and Maintenance of the Project** – throughout the term of this agreement, the Owner shall operate, repair and maintain the Project and will keep the Project in a state of good repair as a prudent owner would do.

3. **Revitalization Amount** – In this agreement, "**Revitalization Amount**" means the municipal portion of property tax calculated in relation to the increase in the assessed value of improvements on the Parcel resulting from the construction of the Project as described in section 1;

4. **Revitalization Tax Exemption** – subject to fulfilment of the conditions set out in this agreement and in "City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561", the City shall issue a revitalization tax exemption certificate (the "Tax Exemption Certificate") to the British Columbia Assessment Authority entitling the Owner to a property tax exemption in respect of the property taxes due (not including local service taxes) in relation to the Revitalization Amount on the Parcel (the "Tax Exemption") for the calendar year(s) set out in the Tax Exemption Certificate .

5. **Conditions** – the following conditions shall be fulfilled before the City will issue a Tax Exemption Certificate to the Owner in respect of the Project:

   a. The Owner must complete or cause to be completed construction of the Project in a good and workmanlike fashion and in strict compliance with the building permit and the plans and specifications attached hereto as Appendix "A";

   b. The completed Project must substantially satisfy the performance criteria set out in Appendix "B" hereto, as determined by the City's Development Planning Manager or designate, in their sole discretion, acting reasonably; and

   c. The Owner must submit a copy of the Occupancy Permit and Title Certificate to the City of Kelowna's Revenue Branch within 48 months from the date the Agreement is executed by Council.

6. **Calculation of Revitalization Tax Exemption** – the amount of the Tax Exemption shall be equal to:

   a) For Purpose-Built Rental Housing Projects within the Core Area, Glenmore Valley Village Centre and University South Village Centre as defined by the OCP, 100% of the Revitalization Amount on the parcel, for projects that are subject to a Housing Agreement (for a minimum of 10 years) and where the proposed project is in compliance with the OCP Future Land Use designation at the time of Revitalization Tax Exemption application.

7. **Term of Tax Exemption** – provided the requirements of this agreement, and of the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561, are met the Tax Exemption shall be for 10 years after the BC Assessment Authority validates the Tax Exemption Certificate issued by the City of Kelowna's Revenue Branch.,

8. **Compliance with Laws** – the Owner shall construct the Project and, at all times during the term of the Tax Exemption or any renewal term, use and occupy the Parcel and the Project in compliance with all statutes, laws, regulations and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or bylaws, including all the rules regulations policies guidelines criteria or the like made under or pursuant to any such laws.

9. **Effect of Stratification** – if the Owner stratifies the Parcel under the Strata Property Act, then the Tax Exemption shall be prorated among the strata lots in accordance with the unit entitlement of each strata lot for:

b. in the case of a notice to the Owner, at:

1295991 B.C. LTD.
612 Bernard Avenue
Kelowna, BC V1Y 2G3

Attention: Corey Makus
Phone: 250-878-2001
Email: corey@westpointprojects.com

Or at such other address as the party to whom such notice or other writing is to be given shall have last notified the party giving the same.

14. **No Assignment** – the Owner shall not assign its interest in this agreement except to a subsequent owner in fee simple of the Parcel.

15. **Severance** – if any portion of this agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this agreement.

16. **Interpretation** – wherever the singular or masculine is used in this agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so require.

17. **Further Assurances** – the parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this agreement.

18. **Waiver** – waiver by the City of a default by the Owner shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.

19. **Powers Preserved** – this agreement does not:

    a. Affect or limit the discretion, rights or powers of the City under any enactment or at common law, including in relation to the use or subdivision of the Parcel;
    b. Affect or limit any enactment relating to the use or subdivision of the Parcel; or

    c. Relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Parcel and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges, application fees, user fees or other rates, levies or charges payable under any bylaw of the City.

20. **Reference** – every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.

21. **Enurement** – this agreement shall ensure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.

22. Any construction of a new improvement or alteration of an existing improvement as of this bylaw undertaken prior to the application for a Revitalization Tax Exemption will not be eligible for consideration

23. The maximum Revitalization Tax Exemption authorized under this Bylaw must not exceed the Revitalization Amount on the Property between:

    a. the calendar year before the construction or alteration began, as outlined under Section 1 of this agreement; and
    b. the calendar year in which the construction or alteration, as outlined under Section 1 of this agreement, is completed.

24. The Property's assessed value of improvements must not be reduced below the amount assessed in the calendar year prior to construction or alteration, as a result of the Revitalization Tax Exemption.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first above written.

Executed by the CITY OF KELOWNA by
Its authorized signatories:

_____
Mayor

_____
City Clerk

Executed by **1295991 B.C. LTD.**
by its Authorized signatories:

_____
Corey Makus

_____
Rob Haberman

Appendix "A": Plans and Specifications
Appendix "B": Housing Agreement

DP AMENDMENT

1994 SPRINGFIELD

1994 SPRINGFIELD RD
KELOWNA, BC V1Y 5V7

ARCHITECTURAL

DP0.0	COVER SHEET
DP0.1	SITE SURVEY
DP0.2	SITE PHOTOGRAPHS & PROJECT DATA
DP1.1	SITE PLAN
DP2.1	FLOOR PLAN - PARKADE
DP2.2	FLOOR PLAN - LEVEL 1
DP2.3	FLOOR PLAN - LEVEL 2
DP2.4	FLOOR PLAN - LEVEL 3
DP2.5	FLOOR PLAN - LEVEL 4
DP2.6	FLOOR PLAN - LEVEL 5
DP2.7	FLOOR PLAN - LEVEL 6
DP2.8	FLOOR PLAN - ROOF
DP3.1	BUILDING ELEVATIONS
DP3.2	BUILDING ELEVATIONS
DP3.3	3D PERSPECTIVE VIEWS
DP3.4	3D PERSPECTIVE VIEWS
DP4.1	BUILDING SECTIONS
DP4.2	BUILDING SECTIONS

LANDSCAPE

L1	LANDSCAPE PLAN

zeidler

Zeidler Architecture

300, 640 – 8 Avenue SW
Calgary, Alberta T2P 1G7
T 403 233 2525 | zeidler.com

OWNER

WESTPOINT

ARCHITECTURAL

zeidler

ZEIDLER ARCHITECTURE
300, 640 - 8 Avenue S.W.
Calgary, AB T2P 1G7

STRUCTURAL

ROV CONSULTING INC.
2040 Springfield Rd Unit #101
Kelowna, BC V1Y 9N7

MECHANICAL

REINBOLD engineering group

REINBOLD ENGINEERING GROUP
1664 Richter St Unit #3011
Kelowna, BC V1Y 8N3

ELECTRICAL

FALCON ENGINEERING
1715 Dickson Ave Unit #210
Kelowna, BC V1Y 9G6

CIVIL

McElhanney

MCELHANNEY ENGINEERING
570 Raymer Ave Unit #203
Kelowna, BC V1Y 4Z5

LANDSCAPE

ecora

ECORA ENGINEERING & RESOURCE GROUP LTD.
200 - 2045 Enterprise Way
Kelowna, BC V1Y 9T5

NO.	ISSUE/ REVISION	DATE
3	DP AMENDMENT	2022-01-13
2	TRS AMENDED PLANS	2021-10-05
1	ISSUED FOR DEVELOPMENT PERMIT	2021-08-06

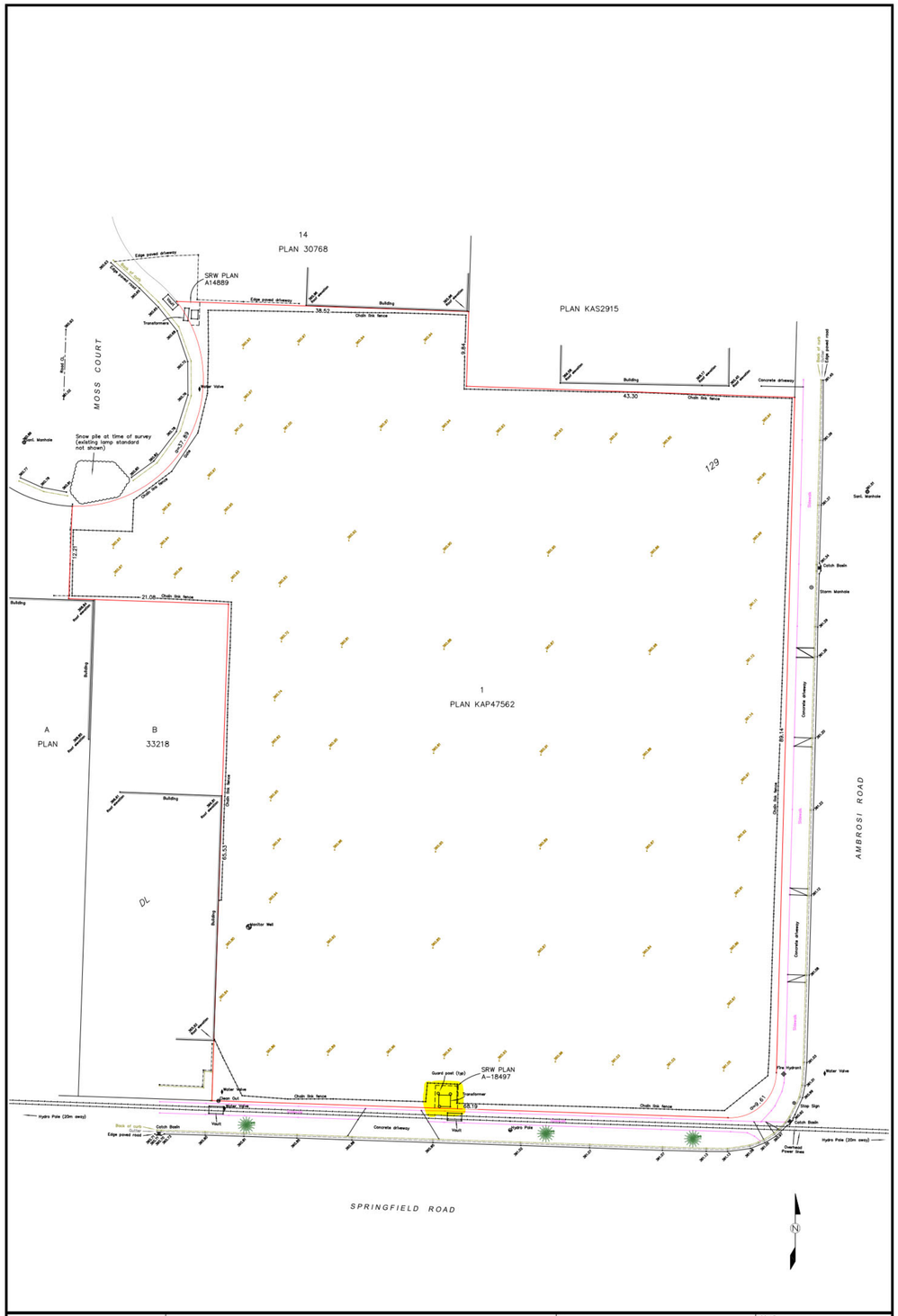
PROJECT NO. 221-016 | DRAWN | CHECKED

DRAWING NO. **DP0.0** | REVISION NO. 3

BIM 360://Springfield Road/AR_221-016_1994 SPRINGFIELD_R21.rvt

2022-01-13 2:11:12 PM

NOTE: ALL INFORMATION OBTAINED FROM SITE SURVEY WAS PERFORMED BY RUNNALLS DENBY BRITISH COLUMBIA LAND SURVEYORS IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYS ACT. SURVEY COMPLETED FEBRUARY 11, 2021. THE LEGAL SURVEY DEPICTED ON THIS SHEET IS FOR REFERENCE ONLY. ZEIDLER ARCHITECTURE ASSUMES NO RESPONSIBILITY OF THE SURVEY INFORMATION DEPICTED HEREIN.



NOTE:	TITLE:	DRAWN BY:	SCALE:
Survey Date: February 3rd and 4th, 2021. Elevations are geodetic (CGVD 28 HTV2.0) and derived from GPS observations. This plan is not to be used to define property line locations.	SITE PLAN OF LOT 1, DISTRICT LOT 129, O.D.Y.D., PLAN KAP47562 (1994 SPRINGFIELD ROAD, KELOWNA)	RUNNALLS DENBY british columbia land surveyors 259A Lawrence Avenue Kelowna, B.C. V1Y 6L2 Phone: (250)763-7322 Fax: (250)763-4413 Email: neil@runnallsdenby.com	1:225 (22"x34")
			DATE: February 11, 2021
			DWG: 15941 Site (ground)
		CLIENT: WEST POINT PROJECTS	FILE No: 15941 REV: 0

BIM 360://Springfield Road/AR_221-016_1994 SPRINGFIELD_R21.rvt

2022-01-13 2:11:13 PM

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WESTPOINT

NOTE

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REGISTERED ARCHITECT
JAMES D. BROWN
2011-01-13
BRITISH COLUMBIA

NO.	ISSUE/ REVISION	DATE
2	DP AMENDMENT	2022-01-13
1	ISSUED FOR DEVELOPMENT PERMIT	2021-08-06

NOT FOR CONSTRUCTION

PROJECT

1994 SPRINGFIELD

PROJECT ADDRESS

1994 SPRINGFIELD RD
KELOWNA, BC V1Y 5V7

TITLE

SITE SURVEY

PROJECT NO. 221-016 | DRAWN | CHECKED

DRAWING NO. **DP0.1** | REVISION NO. 2

PROJECT STATISTICS

EXISTING ZONING: C10 - SERVICE COMMERCIAL

PROPOSED ZONING: C4 - URBAN CENTRE COMMERCIAL

SITE AREA: 1.93 Ac. - 7,796.6 sq.m. - 83,922 sq.ft.

