

City of Kelowna
Regular Council Meeting
AGENDA



Monday, December 9, 2024
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.

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 - 7

PM Meeting - December 2, 2024

3. Committee Reports

3.1 Recommendations from Community Task Force on Performing Arts

8 - 23

To receive and accept the recommendations of the Community Task Force on Performing Arts and advance toward the next steps of implementation.

4. Development Application Reports & Related Bylaws

4.1 Wilkinson St 2160 - Z24-0042 (BL12732) - Wilkinson St Holdings Ltd., Inc.No. BC1321697

24 - 41

To rezone the subject property from the MF1 – Infill Housing zone to the MF3r – Apartment Housing Rental Only zone to facilitate a rental apartment housing development.

4.2 Cadder Ave 789, 809 - Z24-0045 (BL12735) - Multiple Owners

42 - 61

To rezone the subject properties from the MF1 – Infill Housing zone to the MF3 – Apartment Housing zone to facilitate apartment housing.

4.3 Rezoning Bylaws Supplemental Report to Council

62 - 63

To receive a summary of notice of first reading for Rezoning Bylaw No. 12729 and to give the bylaw further reading consideration.

4.4	Houghton Rd 1028-1030 - BL12729 (Z23-0008) - Helene L. M. Letnick	64 - 64
	To give Bylaw No. 12729 first, second and third reading in order to rezone the subject property from the MF1 – Infill Housing zone to the MF2 – Townhouse Housing zone.	
5.	Bylaws for Adoption (Development Related)	
5.1	Appaloosa Rd 3199 - BL12705 (Z24-0037) - City of Kelowna	65 - 65
	To adopt Bylaw No. 12705 in order to rezone the subject property from the A2 – Agriculture / Rural Residential zone to the I2 – General Industrial zone.	
5.2	Dougall Rd N 165 - BL12724 (Z24-0038) - City of Kelowna	66 - 66
	To adopt Bylaw No. 12724 in order to rezone the subject property from the UC4 – Rutland Urban Centre zone to the UC4r – Rutland Urban Centre Rental Only zone.	
6.	Non-Development Reports & Related Bylaws	
6.1	Medical Marihuana Business Licence Bylaw Amendments Consultation and Adoption	67 - 73
	To rescind Medical Marihuana Production Regulation Business Bylaw No. 10920 and update Business Licence and Regulation Bylaw No. 12585 and Bylaw Notice Enforcement Bylaw No. 10475 to reflect current cannabis regulations.	
6.2	BL12727 - Amendment No. 1 to Business Licence and Regulation Bylaw No. 12585	74 - 75
	To adopt Bylaw No. 12727.	
6.3	BL12728 - Amendment No. 37 to Bylaw Notice Enforcement Bylaw No. 10475	76 - 77
	To adopt Bylaw No. 12728.	
6.4	Security Alarm System Bylaw No. 9147 Update	78 - 100
	To consider a new Bylaw and associated Agreement for the Regional District of Central Okanagan to continue to provide a Security Alarm Systems service for the City of Kelowna.	
6.5	BL12730 - Security Alarm Systems Bylaw	101 - 104
	To give Bylaw No. 12730 first, second and third reading.	
7.	Bylaws for Adoption (Non-Development Related)	
7.1	BL12715 - Amendment No. 5 to Development Application and Heritage Procedures Bylaw No. 12310	105 - 108
	To adopt Bylaw No. 12715.	

- 7.2 **BL12716 - Amendment No. 3 to Development Application Fees Bylaw No. 12552** 109 - 110
To adopt Bylaw No. 12716.
- 7.3 **BL12731 - Amendment to Water Regulation Bylaw No. 10480 and Water Service Parcel Tax Bylaw No. 8923** 111 - 111
To adopt Bylaw No. 12731.

8. **Mayor and Councillor Items**

9. **Termination**



**City of Kelowna
Regular Council Meeting
Minutes**

Date:	Monday, December 2, 2024
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Tom Dyas, Councillors Ron Cannan, Maxine DeHart, Charlie Hodge, Gord Lovegrove, Mohini Singh, Luke Stack, Rick Webber and Loyal Wooldridge
Staff Present	City Manager, Doug Gilchrist; City Clerk, Laura Bentley; General Manager Corporate Services, Joe Sass*; Event Development Manager, Chris Babcock*; Financial Planning Manager, Melanie Antunes*; Community Safety Director, Darren Caul*; Community Safety Services Manager, Kevin Duggan*; Utility Services Department Manager, Kevin Van Vliet*; Divisional Director, Partnership & Investments, Derek Edstrom*; Facilities Planning and Design Manager, Robert Parlane*; Senior Project Architect, Paul Reyes*; Deputy City Clerk, Michael Jud*; Legal & Administrative Coordinator, Lisa Schell
Guest	Wayne Moore*, Chair, Civic & Community Awards Steering Committee

(* Denotes partial attendance)

1. Call to Order

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

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

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2. Confirmation of Minutes

Moved By Councillor Webber/Seconded By Councillor DeHart

THAT the Minutes of the Regular Meetings of November 25, 2024 be confirmed as circulated.

Carried

3. Reports

3.1 2024 GFOA Distinguished Budget Presentation Award

Staff:

- Presented Mayor Dyas with the 2024 Government Finance Officers Association Distinguished Budget Award.

4. Committee Reports

4.1 50th Civic Awards Nomination Period

Staff:

- Introduced the opening of the Annual Civic & Community Awards nomination period and introduced the Chair of the Steering Committee.

Wayne Moore, Chair, Civic & Community Awards Steering Committee

- Displayed a PowerPoint Presentation announcing the nomination period for the 50th Annual Civic & Community Awards and identified Civic Award categories.
- Acknowledged the long service of former Chair of the Civic & Community Awards Steering Committee, Ellen Boelcke.

5. Development Application Reports & Related Bylaws

5.1 Rezoning Bylaws Supplemental Report to Council

City Clerk:

- Commented on notice of first reading and correspondence received.

5.2 Rezoning Applications

5.2.1 Dougall Rd N 165 - BL12724 (Z24-0038) - City of Kelowna

5.2.2 Treetop Rd 1870 - BL12726 (Z24-0016) - 1870 Treetop Road Development Ltd., Inc. No. BC1265565

Moved By Councillor Singh/Seconded By Councillor Lovegrove

THAT Bylaw Nos. 12724 and 12726 each be read a first, second and third time.

Carried

6. Non-Development Reports & Related Bylaws

6.1 2025 Financial Plan - Preliminary Budget Volume Overview

Staff:

- Displayed a PowerPoint Presentation providing an overview of the 2025 Financial Plan, Capital Plan and enhancement to the Service Based Budget approach.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

THAT Council receives for information, the presentation from the General Manager of Corporate Services dated December 2, 2024, with respect to the 2025 Financial Plan – Preliminary Budget Volume.

Carried

6.2 Pathways Abilities Society Bicycle Handling Agreement

Staff:

- Provided an overview of the agreement between the City of Kelowna and Pathways Abilities Society to handle the collection of found and recovered bicycles.

Moved By Councillor Lovegrove/Seconded By Councillor Singh

THAT Council receives, for information, the report from Police Services dated November 25, 2024, with respect to Bicycle Program – Pathway Abilities Society;

AND THAT Council approves the City entering into an agreement with the Pathways Abilities Society, for the period 2025-2029 to provide the collection, safekeeping and ultimate disposal of found and recovered bicycles within the City of Kelowna, in the form attached to the report of Police Services dated November 25, 2024;

AND THAT the Mayor and City Clerk be authorized to execute the Agreement.

Carried

6.3 Bylaw Clarifications Related to GEID Amalgamation

Staff:

- Provided an overview of the proposed bylaw amendments to accommodate the amalgamation transition for the Glenmore-Ellison Improvement District.

Moved By Councillor Lovegrove/Seconded By Councillor Hodge

THAT Council receives, for information, the report from Utility Services dated December 2, 2024, with regards to amending Kelowna bylaws to accommodate the amalgamation of the Glenmore-Ellison Improvement District;

AND THAT Bylaw No. 12731, being Water Bylaws Amending Bylaw, be forwarded for reading consideration.

Carried

6.4 BL12731 - Amendment to Water Regulation Bylaw No. 10480 and Water Service Parcel Tax Bylaw No. 8923

Moved By Councillor Singh/Seconded By Councillor Lovegrove

THAT Bylaw No. 12371 be read a first, second and third time.

Carried

6.5 Strategic Facilities Master Plan

Staff:

- Displayed a PowerPoint Presentation providing an overview of the proposed Strategic Facilities Master Plan objectives and next steps and responded to questions from Council.