BUILDING AREA:

PARKADE: 72,382 sq.ft. (88% SITE COVERAGE)
(75% MAX COVERAGE)

MAIN FLOOR: 32,037 sq.ft. (38% SITE COVERAGE)
2ND FLOOR: 32,207 sq.ft.
3RD FLOOR: 30,392 sq.ft.
4TH FLOOR: 30,392 sq.ft.
5TH FLOOR: 30,284 sq.ft.
6TH FLOOR: 10,848 sq.ft.

TOTAL FLOOR AREA (ABOVE GRADE): 166,160 sq.ft.

AMENITY AREA: 5,984 sq.ft.
STORAGE LOCKERS: 5,079 sq.ft.
CIRCULATION/SERVICE: 30,317 sq.ft.

NET FLOOR AREA:

RESIDENTIAL: 123,500 sq.ft.
COMMERCIAL: 1,280 sq.ft.

TOTAL NET FLOOR AREA: 124,780 sq.ft.

FAR: 1.49 (MAX 1.49) (BASE 1.3 + PARKING BONUS (194/208)0.2 = 0.19)

BUILDING HEIGHT:

LESSER OF 37.0m or 12 STOREYS for apartment housing.

SETBACKS:

FRONT: 0.0m
SIDE: 0.0m
REAR: 0.0m

UNIT COUNT:

(A) STUDIO:	38 UNITS	(19%)	(415 sq.ft.)
(B) STUDIO - 1BED:	37 UNITS	(19%)	(465 sq.ft.)
(C) 1 BED - TYPE 1:	28 UNITS	(14%)	(585 sq.ft.)
(D) 1 BED - TYPE 2:	29 UNITS	(15%)	(585 sq.ft.)
(E) 1 BEDROOM + DEN:	12 UNITS	(6%)	(750 sq.ft.)
(F) 2 BEDROOM:	39 UNITS	(20%)	(870 sq.ft.)
(G) 3 BED - TYPE1:	5 UNITS	(3%)	(1000 sq.ft.)
(G) 3 BED - TYPE2:	1 UNITS	(1%)	(1750 sq.ft.)
TOWNHOUSE:	6 UNITS	(3%)	(1250 sq.ft.)
TOTAL:	195 UNITS	(100%)	

PARKING CALCULATION:

PARKING REQUIRED:
177 RESIDENTIAL STALLS (0.8/BACHELOR, 0.9/1BR, 1.0/2BR or MORE)
(0.8x38)+(0.9x106)+(1.0x51)=176.8
27 VISITOR STALLS (0.14/UNIT)
(0.14x195)=27.3
2 COMMERCIAL STALLS (1.3/100m²)
(119x1.3/100)=1.6

TOTAL: 206 STALLS REQUIRED

PARKING PROVIDED:
194 UNDERGROUND STALLS
14 SURFACE STALLS

TOTAL: 208 STALLS PROVIDED (188 REGULAR SIZE)

BICYCLE PARKING CALCULATION:

PARKING REQUIRED:
149 LONG-TERM SPACES (0.75/2BR or less, 1.0/3BR or more)
31 SHORT-TERM SPACES (6 per entrance + 1 per 5 units over 70 units)

PARKING PROVIDED:
149 LONG-TERM SPACES (76 GROUND-ANCHORED, 73 WALL-MOUNTED)
31 SHORT-TERM SPACES

PRIVATE OPEN SPACE CALCULATION:

PRIVATE OPEN SPACE REQUIRED:
(38 x 6.0m²)+(106 x 10.0m²)+(51 x15.0m²) = 2,053 sq.m. REQUIRED

PRIVATE OPEN SPACE PROVIDED:
PRIVATE BALCONY/PATIO: 1,887.7 sq.m.
INDOOR COMMON AMENITY: 555.9 sq.m.
LANDSCAPED AMENITY TERRACE: 1,244.2 sq.m.

TOTAL: 3,687.8 sq.m. PROVIDED

VIEW FROM SPRINGFIELD ROAD - LOOKING SOUTH EAST

VIEW FROM SPRINGFIELD & AMBROSI - LOOKING NORTH WEST

VIEW FROM AMBROSI ROAD - LOOKING WEST

VIEW FROM AMBROSI ROAD - LOOKING SOUTH

VIEW FROM SPRINGFIELD ROAD - LOOKING NORTH

VIEW FROM AMBROSI ROAD - LOOKING NORTH

VIEW FROM MOSS COURT - LOOKING EAST

VIEW FROM AMBROSI ROAD - LOOKING SOUTH WEST

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NOTE

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PROJECT ADDRESS

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KELOWNA, BC V1Y 5V7

TITLE

SITE PHOTOGRAPHS & PROJECT DATA

PROJECT NO.	DRAWN	CHECKED
221-016	Author	Checker

DRAWING NO. DP0.2

REVISION NO. 3

BIM 360://Springfield Road/AR_221-016_1994 SPRINGFIELD_R21.rvt

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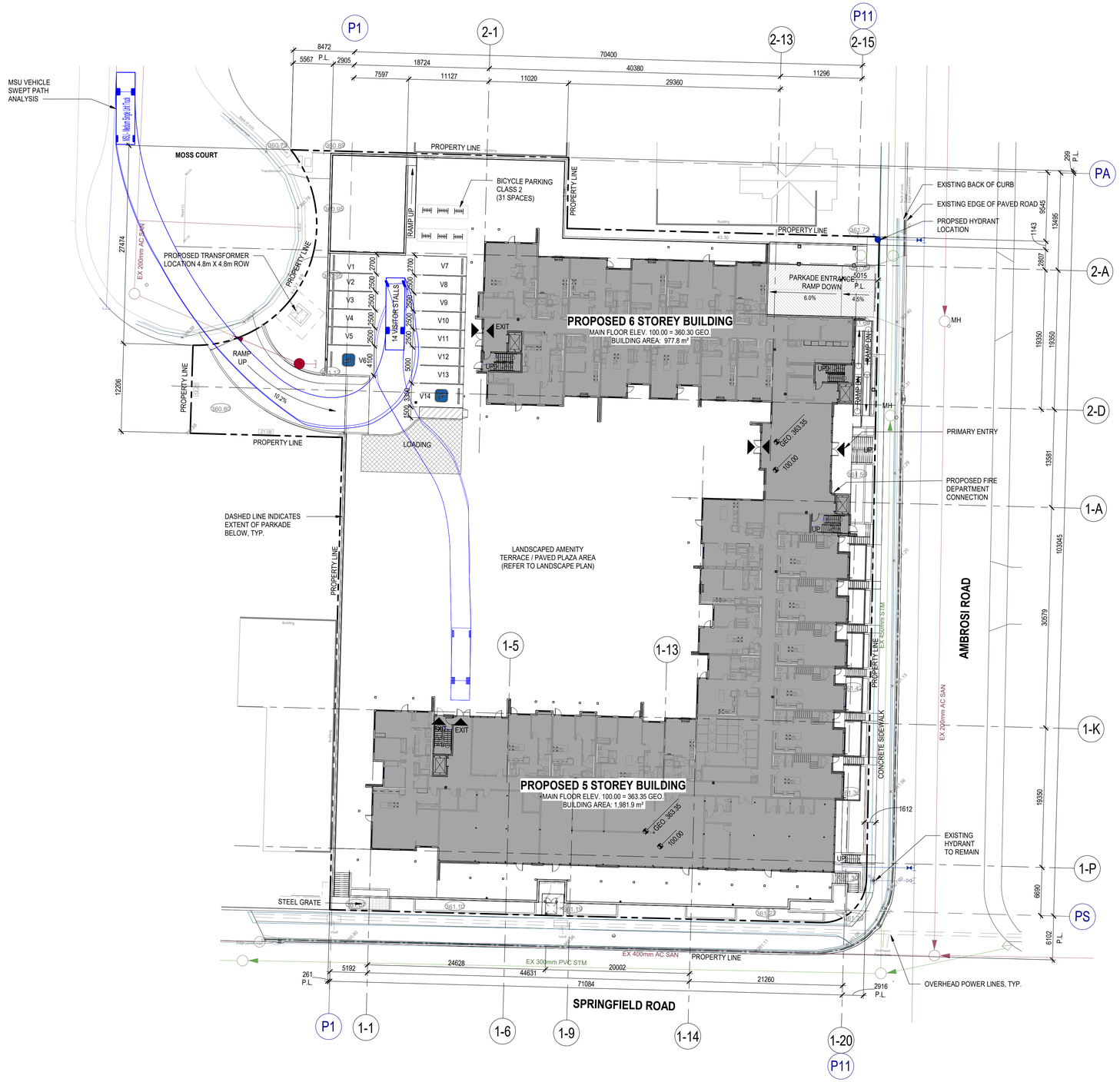

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REGISTERED ARCHITECT JAMES D. BROWN 2011-01-13 BRITISH COLUMBIA

NO.	ISSUE/ REVISION	DATE
3	DP AMENDMENT	2022-01-13
2	TRS AMENDED PLANS	2021-10-05
1	ISSUED FOR DEVELOPMENT PERMIT	2021-08-06

NOT FOR CONSTRUCTION

PROJECT

1994 SPRINGFIELD

PROJECT ADDRESS

1994 SPRINGFIELD RD
KELOWNA, BC V1Y 5V7

TITLE

SITE PLAN

PROJECT NO.	DRAWN	CHECKED
221-016	CJ	ADM

DRAWING NO.

DP1.1

REVISION NO. 3

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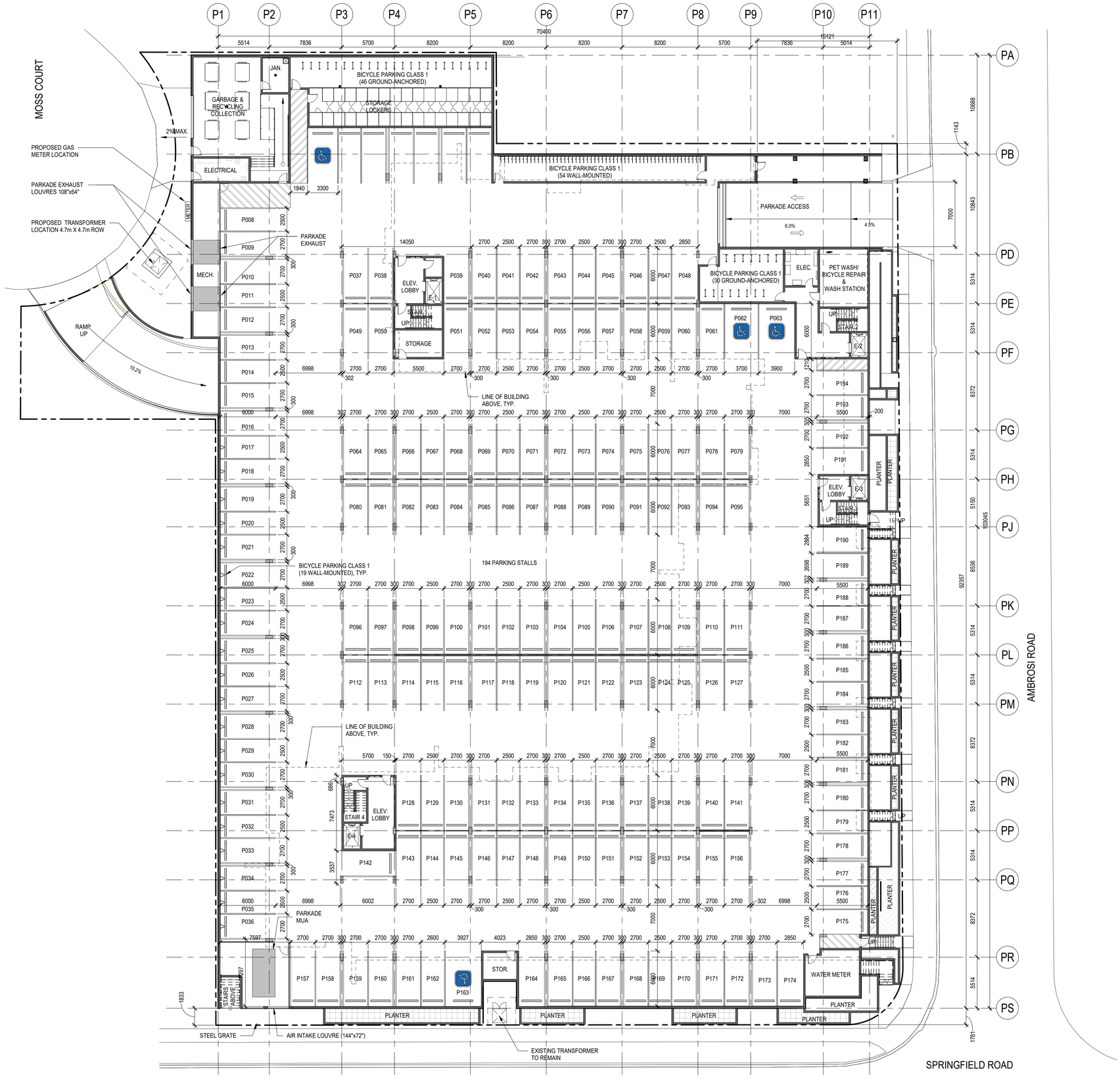