Moved By Councillor Lovegrove/Seconded By Councillor Webber

THAT Council receives, for information, the report from Facilities Planning & Design dated December 2, 2024, related to the Strategic Facilities Master Plan.

AND THAT council endorses in principle the six draft framework components to guide further development of the Strategic Facilities Master Plan.

Carried

6.6 Review of Policy No. 390 - Lobbyist Registry

Staff:

- Displayed a PowerPoint Presentation providing an overview of the Lobbyist Registry Council Policy implementation and recommended updates and responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor Lovegrove

THAT Council receive, for information, the report from the Office of the City Clerk dated December 2, 2024, regarding a review of Council Policy No. 390 – Lobbyist Registry;

AND THAT Council direct staff to bring forward for Council consideration amendments to Council Policy No. 390 – Lobbyist Registry as set out in the report from the Office of the City Clerk dated December 2, 2024.

Carried

7. Mayor and Councillor Items

Councillor DeHart:

- Spoke to their attendance at the Downtown Light Up event.
- Spoke to their attendance at the Tourism Kelowna holiday event.
- Spoke to their attendance at the Fill the Bucket Toy Drive event.
- Spoke to their attendance at the RCMP Stuff a Cruiser Charity event.

Councillor Lovegrove:

- Spoke to their attendance at the Rutland Light Up and commented on community spirit at these events.
- Commented on the Willow Park Church Living Nativity.

Councillor Cannan:

- Spoke to their attendance at the Tourism Kelowna Board meeting.
- Congratulated the Memorial Cup Bid Committee.
- Commented on upcoming major events that will help tourism.
- Expressed congratulations to Kelowna International Airport and Nanaimo Airport that were recently awarded the Best in Airport Partnerships Award.
- Requested an update on short-term rental policy review.

City Manager:

- Commented on timing for review of short-term rental policies.

Councillor Hodge:

- Spoke to their attendance at two community events and commented on the volume of people in attendance.
- Will be attending the Okanagan Basin Water Board meeting on Tuesday, December 2, 2024.

8. Termination

This meeting was declared terminated at 3:15 p.m.

Mayor Dyas

/acm



City Clerk

Report to Council



Date: December 9, 2024
To: Council
From: Community Task Force on the Performing Arts
Subject: Recommendations from the Community Task Force on Performing Arts
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Community Task Force on Performing Arts dated December 9, 2024, with respect to community opportunities to grow performing arts opportunities in Kelowna;

AND THAT Council accepts the recommendations of the Community Task Force on Performing Arts, as outlined in the report dated December 9, 2024;

AND FURTHER THAT Council directs staff to report back to Council on a plan for implementing the Task Force’s recommendations, including stakeholder integration, location analysis, functional space analysis, and planning and design, as appropriate.

Purpose:

To receive and accept the recommendations of the Community Task Force on Performing Arts and advance toward the next steps of implementation.

Council Priority Alignment:

Economic Development

Background:

The Community Task Force on Performing Arts was established on August 14, 2023. The Task Force was tasked with making recommendations to Council with respect to the following objectives:

- Identifying partnership opportunities for the redevelopment of the Kelowna Community Theatre (KCT);
- Engage the public for their vision for KCT redevelopment opportunities;
- Increase integration between all stakeholders involved the Performing Arts; and
- Identifying philanthropic opportunities to fund, in part, a new KCT and to what extent.

The Task Force’s Terms of Reference provide for a 9-10 member body Chaired by the Mayor and include members with relevant expertise in a variety of subject areas. Council appointed the Task

Force's full membership on October 30, 2023. The Terms of Reference provided that the Task Force serves for an initial term of eight months, with the option of extension.

Discussion:

The Task Force began meeting monthly in January, 2024, holding eight meetings in total. The meetings of the Task Force have progressed with the aim of enhancing understanding of the performing arts sector and addressing the community's future needs. Across its eight meetings to date, the Task Force has completed the following milestones:

1. Orientation and idea generation

The Task Force held a brainstorming session during which members shared their ideas on essential items required for progressing the performing arts and enhancing the KCT facility. In advance of this session the Task Force reviewed recent studies on the condition of Kelowna's existing performing arts venues as well as feasibility and market demand studies on a potential new facility.