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NOT FOR CONSTRUCTION

PROJECT

1994 SPRINGFIELD

PROJECT ADDRESS

1994 SPRINGFIELD RD
KELOWNA, BC V1Y 5V7

TITLE

FLOOR PLAN - PARKADE

PROJECT NO.	DRAWN	CHECKED
221-016	CJ	ADM

DRAWING NO. **DP2.1**

REVISION NO. 3

BIM 360://Springfield Road/AR_221-016_1994 SPRINGFIELD_R21.rvt

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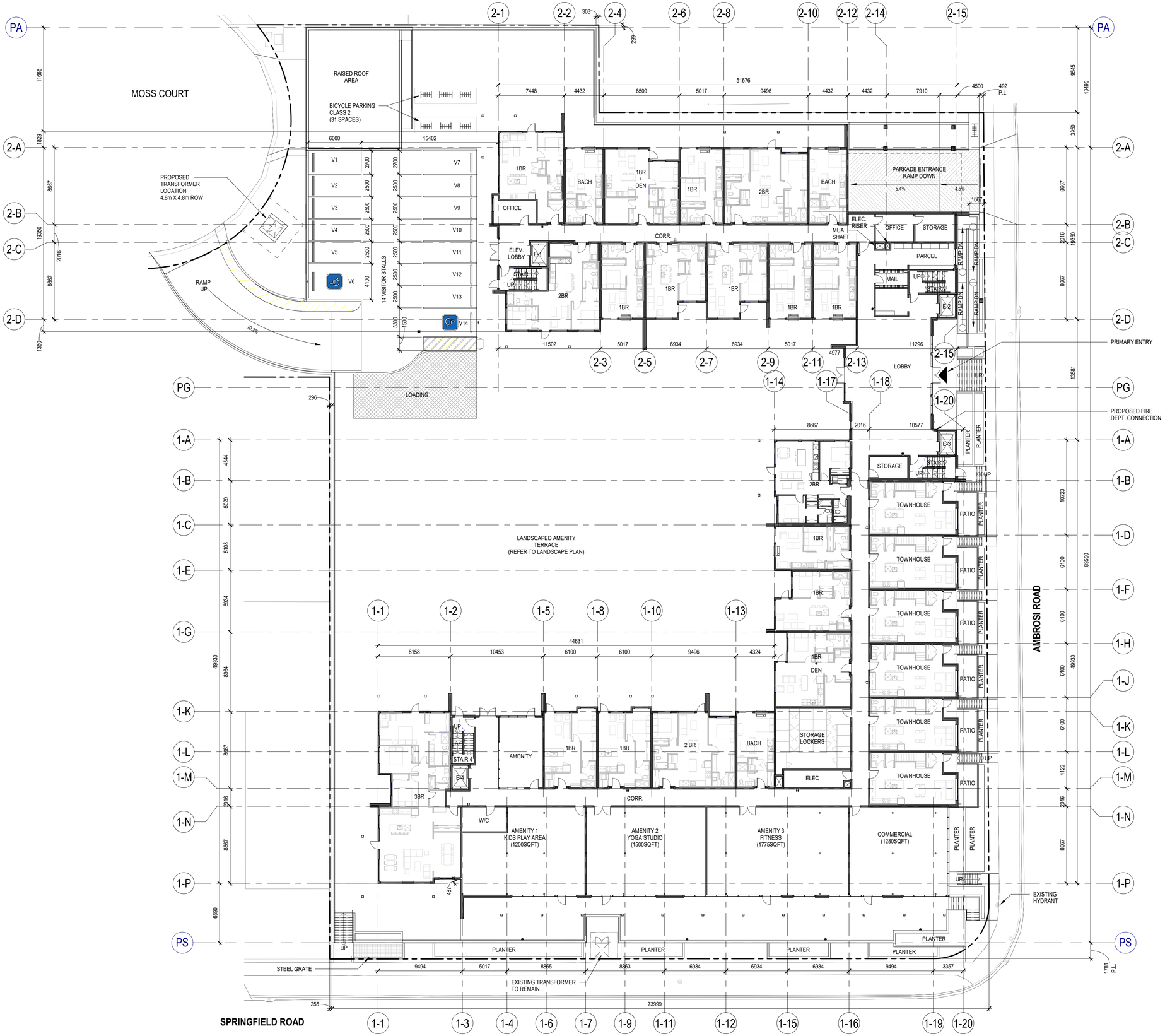

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PROJECT

1994 SPRINGFIELD

PROJECT ADDRESS

1994 SPRINGFIELD RD
KELOWNA, BC V1Y 5V7

TITLE

FLOOR PLAN - LEVEL 1

PROJECT NO.	DRAWN	CHECKED
221-016	CJ	ADM

DRAWING NO. **DP2.2**

REVISION NO. 3

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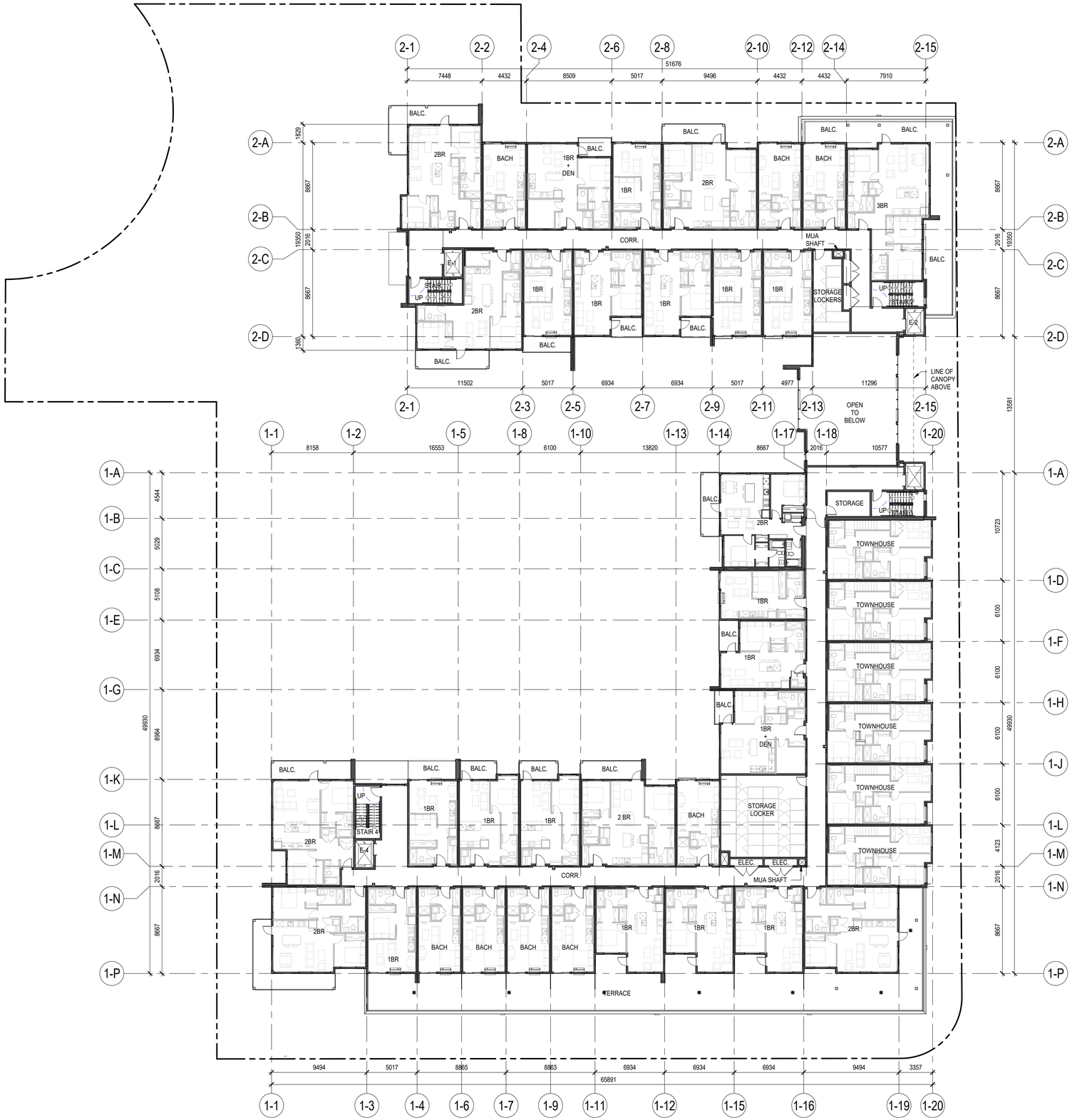

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PROJECT

1994 SPRINGFIELD

PROJECT ADDRESS

1994 SPRINGFIELD RD
KELOWNA, BC V1Y 5V7

TITLE

FLOOR PLAN - LEVEL 2

PROJECT NO.	DRAWN	CHECKED
221-016	CJ	ADM

DRAWING NO.

DP2.3

REVISION NO.

3

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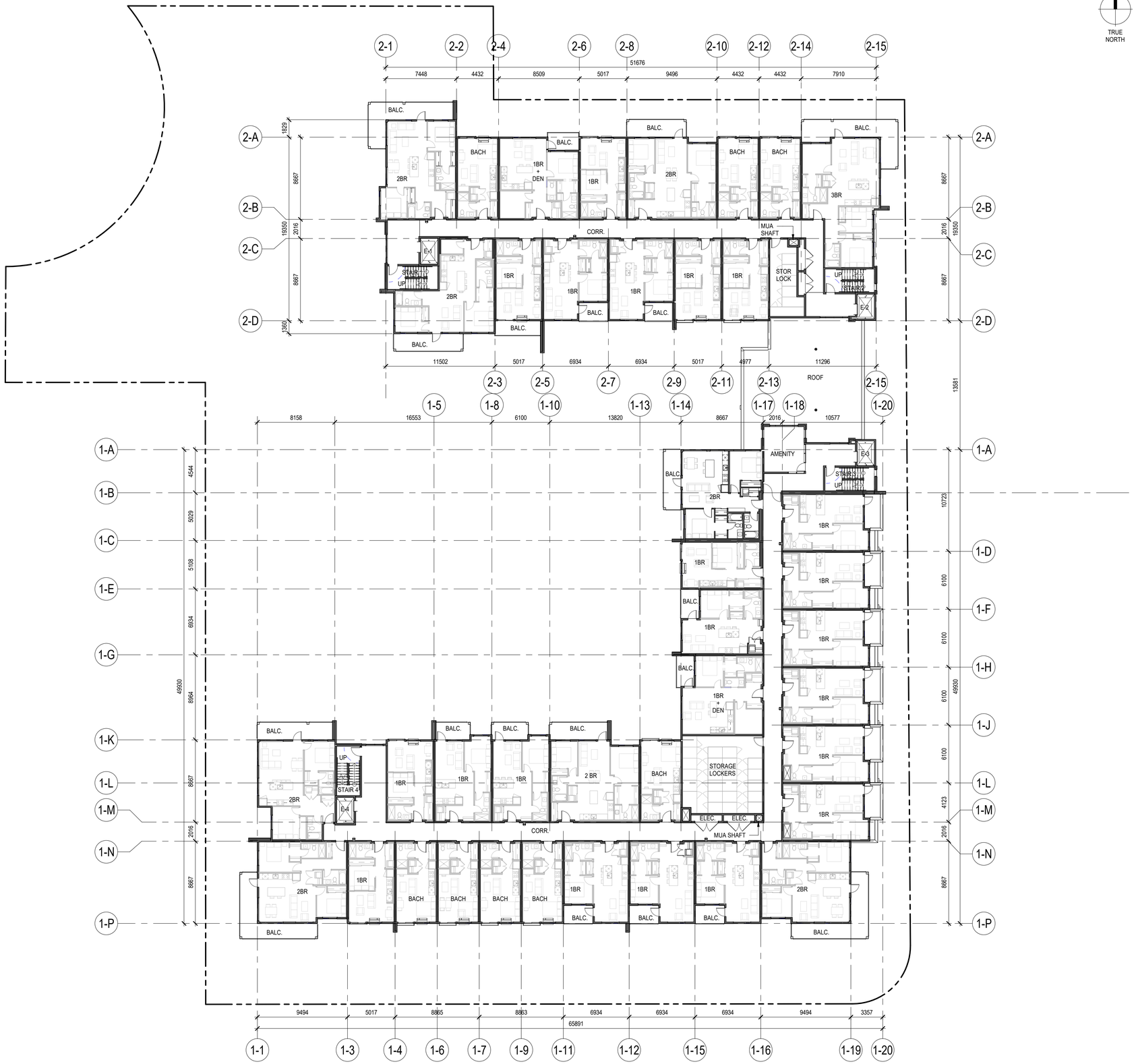

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PROJECT

1994 SPRINGFIELD

PROJECT ADDRESS

1994 SPRINGFIELD RD
KELOWNA, BC V1Y 5V7

TITLE

FLOOR PLAN - LEVEL 3

PROJECT NO.	DRAWN	CHECKED
221-016	CJ	ADM

DRAWING NO. **DP2.4**

REVISION NO. 3

BIM 360://Springfield Road/AR_221-016_1994 SPRINGFIELD_R21.rvt

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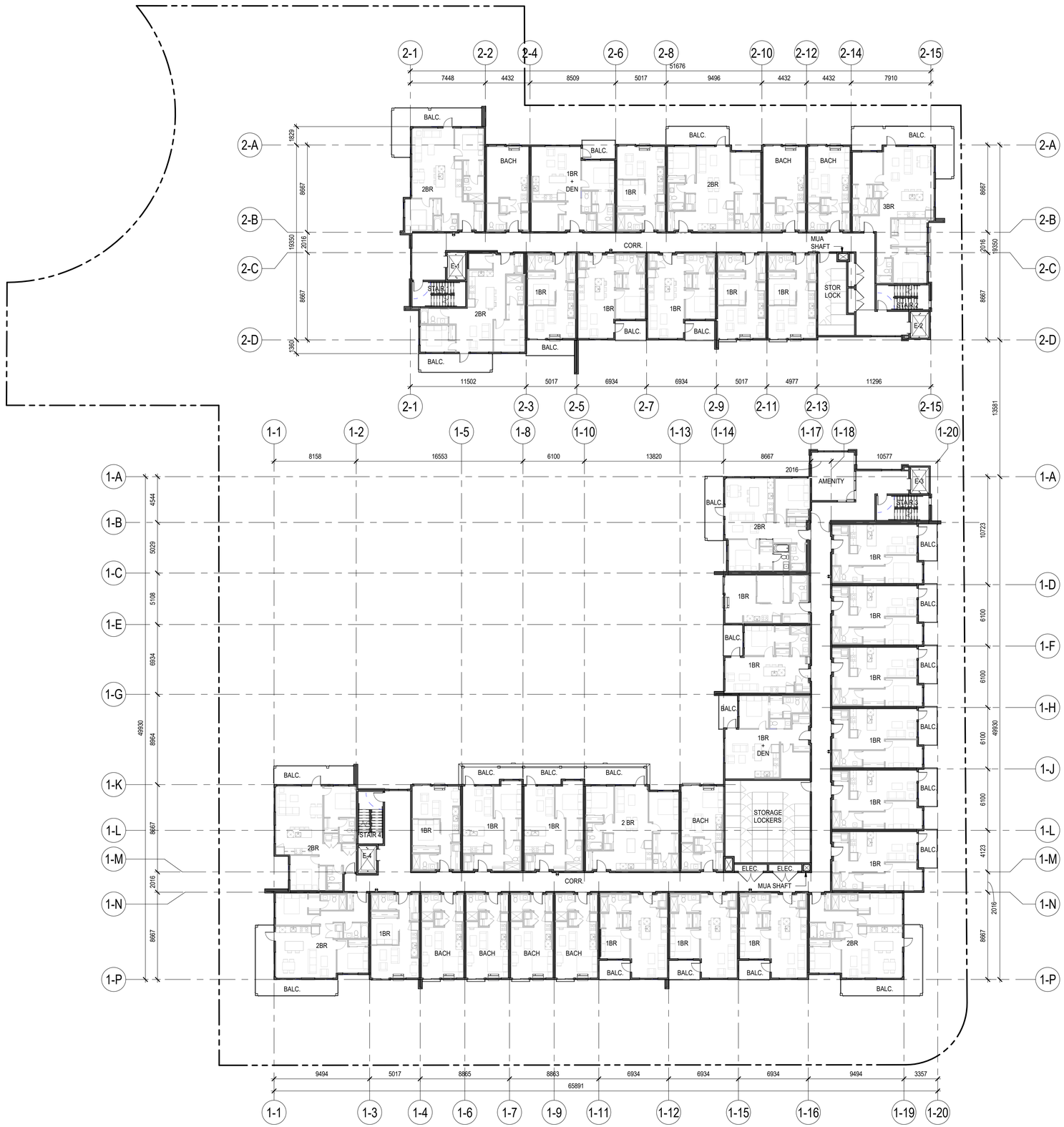

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PROJECT

1994 SPRINGFIELD

PROJECT ADDRESS

1994 SPRINGFIELD RD
KELOWNA, BC V1Y 5V7

TITLE

FLOOR PLAN - LEVEL 4

PROJECT NO.	DRAWN	CHECKED
221-016	CJ	ADM

DRAWING NO.

DP2.5

REVISION NO. 3

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PROJECT

1994 SPRINGFIELD

PROJECT ADDRESS

1994 SPRINGFIELD RD
KELOWNA, BC V1Y 5V7

TITLE

FLOOR PLAN - LEVEL 5

PROJECT NO.	DRAWN	CHECKED
221-016	CJ	ADM

DRAWING NO. **DP2.6**

REVISION NO. 3

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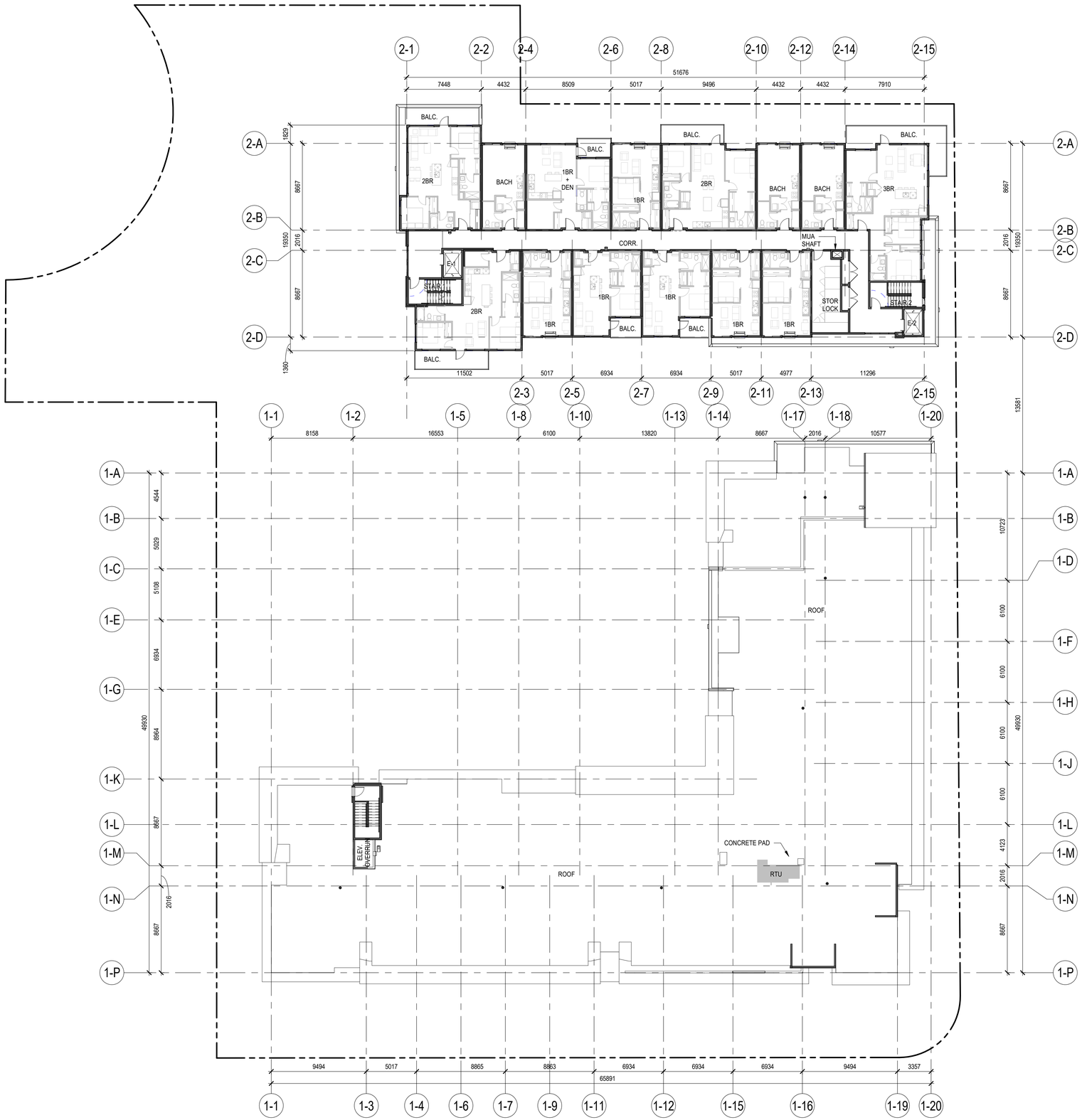

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NOT FOR CONSTRUCTION

PROJECT

1994 SPRINGFIELD

PROJECT ADDRESS

1994 SPRINGFIELD RD
KELOWNA, BC V1Y 5V7

TITLE

FLOOR PLAN - LEVEL 6

PROJECT NO.	DRAWN	CHECKED
221-016	CJ	ADM

DRAWING NO. **DP2.7**

REVISION NO. 3

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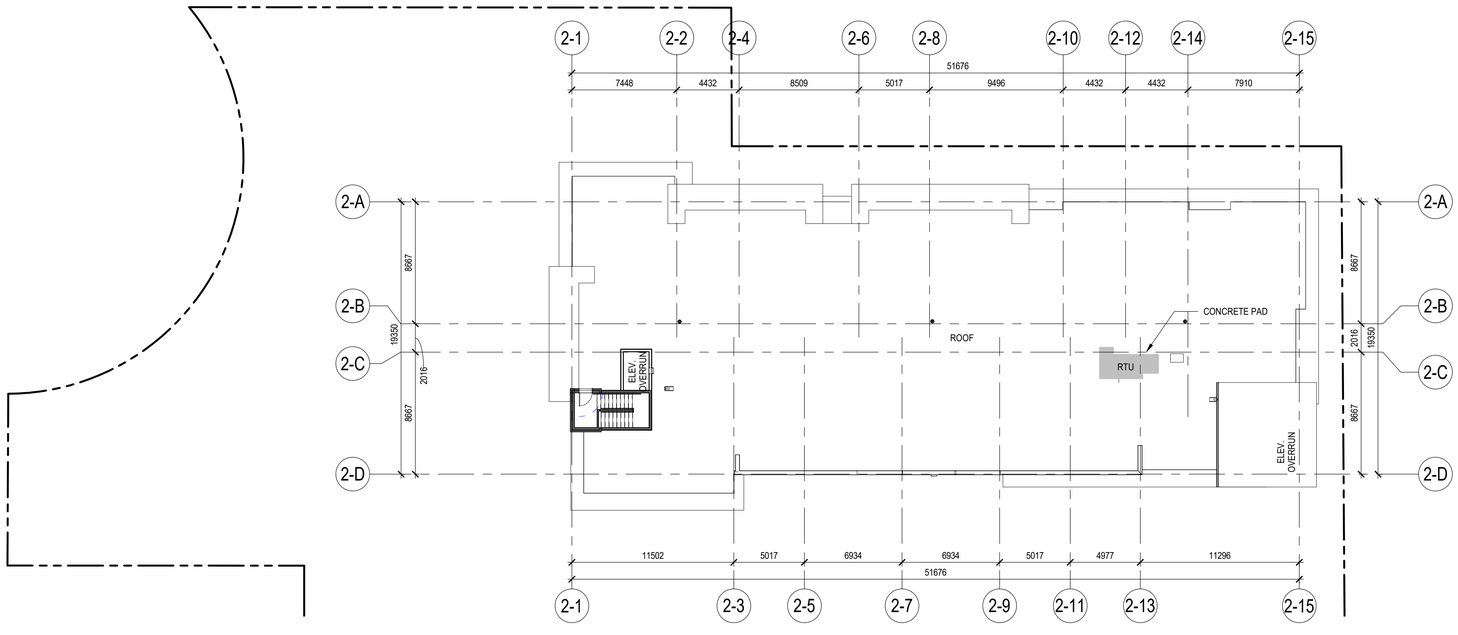

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2011-01-13
BRITISH COLUMBIA

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PROJECT

1994 SPRINGFIELD

PROJECT ADDRESS

1994 SPRINGFIELD RD
KELOWNA, BC V1Y 5V7

TITLE

FLOOR PLAN - ROOF

PROJECT NO.	DRAWN	CHECKED
221-016	CJ	ADM

DRAWING NO.

DP2.8

REVISION NO.

3

BIM 360://Springfield Road/AR_221-016_1994 SPRINGFIELD_R21.rvt

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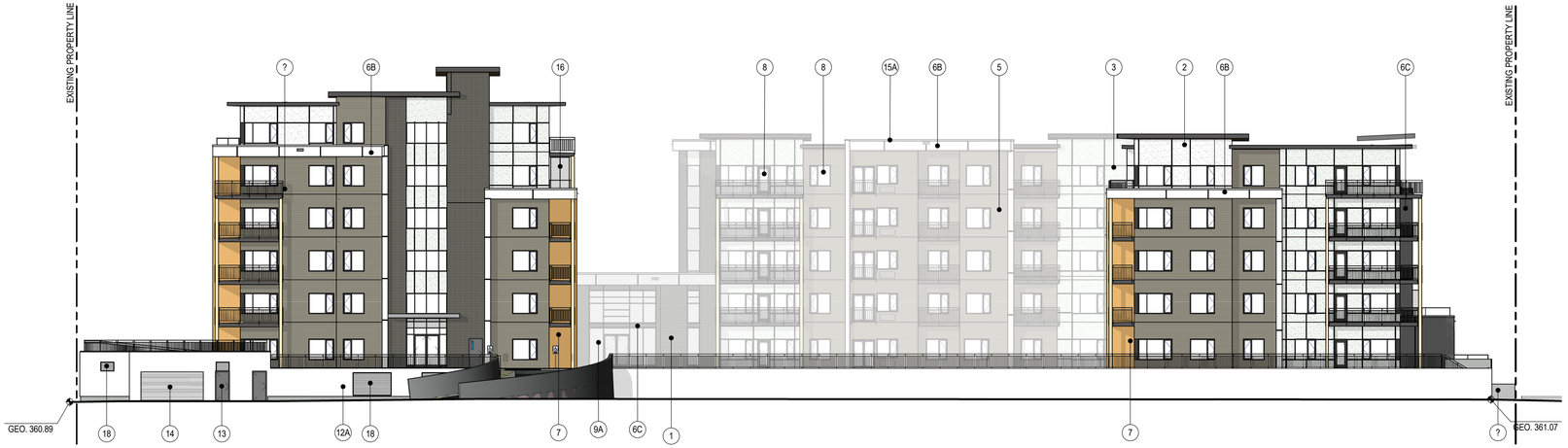