2. Community & industry profile

The Task Force received a presentation from City staff which provided an overview of the status of performing arts in the community, including pertinent information on the community's demographic profile, challenges in the performing arts sector, as well as an overview of current plans and key initiatives. External consultants presented a review of recent studies on the feasibility of a new performing arts venue.

3. Understanding current operations

The Task Force received a presentation from KCT staff highlighting the Theatre's mandate and current operations.

4. Exploring possibilities

The Task Force received a presentation from the Citizens for a New Performing Arts Centre Society highlighting the Society's analysis of potential possibilities for a new performing arts venue.

5. Learning from the experience of other communities

The Task Force received a presentation from Arts Commons of Calgary and Live Nation highlighting various aspects of a new arts infrastructure project being planned in Calgary.

6. Survey for current local facility users

Two surveys were conducted – one for local event organizers and another for task force members – to obtain comprehensive insights into the services provided and their satisfaction levels. The surveys also aimed to explore the current and future needs of a performing arts space, as well as collect additional feedback from local facility users for the Task Force's consideration.

Recommendations

The Task Force's recommendations are based on multiple sources of information, interviews, and engagements with the community and subject matter experts, and they share a common foundation:

- There is a recognized need within the community for additional performances spaces.
- The KCT, with some improvements to the front of house, would be able to maximize space usage and services to audiences.

- Without additional performance venues, the arts community will face significant limitations on future growth.
- Creating opportunities for additional performances would have a positive economic, cultural and social impact on our community.

Based on the considerations set out above, the Task Force agreed to present the following recommendations to Council:

1. The existing Kelowna Community Theatre Facility should remain in place to serve the community.
2. A new Performing Arts Centre should be constructed at a site to be determined.
3. The existing Kelowna Community Theatre should be renovated to enhance front of house amenities.
4. The Community Task Force should continue to work to advance its remaining objectives in an advisory capacity.

Conclusion:

The Task Force is recommending a series of both medium and long-term initiatives to promote the performing arts within our community. Should Council accept the recommendations, staff will commence work on an implementation plan, including stakeholder integration, location analysis, functional space analysis, and planning and design, as appropriate, and will report back to Council.

Considerations applicable to this report:

Financial/Budgetary Considerations:

Staff will explore the financial implications of the recommendations that are not within existing budgets and report back to Council.

Submitted by:

Mayor Dyas, Chair, Community Task Force on Performing Arts

cc:

D. Gilchrist, City Manager

L. Bentley, City Clerk

J. Gabriel, Divisional Director, Active Living & Culture

D. Edstrom, Divisional Director, Partnership & Investments

J. Sass, General Manager Corporate Services

J. Shaw, Asset Management & Capital Planning Manager

R. Parlane, Parks and Buildings Planning Manager

P. Reyes, Senior Project Architect

C. McWillis, Cultural Services Manager

Community Task Force on Performing Arts

Recommendations to advance opportunities in the performing arts

December 9, 2024

Overview

- ▶ Community Task Force on the Performing Arts is here to provide recommendations to Council on community opportunities to grow performing arts opportunities in Kelowna, including enhancing the Kelowna Community Theatre (“KCT”)



Task Force Members

- ▶ Tom Dyas (Mayor)
- ▶ Rick Webber (Councillor)
- ▶ Lisanne Ballantyne
- ▶ Lesley Cormack
- ▶ Nikki Csek
- ▶ Laura Doncom
- ▶ Ryan Donn
- ▶ Robert Fine
- ▶ Lauren Macaulay
- ▶ Shane Styles



Overview of Methodology

	Orientation and Idea Generation	January
	Community & Industry Profile	February, March
	Understanding Current Operations	April
	Exploring Possibilities	May, July
	Survey for Current Local Facility Users	Summer/ Fall 2024
	Present Recommendations to Council	November 2024
	Functional space analysis, planning and design, and stakeholder integration	
	Stakeholder Integration, Partnership and philanthropic prospect planning and development	

Today

Next Steps

Orientation and Idea Generation

January 24, 2024

► Orientation

- Advanced reading materials provided to begin process and set context

► Idea Generation

- Understanding the questions we are looking to answer on behalf of the community
- Sharing ideas of what is important to understand before recommendations are made
- Exploration of these ideas became the path forward and set the direction for the future months