BUILDING ELEVATION - WEST

SCALE: 1 : 200

BUILDING ELEVATION - SOUTH

SCALE: 1 : 200

BUILDING ELEVATION - EAST

SCALE: 1 : 200

EXTERIOR MATERIALS AND FINISHES LEGEND

1. BRICK VENEER (STACKED BOND) (CHARCOAL GREY)
2. STUCCO FINISH (FINE SAND TEXTURE) (ARCTIC WHITE)
3. STUCCO FINISH (FINE SAND TEXTURE) (PEARL GREY)
4. STUCCO FINISH (FINE SAND TEXTURE) (MONTEREY TAUPE)
5. FIBRE CEMENT PLANK SIDING (MONTEREY TAUPE)
6A. HARDIE REVEAL PANEL SYSTEM - ASPYRE COLLECTION (RECESS TRIM) (CONCEALED FASTENERS) (ARTIC WHITE)
6B. HARDIE REVEAL PANEL SYSTEM - (EZ-TRIM) (CONCEALED FASTENERS) (ARTIC WHITE)
6C. HARDIE REVEAL PANEL SYSTEM - ASPYRE COLLECTION (RECESS TRIM) (CONCEALED FASTENERS) (CHARCOAL)
6D. HARDIE REVEAL PANEL SYSTEM - (EZ-TRIM) (CONCEALED FASTENERS) (CHARCOAL)
7. WOOD APPARENT SIDING AND SOFFIT (DESERT OAK)
8. VINYL WINDOWS AND DOORS (BLACK) C/W CLEAR GLAZING
9A. DOUBLE GLAZED, THERMALLY BROKEN, ALUMINUM STOREFRONT GLAZING SYSTEM C/W CLEAR GLAZING AND (BLACK) FRAMES (KAWNEER 451T)
10. ALUMINUM PICKET GUARD RAIL (BLACK)
11. ALUMINUM / GLASS RAILING (BLACK) C/W CLEAR GLAZING
12A. EXPOSED CONCRETE
12B. CAST-IN-PLACE CONCRETE PLANTERS (ARCHITECTURAL GREY)
13. HOLLOW METAL DOOR AND STEEL FRAME (GREY)
14. PREFINISHED SECTIONAL OVERHEAD DOOR (WHITE)
15A. PREFINIHSED METAL FLASHING/ CAP FLASHING (WHITE)
15B. PREFINIHSED METAL FLASHING/ CAP FLASHING (CHARCOAL)
16. ALUMINIUM FRAMED PRIVACY SCREEN (BLACK) WITH OPAQUE TEMPERED FROSTED GLAZING
17. BALCONY COLUMN (WOOD APPARENT CLADDING)
18. PREFINISHED METAL LOUVRES (GREY)
19. ROOF TOP MECHANICAL UNIT (GREY)
20. ALUMINUM STOREFRONT GLAZING SYSTEM SPANDREL PANEL (LIGHT GREY)

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PROJECT

1994 SPRINGFIELD

PROJECT ADDRESS

1994 SPRINGFIELD RD
KELOWNA, BC V1Y 5V7

TITLE

BUILDING ELEVATIONS

PROJECT NO.	DRAWN	CHECKED
221-016	Author	Checker

DRAWING NO.

DP3.1

REVISION NO.

3

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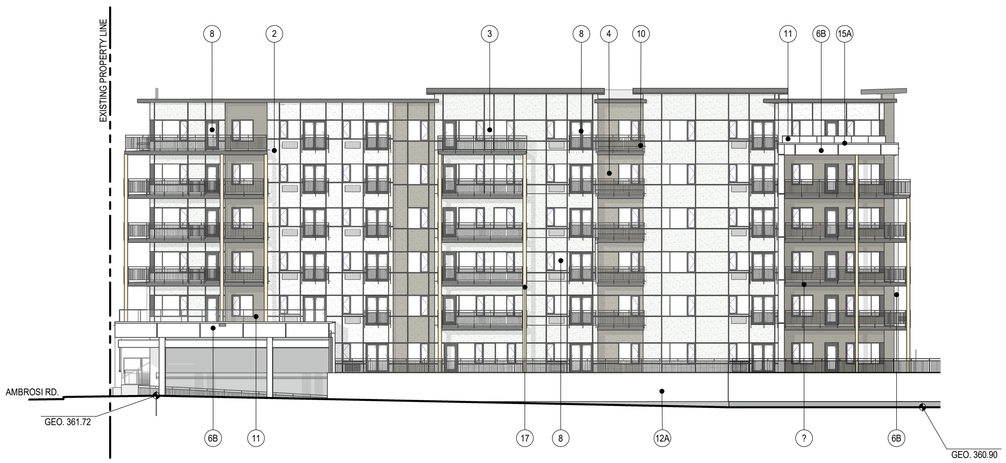

BUILDING ELEVATION - NORTH

SCALE: 1 : 200

PARTIAL ELEVATION - SOUTH - COURTYARD

SCALE: 1 : 200

EXTERIOR MATERIALS AND FINISHES LEGEND

1. BRICK VENEER (STACKED BOND) (CHARCOAL GREY)
2. STUCCO FINISH (FINE SAND TEXTURE) (ARCTIC WHITE)
3. STUCCO FINISH (FINE SAND TEXTURE) (PEARL GREY)
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6D. HARDIE REVEAL PANEL SYSTEM - (EZ-TRIM) (CONCEALED FASTENERS) (CHARCOAL)
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12A. EXPOSED CONCRETE
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14. PREFINISHED SECTIONAL OVERHEAD DOOR (WHITE)
15A. PREFINIHSED METAL FLASHING/ CAP FLASHING (WHITE)
15B. PREFINIHSED METAL FLASHING/ CAP FLASHING (CHARCOAL)
16. ALUMINIUM FRAMED PRIVACY SCREEN (BLACK) WITH OPAQUE TEMPERED FROSTED GLAZING
17. BALCONY COLUMN (WOOD APPARENT CLADDING)
18. PREFINISHED METAL LOUVRES (GREY)
19. ROOF TOP MECHANICAL UNIT (GREY)
20. ALUMINUM STOREFRONT GLAZING SYSTEM SPANDREL PANEL (LIGHT GREY)

PARTIAL ELEVATION - NORTH - COURTYARD

SCALE: 1 : 200

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PROJECT

1994 SPRINGFIELD

PROJECT ADDRESS

1994 SPRINGFIELD RD
KELOWNA, BC V1Y 5V7

TITLE

BUILDING ELEVATIONS

PROJECT NO.	DRAWN	CHECKED
221-016	Author	Checker

DRAWING NO. DP3.2

REVISION NO. 3

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2022-01-13 2:14:48 PM

PERSPECTIVE VIEW - FROM CORNER OF SPRINGFIELD AND AMBROSI RD.

PERSPECTIVE VIEW - SOUTH ELEVATION - FROM SPRINGFIELD RD.

PERSPECTIVE VIEW - WEST ELEVATION - FROM MOSS CT.

PERSPECTIVE VIEW - NORTH ELEVATION - FROM AMBROSI RD.

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PROJECT

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PROJECT ADDRESS

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TITLE

3D PERSPECTIVE VIEWS

PROJECT NO.	DRAWN	CHECKED
221-016	Author	Checker

DRAWING NO.

DP3.3

REVISION NO.

3

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2022-01-13 2:14:50 PM

PERSPECTIVE VIEW - EAST ELEVATION - FROM AMBROSI RD.

PERSPECTIVE VIEW - SOUTH ELEVATION - FROM COURTYARD

PERSPECTIVE VIEW - NORTH ELEVATION - FROM COURTYARD

PERSPECTIVE VIEW - SOUTH ELEVATION - FROM SPRINGFIELD RD.

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TITLE

3D PERSPECTIVE VIEWS

PROJECT NO.	DRAWN	CHECKED
221-016	Author	Checker

DRAWING NO.

DP3.4

REVISION NO.

3

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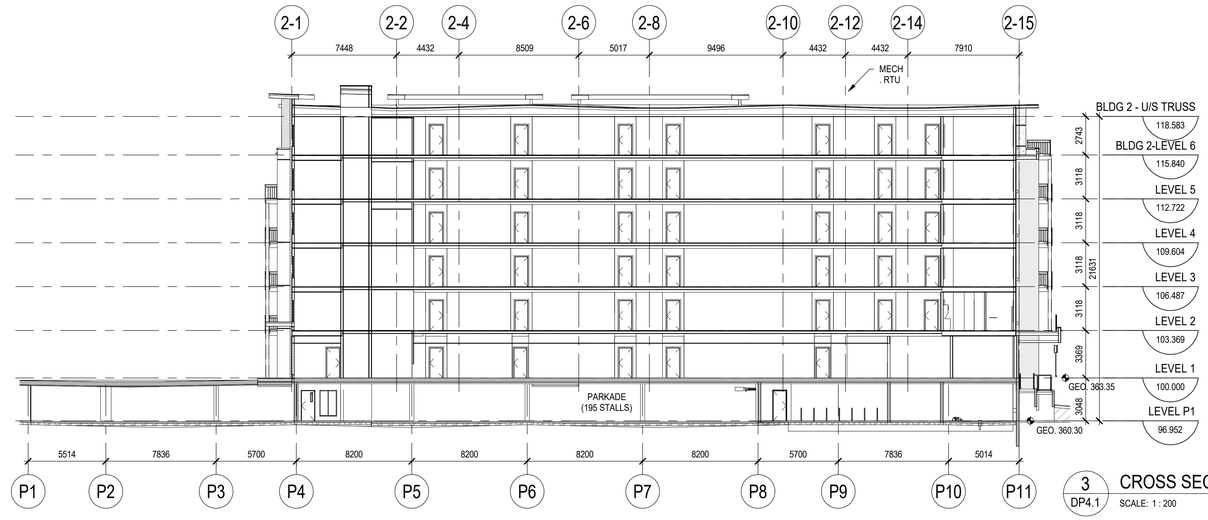

3 DP4.1 CROSS SECTION - NORTH E-W

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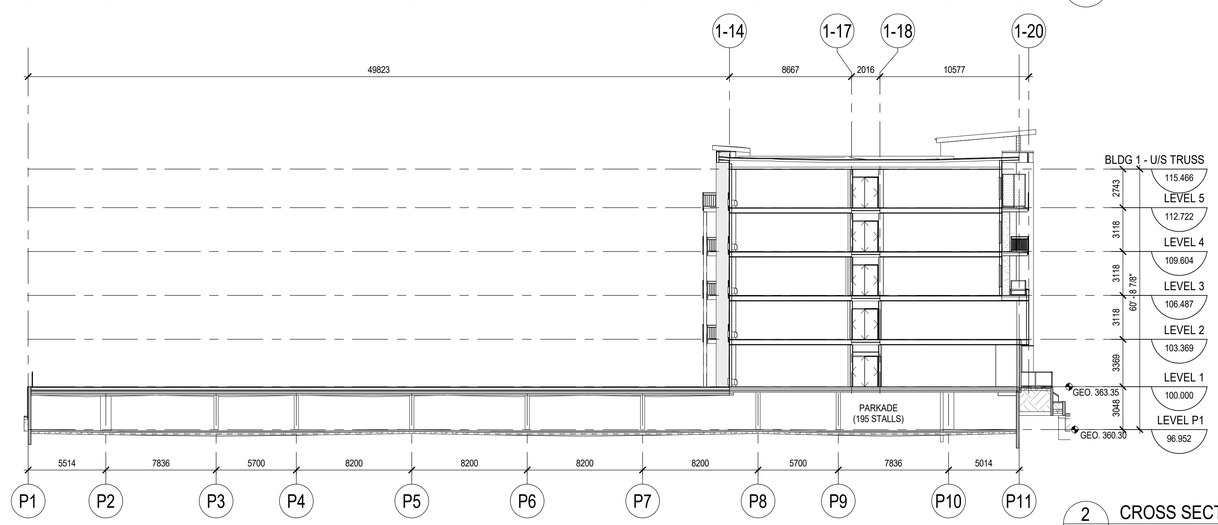

2 DP4.1 CROSS SECTION - OVERALL E-W

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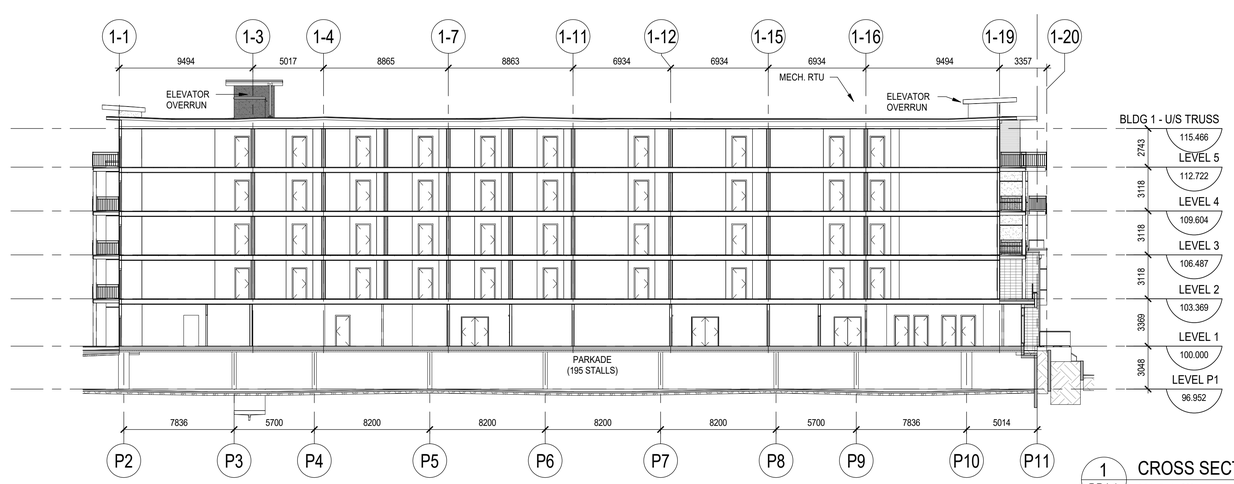

1 DP4.1 CROSS SECTION - SOUTH E-W

SCALE: 1 : 200

zeidler

Zeidler Architecture

300, 640 – 8 Avenue SW
Calgary, Alberta T2P 1G7
T 403 233 2525 | zeidler.com

WESTPOINT

NOTE

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CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS ON THE JOB. ANY DISCREPANCY OR CONTRADICTORY INFORMATION WITHIN THIS SET OF DRAWINGS AND / OR OTHER CONSULTANTS' DRAWINGS MUST BE BROUGHT TO THE ATTENTION OF THE ARCHITECT BEFORE PROCEEDING.

REGISTERED ARCHITECT
JAMES D. BROWN
2011-01-13
BRITISH COLUMBIA

NO.	ISSUE/ REVISION	DATE
3	DP AMENDMENT	2022-01-13
2	TRS AMENDED PLANS	2021-10-05
1	ISSUED FOR DEVELOPMENT PERMIT	2021-08-06

NOT FOR CONSTRUCTION

PROJECT

1994 SPRINGFIELD

PROJECT ADDRESS

1994 SPRINGFIELD RD
KELOWNA, BC V1Y 5V7

TITLE

BUILDING SECTIONS

PROJECT NO.	DRAWN	CHECKED
221-016	Author	Checker

DRAWING NO.

DP4.1

REVISION NO.

3

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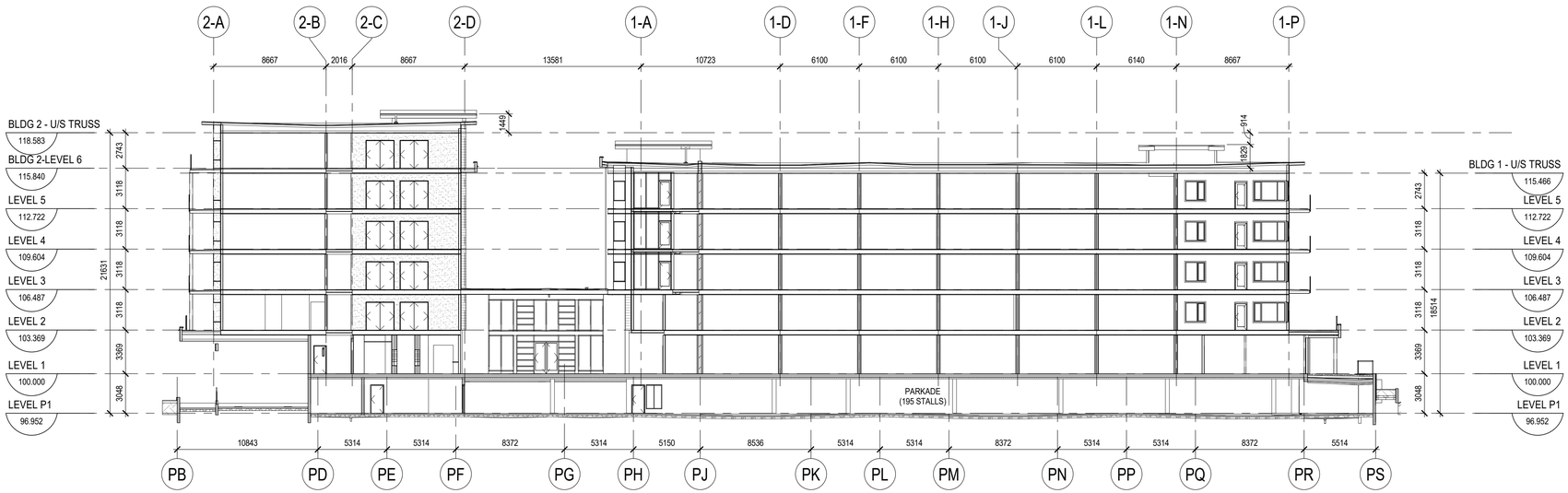
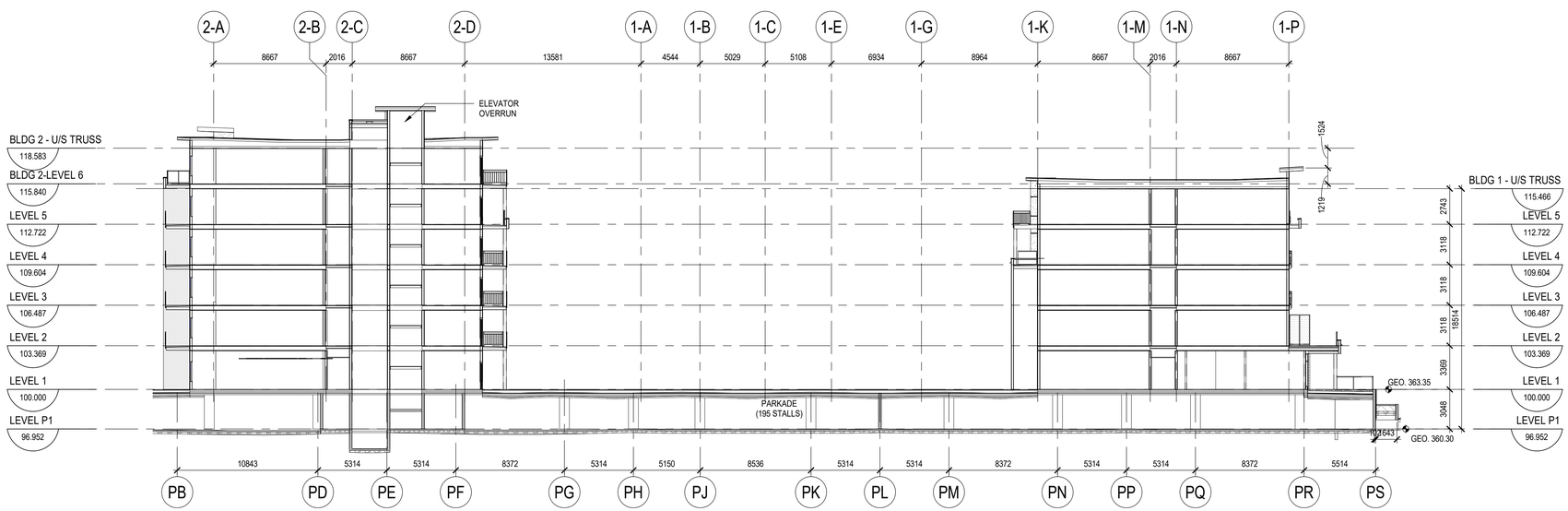


2 DP4.2 LONGITUDINAL SECTION - OVERALL N-S

SCALE: 1 : 200



1 DP4.2 LONGITUDINAL SECTION - OVERALL N-S

SCALE: 1 : 200

zeidler

Zeidler Architecture

300, 640 – 8 Avenue SW
Calgary, Alberta T2P 1G7
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NOTE

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PROJECT

1994 SPRINGFIELD

PROJECT ADDRESS

1994 SPRINGFIELD RD
KELOWNA, BC V1Y 5V7

TITLE

BUILDING SECTIONS

PROJECT NO.	DRAWN	CHECKED
221-016	Author	Checker

DRAWING NO.

DP4.2

REVISION NO.

3

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LEGEND

- - - - - - - - - - HARD SRUFACED TRAVEL PATH TO SAVE AREA

NOTES

1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED THE CANADIAN LANDSCAPE STANDARD. ALL OFF-SITE LANDSCAPE WORKS TO MEET CITY OF KELOWNA BYLAW 7900 STANDARDS.

2. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.

3. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 75mm WOOD MULCH. DO NOT PLACE WEED MAT UNDERNEATH TREE AND SHRUB BEDS.

4. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL PLACEMENT. TURF TO RECEIVE A MINIMUM OF 150mm DEPTH TOPSOIL PLACEMENT.

5. TURF AREAS FROM SOD SHALL BE NO. 1 GRADE GROWN FROM CERTIFIED SEED OF IMPROVED CULTIVARS REGISTERED FOR SALE IN B.C. AND SHALL BE TOLERANT OF DROUGHT CONDITIONS. A MINIMUM OF 100mm DEPTH OF GROWING MEDIUM IS REQUIRED BENEATH TURF AREAS. TURF AREAS SHALL MEET EXISTING GRADES AND HARD SURFACES FLUSH.

6. SITE GRADING AND DRAINAGE WILL ENSURE THAT ALL STRUCTURES HAVE POSITIVE DRAINAGE AND THAT NO WATER OR LOOSE IMPEDIMENTS WILL BE DISCHARGED FROM THE LOT ONTO ADJACENT PUBLIC, COMMON, OR PRIVATE PROPERTIES.

PLANT LIST

BOTANICAL NAME	COMMON NAME	QTY	SIZE/SPACING & REMARKS
TREES			
ACER TATARICUM 'RUGGED CHARM'	RUGGED CHARM MAPLE	7	6cm CAL.
CRATEGUS X MORDENENSIS 'SNOWBIRD'	SNOWBIRD HAWTHORN	20	6cm CAL.
POPULUS X 'BYMIKE'	GATEKEEPER ASPEN	8	6cm CAL.
SYRINGA RETICULATA 'IVORY SILK'	IVORY SILK TREE LILAC	16	6cm CAL.
SHRUBS			
BERBERIS THUNBERGII 'MONOMB'	CHERRY BOMB JAPANESE BARBERRY	134	#02 CONT. /1.2M O.C. SPACING
HYDRANGEA ARBORESCENS 'ANNABELLE'	ANNABELLE HYDRANGEA	86	#02 CONT. /1.5M O.C. SPACING
PERENNIALS & GRASSES			
ACHILLEA MILLEFOLIUM	COMMON YARROW	100	#01 CONT. /0.75M O.C. SPACING
CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER'	FOERSTER'S FEATHER REED GRASS	56	#01 CONT. /1.0M O.C. SPACING
ECHINACEA PURPUREA 'MAGNUS'	MAGNUS CONEFLOWER	100	#01 CONT. /0.75M O.C. SPACING
HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	100	#01 CONT. /0.75M O.C. SPACING
HEMEROCALLIS 'RUBY STELLA'	RUBY STELLA DAYLILY	155	#01 CONT. /0.6M O.C. SPACING
MISCANTHUS SINENSIS 'PURPURASCENS'	ORANGE FLAME GRASS	56	#01 CONT. /1.0M O.C. SPACING
PACHYSANDRA TERMINALIS	JAPANESE SPURGE	155	#01 CONT. /0.6M O.C. SPACING
SALVIA NEMOROSA 'MAY NIGHT'	MAY NIGHT SALVIA	155	#01 CONT. /0.6M O.C. SPACING

OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

303-590 KLO Road
Kelowna, BC V1Y 7S2
T (250) 868-9270
www.outlanddesign.ca

N

PROJECT TITLE

1994 SPRINGFIELD ROAD

Kelowna, BC

DRAWING TITLE

CONCEPTUAL LANDSCAPE PLAN

ISSUED FOR / REVISION		
1	21.08.06	Review
2	21.10.04	Review
3	21.12.20	Revision #1 DP Submission
4		
5		

PROJECT NO	21-052
DESIGN BY	AM
DRAWN BY	MC
CHECKED BY	FB
DATE	DEC. 20, 2021
SCALE	1:250
PAGE SIZE	24"x36"

SEAL

BRITISH COLUMBIA SOCIETY OF LANDSCAPE ARCHITECTS
REGISTERED MEMBER
FIONA BARTON
334

DRAWING NUMBER

LS-001

ISSUED FOR REVIEW ONLY

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PURPOSE-BUILT RENTAL HOUSING AGREEMENT

THIS AGREEMENT dated for reference _____ affects:

LEGAL DESCRIPTION OF PROPERTY SUBJECT TO THE AGREEMENT:

PID: 017-834-724; Lot 1 District Lot 129 ODYD Plan KAP47562

("Land")

And is

BETWEEN:

1295991 B.C. LTD.
612 Bernard Avenue
Kelowna, BC V1Y 2G3

("Owner")

AND:

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

("City")

GIVEN THAT:

A. The Owner has applied to the City for rezoning of the Lands to permit the construction of a housing complex that will include purpose-built rental housing units, as defined in this Agreement, on certain lands more particularly described in this Agreement;

B. The City may, pursuant to section 483 of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure, and availability of the housing units on the land or construction on land;

C. The Owner and the City wish to enter into this Agreement to provide for purpose-built rental housing on the terms and conditions set out in this Agreement, and agree that this Agreement is a housing agreement under s. 483 of the *Local Government Act*; and

D. The City has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement;

This Agreement is evidence that in consideration of $1.00 paid by the City to the Owner (the receipt of which is acknowledged by the Owner) and in consideration of the promises exchanged below, the City and Owner agree, as a housing agreement between the Owner and the City under s. 483 of the *Local Government Act*, as follows:

ARTICLE 1
INTERPRETATION

1.1 Definitions -

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

"City" means the City of Kelowna;

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

"Household" means

(a) a person;

(b) two or more persons related by blood, marriage, or adoption; or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities;

(c) a group of not more than five persons, including boarders, who are not related by blood, marriage, or adoption, or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities; or

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

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

"Land" means the land described herein;

"LTO" means the Kamloops Land Title Office or its successor;

"Official Community Plan" means the City of Kelowna Official Community Plan Bylaw No. 10500, or its successor bylaw;

"Owner" means the registered owner of the Lands from time to time and any parcels into which the Lands are subdivided;

"Purpose-Built Rental Housing" means a Dwelling Unit that is intended to be used for rental housing; and

"Tenancy Agreement" means a tenancy agreement as defined in, and subject to, the *Residential Tenancy Act*.