Community & Industry Profile

February 28, 2024

- ▶ Staff presentation on the current trends in the community and within the performing arts
- ▶ Highlights included:
 - Community demographics
 - Sector challenges
 - Overview of current plans and strategies
 - Key initiatives underway

March 27, 2024

- ▶ Consultant Presentation on previous report completed for City
- ▶ Highlights included:
 - Market demand
 - Facility size and site suitability
 - Feasibility study

Understanding Current Operations

April 24, 2024

- ▶ Staff presentation on current theatre operations
- ▶ Highlights included:
 - Review of current organization chart
 - Use of volunteers within theatre operations
 - Event scheduling
 - Procedures for event procurement and bookings
 - Understanding mandate (Community Theatre vs. Performing Arts Centre)
 - Theboxoffice.ca and future ticketing possibilities

Exploring Possibilities

May 22, 2024

- ▶ Presentation provided by Citizens for New Performing Arts Society and their efforts
- ▶ Highlights included:
 - Capacity study and ideal sizing
 - Major donors and jump incentive to starting a new facility project
 - Understanding the role of a new Performing Arts Centre

July 25, 2024

- ▶ Presentations by Arts Common Calgary and Live Nation
- ▶ Highlights included:
 - Overview of New Arts Infrastructure Project in Calgary
 - Philanthropy options
 - Commercial tenants
 - Considerations for campus model
 - Kelowna as a central market
 - Facility capacity options

Survey of Current Users

August & September 2024

- ▶ Opportunity to solicit additional feedback from local Performing Arts Groups
- ▶ Two surveys undertaken
 - Survey 1 sent to Local Event Organizers
 - Survey 2 sent to Task Force Members
- ▶ Highlights included:
 - Understanding of services offered and satisfaction
 - Exploration of current and future needs of a performing arts space
 - Feedback that need to be considered by the Task Force

Recommendations

1. The existing Kelowna Community Theatre Facility should remain in place to serve the community.
2. A new Performing Arts Centre should be constructed at a site to be determined.
3. The existing Kelowna Community Theatre should be renovated to enhance front of house amenities.
4. The Community Task Force should continue to work to advance its remaining objectives in an advisory capacity.

Foundation for Recommendations



- ▶ Recognized need for additional performances spaces.
- ▶ Kelowna Community Theatre can maximize space usage and services to audiences, with some improvements to the front of house.
- ▶ Community will face significant limitations on future growth without additional performance venues.
- ▶ Positive economic, cultural and social impact on our community.

More Work to be Done...

- ▶ Staff will prepare an implementation plan
 - Stakeholder integration, location analysis, functional space analysis, planning and design
 - Report back to Council

- ▶ Task Force will advise Council on implementation plan

A photograph of two guitar necks, one on the left and one on the right, set against a background of vibrant blue and purple bokeh lights. The guitar necks are dark with gold-colored tuners and frets. The background is out of focus, creating a dreamy, atmospheric effect.

Final Thoughts from the Task Force

REPORT TO COUNCIL REZONING



Date: December 9, 2024
To: Council
From: City Manager
Address: 2160 Wilkinson St
File No.: Z24-0042

	Existing	Proposed
OCP Future Land Use:	C-NHD – Core Area Neighbourhood	C-NHD – Core Area Neighbourhood
Zone:	MF1 – Infill Housing	MF3r – Apartment Housing Rental Only

1.0 Recommendation

THAT Rezoning Application No. Z24-0042 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 8 Section 19 Township 26 ODYD Plan 10906, located at 2160 Wilkinson St, Kelowna, BC from the MF1 – Infill Housing zone to the MF3r – Apartment Housing Rental Only zone, be considered by Council;

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

2.0 Purpose

To rezone the subject property from the MF1 – Infill Housing zone to the MF3r – Apartment Housing Rental Only zone to facilitate a rental apartment housing development.

3.0 Development Planning

Staff support the proposal to rezone the subject property to the MF3r – Apartment Housing Rental Only zone. The proposed rezoning will facilitate the development of a four-storey, approximately 29-unit rental apartment building which aligns with the Official Community Plan (OCP) Future Land Use Designation of Core Area Neighbourhood. The proposed rental apartment housing use is consistent with OCP policies which support low and medium density residential development and diverse housing tenures within the Core Area Neighbourhood. Additionally, OCP policy encourages supportive housing developments to be located within the Core Area to be closer to employment, public transit, service and amenity options.