1.2 Interpretation - In this Agreement:

(a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;

(b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;

(c) reference to a particular numbered section or article, or to a particular lettered Schedule, is a reference to the correspondingly numbered or lettered article, section or Schedule of this Agreement;

(d) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;

(e) the word "enactment" has the meaning given in the *Interpretation Act* on the reference date of this Agreement;

(f) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;

(g) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;

(h) the provisions of s. 25 of the *Interpretation Act* with respect to the calculation of time apply;

(i) time is of the essence;

(j) all provisions are to be interpreted as always speaking;

(k) reference to a "party" is a reference to a party to this Agreement and to their respective successors, assigns, trustees, administrators and receivers;

(l) reference to a "day", "month", "quarter" or "year" is a reference to a calendar day, calendar month, calendar quarter or calendar year, as the case may be, unless otherwise expressly provided;

(m) the definitions given in the City of Kelowna Zoning Bylaw No. 8000, or its successor bylaw, and the Official Community Plan apply for the purposes of this Agreement; and

(n) any act, decision, determination, consideration, consent or exercise of discretion by a party, or other person, as provided in this Agreement will be performed, made or exercised acting reasonably.

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

(a) this Agreement is intended to serve the public interest by providing for occupancy of a certain number of Dwelling Units, of the kinds provided for in this Agreement, that are in demand in the City of Kelowna but that are not readily available;

(b) damages are not an adequate remedy to the City in respect of any breach of this Agreement by the Owner, such that the Owner agrees the City should be entitled to an order for specific performance, injunction or other specific relief respecting any breach of this Agreement by the Owner.

ARTICLE 2
HOUSING AGREEMENT AND LAND USE RESTRICTIONS

2.1 Land Use Restrictions - The Owner and the City herby covenant and agree as follows:

(a) The Land will be used only in accordance with this Agreement;

(b) The Owner will design, construct and maintain one or more buildings providing 195 Dwelling Units as Purpose-Built Rental Housing

(c) The Owner acknowledges that the City will not support applications to stratify the building(s) on the Land, thereby allowing the identified Purpose-Built Rental Housing Dwelling Units to be sold independently of each other, for a period of ten (10) years from the date of this Agreement.

ARTICLE 3
HOUSING AGREEMENT AND TRANSFER RESTRICTIONS

3.1 Purchaser Qualifications - The City and the Owner agree as follows:

(a) the Owner will not sell or transfer, or agree to sell or transfer, any interest in any building containing Purpose-Built Rental Housing Dwelling Units on the Land other than a full interest in the fee simple title to an agency or individual that will continue to ensure that the Purpose-Built Rental Housing Dwelling Units are available in accordance with this Agreement.

3.2 Use and Occupancy of Purpose-Built Rental Housing Dwelling Unit - The Owner agrees with the City as follows:

(a) the Owner will rent or lease each Purpose-Built Rental Housing Dwelling Unit on the Land in accordance with the *Residential Tenancy Act*, and in no event may the Owner itself occupy a Purpose-Built Rental Housing Dwelling Unit or use the Purpose-Built Rental Housing Dwelling Unit for short-term vacation accommodation; and

(b) the Owner will deliver a copy of the Tenancy Agreement for each Purpose-Built Rental Housing Dwelling Unit to the City upon demand.

ARTICLE 4
GENERAL

4.1 Notice of Housing Agreement - For clarity, the Owner acknowledges and agrees that:

(a) this Agreement constitutes a housing agreement entered into under s. 483 of the *Local Government Act;*

(b) the City is requiring the Owner to file a notice of housing agreement in the LTO against title to the Land;

(c) once such a notice is filed, this Agreement binds all persons who acquire an interest in the Land;

(d) in the event the parties agree to release this Agreement from the title of the Land, which may not occur before the tenth (10th) anniversary of the date of this Agreement, the Owner will repay the City for 100% of the amount of the rental grant received from the City. Such repaid funds will be directed to the City's Housing Opportunities Reserve Fund.

4.2 **No Effect On Laws or Powers** - This Agreement does not

(a) affect or limit the discretion, rights, duties or powers of the City under any enactment or at common law, including in relation to the use or subdivision of land,

(b) impose on the City any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement,

(c) affect or limit any enactment relating to the use or subdivision of land, or

(d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of land.

4.3 **Management** – The Owner covenants and agrees that it will furnish good and efficient management of the Dwelling Units and will permit representatives of the City to inspect the Dwelling Units at any reasonable time, subject to the notice provisions of the *Residential Tenancy Act.* The Owner further covenants and agrees that it will maintain the Dwelling Units in a satisfactory state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Land. Notwithstanding the foregoing, the Owner acknowledges and agrees that the City, in its absolute discretion, may require the Owner, at the Owner's expense, to hire a person or company with the skill and expertise to manage the Dwelling Units.

4.4 **Notice** - Any notice which may be or is required to be given under this Agreement will be in writing and either be delivered or sent by facsimile transmission. Any notice which is delivered is to be considered to have been given on the first day after it is dispatched for delivery. Any notice which is sent by fax transmission is to be considered to have been given on the first business day after it is sent. If a party changes its address or facsimile number, or both, it will promptly give notice of its new address or facsimile number, or both, to the other party as provided in this section.

4.5 **Agreement Runs With the Land** - Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the City in respect of the Land and this Agreement burdens the Land and runs with it and binds the Owner's successors in title and binds every parcel into which it is consolidated or subdivided by any means, including by subdivision or by strata plan under the *Strata Property Act.*

4.6 **Limitation on Owner's Obligations** - The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Land.

4.7 **Release** – The Owner by this Agreement releases and forever discharges the City and each of its elected

officials, officers, directors, employees and agents, and its and their heirs, executors, administrators, personal representatives, successors, and assigns, from and against all claims, demands, damages, actions, or causes of action by reason of or arising out of advice or direction respecting the ownership, lease, operation or management of the Land or the Dwelling Units which has been or at any time after the commencement of this Agreement may be given to the Owner by all or any of them. This clause will survive the termination of this Agreement.

4.8 **Joint Venture** – Nothing in this Agreement will constitute the Owner as the agent, joint venturer, or partner of the City or give the Owner any authority to bind the City in any way.

4.9 **Waiver** - An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

4.10 **Further Acts** - The Owner will do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

4.11 **Severance** - If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

4.12 **Equitable Remedies** – The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

4.13 **No Other Agreements** - This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.

4.14 **Amendment** - This Agreement may be discharged, amended or affected only by an instrument duly executed by both the Owner and the City.

4.15 **Enurement** - This Agreement binds the parties to it and their respective successors, heirs, executors and administrators. Reference in this Agreement to the "City" is a reference also to the elected and appointed officials, employees and agents of the City.

416 **Deed and Contract** - By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

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

SIGNED, SEALED & DELIVERED in the presence of:

Signature of Witness

Alexa Reynolds
Print Name

612 Bernard Ave
Address

Controller
Occupation

1295991 B.C. LTD.
by its authorized signatories:

Corey Makus

Rob Haberman

SIGNED, SEALED & DELIVERED in the presence of:

Signature of Witness

Print Name

Address

Occupation

CITY OF KELOWNA
by its authorized signatories:

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 12329

Housing Agreement Authorization Bylaw – 1295991 B.C. LTD. 1994 Springfield Road

---

Whereas pursuant to Section 483 of the *Local Government Act*, a local government may, by bylaw, enter into a housing agreement.

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

1. The Municipal Council hereby authorizes the City of Kelowna to enter into a Housing Agreement with 1295991 B.C. Ltd., Inc.No. BC1295991 for the lands known as Lot 1 District Lot 129 ODYD Plan KAP47562 located on Springfield Road, Kelowna, B.C., a true copy of which is attached to and forms part of this bylaw as Schedule "A".

2. The Mayor and City Clerk are hereby authorized to execute the attached agreement as well as any conveyances, deeds, receipts or other documents in connection with the attached agreement.

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

Schedule A

PURPOSE-BUILT RENTAL HOUSING AGREEMENT

THIS AGREEMENT dated for reference _____ affects:

LEGAL DESCRIPTION OF PROPERTY SUBJECT TO THE AGREEMENT:

PID: 017-834-724; Lot 1 District Lot 129 ODYD Plan KAP47562

("Land")

And is

BETWEEN:

1295991 B.C. LTD.
612 Bernard Avenue
Kelowna, BC V1Y 2G3

("Owner")

AND:

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

("City")

GIVEN THAT:

A. The Owner has applied to the City for rezoning of the Lands to permit the construction of a housing complex that will include purpose-built rental housing units, as defined in this Agreement, on certain lands more particularly described in this Agreement;

B. The City may, pursuant to section 483 of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure, and availability of the housing units on the land or construction on land;

C. The Owner and the City wish to enter into this Agreement to provide for purpose-built rental housing on the terms and conditions set out in this Agreement, and agree that this Agreement is a housing agreement under s. 483 of the *Local Government Act*; and

D. The City has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement;

This Agreement is evidence that in consideration of $1.00 paid by the City to the Owner (the receipt of which is acknowledged by the Owner) and in consideration of the promises exchanged below, the City and Owner agree, as a housing agreement between the Owner and the City under s. 483 of the *Local Government Act*, as follows:

ARTICLE 1
INTERPRETATION

1.1 Definitions -

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

"City" means the City of Kelowna;

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

"Household" means

(a) a person;

(b) two or more persons related by blood, marriage, or adoption; or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities;

(c) a group of not more than five persons, including boarders, who are not related by blood, marriage, or adoption, or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities; or

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

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

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"LTO" means the Kamloops Land Title Office or its successor;

"Official Community Plan" means the City of Kelowna Official Community Plan Bylaw No. 10500, or its successor bylaw;

"Owner" means the registered owner of the Lands from time to time and any parcels into which the Lands are subdivided;

"Purpose-Built Rental Housing" means a Dwelling Unit that is intended to be used for rental housing; and

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(c) reference to a particular numbered section or article, or to a particular lettered Schedule, is a reference to the correspondingly numbered or lettered article, section or Schedule of this Agreement;

(d) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;

(e) the word "enactment" has the meaning given in the *Interpretation Act* on the reference date of this Agreement;

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(h) the provisions of s. 25 of the *Interpretation Act* with respect to the calculation of time apply;

(i) time is of the essence;

(j) all provisions are to be interpreted as always speaking;

(k) reference to a "party" is a reference to a party to this Agreement and to their respective successors, assigns, trustees, administrators and receivers;

(l) reference to a "day", "month", "quarter" or "year" is a reference to a calendar day, calendar month, calendar quarter or calendar year, as the case may be, unless otherwise expressly provided;

(m) the definitions given in the City of Kelowna Zoning Bylaw No. 8000, or its successor bylaw, and the Official Community Plan apply for the purposes of this Agreement; and

(n) any act, decision, determination, consideration, consent or exercise of discretion by a party, or other person, as provided in this Agreement will be performed, made or exercised acting reasonably.

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

(a) this Agreement is intended to serve the public interest by providing for occupancy of a certain number of Dwelling Units, of the kinds provided for in this Agreement, that are in demand in the City of Kelowna but that are not readily available;

(b) damages are not an adequate remedy to the City in respect of any breach of this Agreement by the Owner, such that the Owner agrees the City should be entitled to an order for specific performance, injunction or other specific relief respecting any breach of this Agreement by the Owner.

ARTICLE 2
HOUSING AGREEMENT AND LAND USE RESTRICTIONS

2.1 Land Use Restrictions - The Owner and the City herby covenant and agree as follows:

(a) The Land will be used only in accordance with this Agreement;

(b) The Owner will design, construct and maintain one or more buildings providing 195 Dwelling Units as Purpose-Built Rental Housing

(c) The Owner acknowledges that the City will not support applications to stratify the building(s) on the Land, thereby allowing the identified Purpose-Built Rental Housing Dwelling Units to be sold independently of each other, for a period of ten (10) years from the date of this Agreement.

ARTICLE 3
HOUSING AGREEMENT AND TRANSFER RESTRICTIONS

3.1 Purchaser Qualifications - The City and the Owner agree as follows:

(a) the Owner will not sell or transfer, or agree to sell or transfer, any interest in any building containing Purpose-Built Rental Housing Dwelling Units on the Land other than a full interest in the fee simple title to an agency or individual that will continue to ensure that the Purpose-Built Rental Housing Dwelling Units are available in accordance with this Agreement.

3.2 Use and Occupancy of Purpose-Built Rental Housing Dwelling Unit - The Owner agrees with the City as follows:

(a) the Owner will rent or lease each Purpose-Built Rental Housing Dwelling Unit on the Land in accordance with the *Residential Tenancy Act*, and in no event may the Owner itself occupy a Purpose-Built Rental Housing Dwelling Unit or use the Purpose-Built Rental Housing Dwelling Unit for short-term vacation accommodation; and

(b) the Owner will deliver a copy of the Tenancy Agreement for each Purpose-Built Rental Housing Dwelling Unit to the City upon demand.

ARTICLE 4
GENERAL

4.1 Notice of Housing Agreement - For clarity, the Owner acknowledges and agrees that:

(a) this Agreement constitutes a housing agreement entered into under s. 483 of the *Local Government Act;*

(b) the City is requiring the Owner to file a notice of housing agreement in the LTO against title to the Land;

(c) once such a notice is filed, this Agreement binds all persons who acquire an interest in the Land;

(d) in the event the parties agree to release this Agreement from the title of the Land, which may not occur before the tenth (10th) anniversary of the date of this Agreement, the Owner will repay the City for 100% of the amount of the rental grant received from the City. Such repaid funds will be directed to the City's Housing Opportunities Reserve Fund.

4.2 **No Effect On Laws or Powers** - This Agreement does not

(a) affect or limit the discretion, rights, duties or powers of the City under any enactment or at common law, including in relation to the use or subdivision of land,

(b) impose on the City any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement,

(c) affect or limit any enactment relating to the use or subdivision of land, or

(d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of land.

4.3 **Management** – The Owner covenants and agrees that it will furnish good and efficient management of the Dwelling Units and will permit representatives of the City to inspect the Dwelling Units at any reasonable time, subject to the notice provisions of the *Residential Tenancy Act.* The Owner further covenants and agrees that it will maintain the Dwelling Units in a satisfactory state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Land. Notwithstanding the foregoing, the Owner acknowledges and agrees that the City, in its absolute discretion, may require the Owner, at the Owner's expense, to hire a person or company with the skill and expertise to manage the Dwelling Units.

4.4 **Notice** - Any notice which may be or is required to be given under this Agreement will be in writing and either be delivered or sent by facsimile transmission. Any notice which is delivered is to be considered to have been given on the first day after it is dispatched for delivery. Any notice which is sent by fax transmission is to be considered to have been given on the first business day after it is sent. If a party changes its address or facsimile number, or both, it will promptly give notice of its new address or facsimile number, or both, to the other party as provided in this section.

4.5 **Agreement Runs With the Land** - Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the City in respect of the Land and this Agreement burdens the Land and runs with it and binds the Owner's successors in title and binds every parcel into which it is consolidated or subdivided by any means, including by subdivision or by strata plan under the *Strata Property Act.*

4.6 **Limitation on Owner's Obligations** - The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Land.

4.7 **Release** – The Owner by this Agreement releases and forever discharges the City and each of its elected

officials, officers, directors, employees and agents, and its and their heirs, executors, administrators, personal representatives, successors, and assigns, from and against all claims, demands, damages, actions, or causes of action by reason of or arising out of advice or direction respecting the ownership, lease, operation or management of the Land or the Dwelling Units which has been or at any time after the commencement of this Agreement may be given to the Owner by all or any of them. This clause will survive the termination of this Agreement.

4.8 **Joint Venture** – Nothing in this Agreement will constitute the Owner as the agent, joint venturer, or partner of the City or give the Owner any authority to bind the City in any way.

4.9 **Waiver** - An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

4.10 **Further Acts** - The Owner will do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

4.11 **Severance** - If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

4.12 **Equitable Remedies** – The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

4.13 **No Other Agreements** - This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.

4.14 **Amendment** - This Agreement may be discharged, amended or affected only by an instrument duly executed by both the Owner and the City.

4.15 **Enurement** - This Agreement binds the parties to it and their respective successors, heirs, executors and administrators. Reference in this Agreement to the "City" is a reference also to the elected and appointed officials, employees and agents of the City.

416 **Deed and Contract** - By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

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

SIGNED, SEALED & DELIVERED in the presence of:

Signature of Witness

Alexa Reynolds
Print Name

612 Bernard Ave
Address

Controller
Occupation

1295991 B.C. LTD.
by its authorized signatories:

Corey Makus

Rob Haberman

SIGNED, SEALED & DELIVERED in the presence of:

Signature of Witness

Print Name

Address

Occupation

CITY OF KELOWNA
by its authorized signatories:

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 12299

Road Closure and Removal of Highway Dedication Bylaw
(Portion of Road Adjacent to Highway 97)

A bylaw pursuant to Section 40 of the Community Charter to authorize the City to permanently close and remove the highway dedication of a portion of highway Adjacent to Highway 97

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

1. That portion of highway attached as Schedule "A" comprising 263.5 m^2 shown in bold black as Road to be Closed on the Reference Plan prepared by Roxy O'Connell, B.C.L.S., is hereby stopped up and closed to traffic and the highway dedication removed.

2. The Mayor and City Clerk of the City of Kelowna are hereby authorized to execute such conveyances, titles, survey plans, forms and other documents on behalf of the said City as may be necessary for the purposes aforesaid.

Read a first, second and third time by the Municipal Council this 7th day of February, 2022.

Approved Pursuant to Section 41(3) of the Community Charter this 18th day of February, 2022.

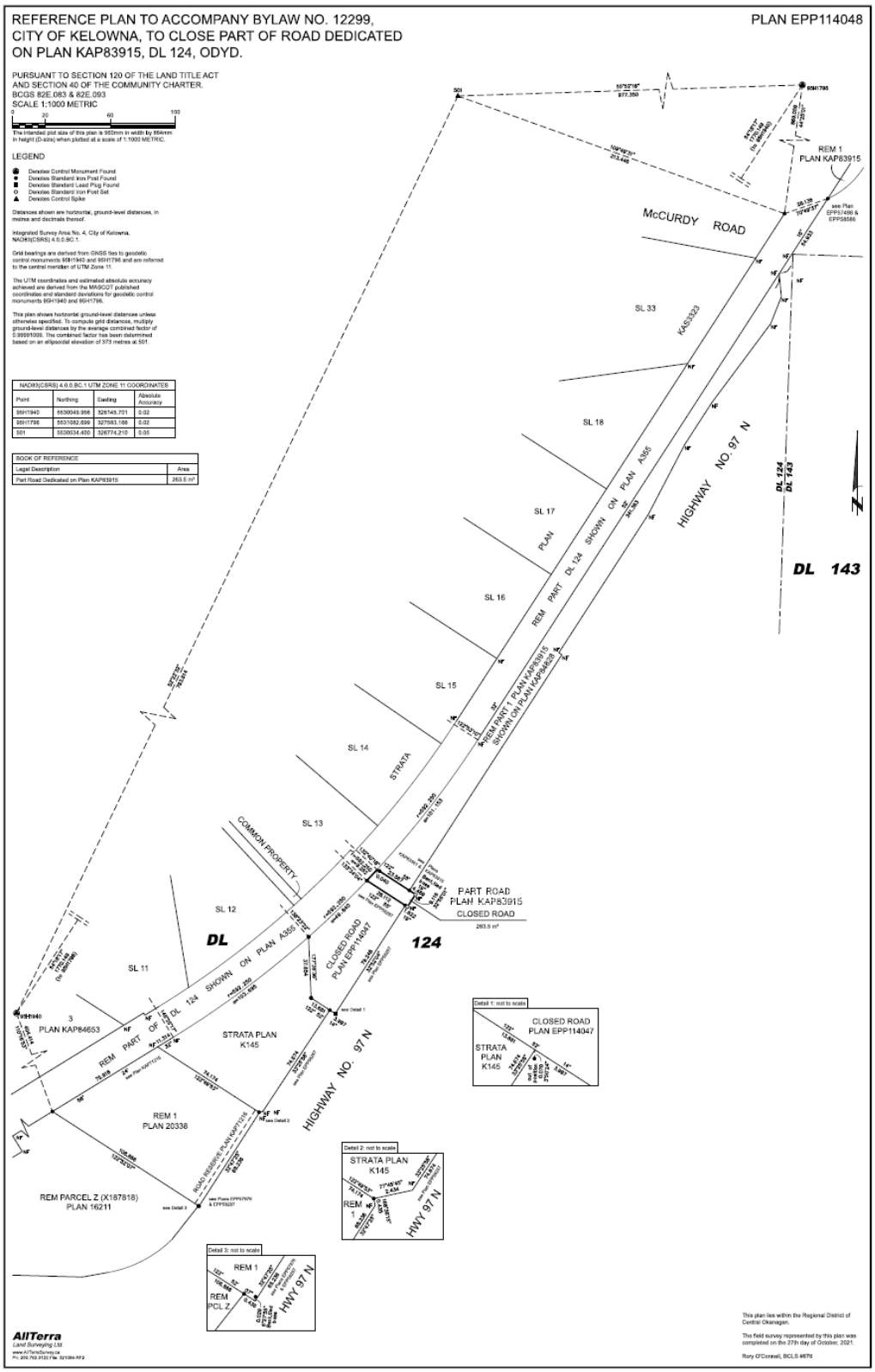
Sean Potter
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule "A"


REFERENCE PLAN TO ACCOMPANY BYLAW NO. 12299,
CITY OF KELOWNA, TO CLOSE PART OF ROAD DEDICATED
ON PLAN KAP83915, DL 124, ODYD.
PLAN EPP114048
PURSUANT TO SECTION 120 OF THE LAND TITLE ACT
AND SECTION 40 OF THE COMMUNITY CHARTER.
BCGS 82E.083 & 82E.093
SCALE 1:1000 METRIC
LEGEND
McCURDY ROAD
HIGHWAY NO. 97 N
DL 143
DL 124
PART ROAD
PLAN KAP83915
CLOSED ROAD
263.5 m²
CLOSED ROAD
PLAN EPP114047
STRATA PLAN
K145
REM 1
PLAN 20338
REM PARCEL Z (X187818)
PLAN 16211
REM 1
PLAN KAP83915
SL 33
SL 18
SL 17
SL 16
SL 15
SL 14
SL 13
SL 12
SL 11
COMMON PROPERTY
STRATA
REM PART DL 124 SHOWN ON PLAN A355
REM PART 1 PLAN KAP83915
SHOWN ON PLAN KAP84628
REM PART OF DL 124 SHOWN ON PLAN A355
3
PLAN KAP84653
DL
124
HWY 97 N
Detail 1: not to scale
Detail 2: not to scale
Detail 3: not to scale
AllTerra
Land Surveying Ltd.
This plan lies within the Regional District of Central Okanagan.
The field survey represented by this plan was completed on the 27th day of October, 2021.
Rory O'Connell, BCLS #676

CITY OF KELOWNA

BYLAW NO. 12308

Amendment No. 5 to Parks and Public Spaces Bylaw No. 10680

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Parks and Public Spaces Bylaw No.10680 be amended as follows:

1. THAT **Part 2 – DEFINITIONS**, be amended by adding the following in their appropriate location:

   Dryland Boat Rental or **Boat Club Company** means a company that offers boat rental or a boat club service but does not have on water moorage;

   Dryland Personal Watercraft Rental means a company that offers personal watercraft rental but does not have on water moorage;

   Watercraft Valet Company means a company that offers services to launch and retrieve a **watercraft** owned by a third party;

2. THAT **PART 3 – PROHIBITIONS,** be amended by adding "or **Public Space"** wherever the definition **Park** appears alone without "or **Public Space**";

3. AND THAT **PART 4 – USES,** 4.7 be deleted in its entirety as follows:

"No **Person** shall moor or dock a **Passenger Ship** within a **Park** or public space, or on or to a **City** of Kelowna boat launch, dock or moorage facility, or use any of these as a designated location for pick up and drop-off of passengers unless the **Person** holds a License to Use permit from the **City** of Kelowna, as attached to and forming park of this bylaw as Schedule C, and:

(a) Holds a valid **City** of Kelowna Business Licence for operation of Passenger Ship;

(b) Holds insurance coverage for comprehensive liability for bodily injury and property damage, marina operators liability, marina protection and indemnity, owned and non-owned automobile liability and environmental impairment liability in forms and to limits of insurance coverage acceptable to the **City** of Kelowna Risk maanger or designate, and naming the **City** of Kelowna as a named insured;

(c) is properly certified by Transport Canada to operate a Passenger Ship; and

(d) operates the **Passenger Ship** under the command of a certified master, as defined by the Canada Shipping Act, R.S.C., c. S-9, as amended from time to time."

and replace it with the following:

"No **Person** shall

(a) moor or dock a **Passenger Ship** within a **Park** or **Public Space**, or on or to a **City** of Kelowna boat launch, dock or moorage facility, or use any of these as a designated location for pick-up and drop-off of passengers unless the **Person** has a permit or license from the **City** of Kelowna;

(b) enter onto a **Park** or **Public Space** to offer **Watercraft** rentals, offer **Boat Club Company**

services or offer **Watercraft Valet Company** services unless the **Person** has a license or permit from the **City** of Kelowna."

4. AND THAT **PART 4 USES**, 4.10 be added as follows and the section renumbered accordingly:

"Provided that all necessary prerequisites of the Community Charter the Local Government Act, other applicable federal and provincial enactments, City bylaws, and City policies have been met, the Manager, Property Management is delegated the authority to issue permits or licences to use designated moorage space for a **Passenger Ship** and the authority to issue permits or licences for **Watercraft** rentals, **Boat Club Companies** or **Watercraft Valet Companies** to operate in a **Park** or **Public Space**, with the following requirements:

(a) operators are required to pay the **City** a fee for the permit or licence in accordance with Schedule C of this Bylaw;

(b) the maximum term of a licence to use or operate shall be (1) year; and

(c) the Manager, Property Management shall provide a report to Council to be received for information regarding any licences issued pursuant to this Bylaw on an annual basis."

5. AND FURTHER THAT **Schedule "C" - Licence to Use (For Commercial Passenger Vessels)** be deleted in its entirety and replaced with the following:

Schedule C – Boating Facility Commercial Licence Fee per Watercraft	
Dryland Personal Watercraft Rental	$ 1,000.00
Dryland Boat Rental	$ 2,000.00
Boat Club Company	$ 2,000.00
Watercraft Valet Company	$ 200.00
Watercraft Tour Operators	$ 2,000.00

6. This bylaw may be cited for all purposes as "Bylaw No. 12308, being Amendment No. 5 to Parks and Public Spaces Bylaw No.10680."

7. This bylaw shall come into full force and effect and is binding on all persons upon the date of adoption.

Read a first, second and third time by the Municipal Council this 28th day of February, 2022.

Adopted by the Municipal Council of the City of Kelowna this

_____
Mayor

_____
City Clerk

CITY OF KELOWNA

BYLAW NO. 12312

Amendment No.31 to the 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 be amended as follows:

1. THAT **Schedule A, Parks and Public Spaces Bylaw No. 10680** be amended by adding the following in the appropriate location:

"

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available (*Maximum 50% Reduction in Penalty Amount Where Compliance is Shown as "Yes")
10680	4.7(a)	Using a City dock to pick up passengers without a permit or licence from the City.	$500.00	$450.00	$500.00	Yes
10680	4.7(b)	Using a boat launch for watercraft rental, watercraft valet or watercraft boat club without a permit or licence from the City.	$500.00	$450.00	$500.00	Yes

"

This bylaw may be cited for all purposes as "Bylaw No. 12285, being Amendment No. 31 to the Bylaw Notice Enforcement Bylaw No. 10475."

Read a first, second and third time by the Municipal Council this 28th day of February, 2022.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk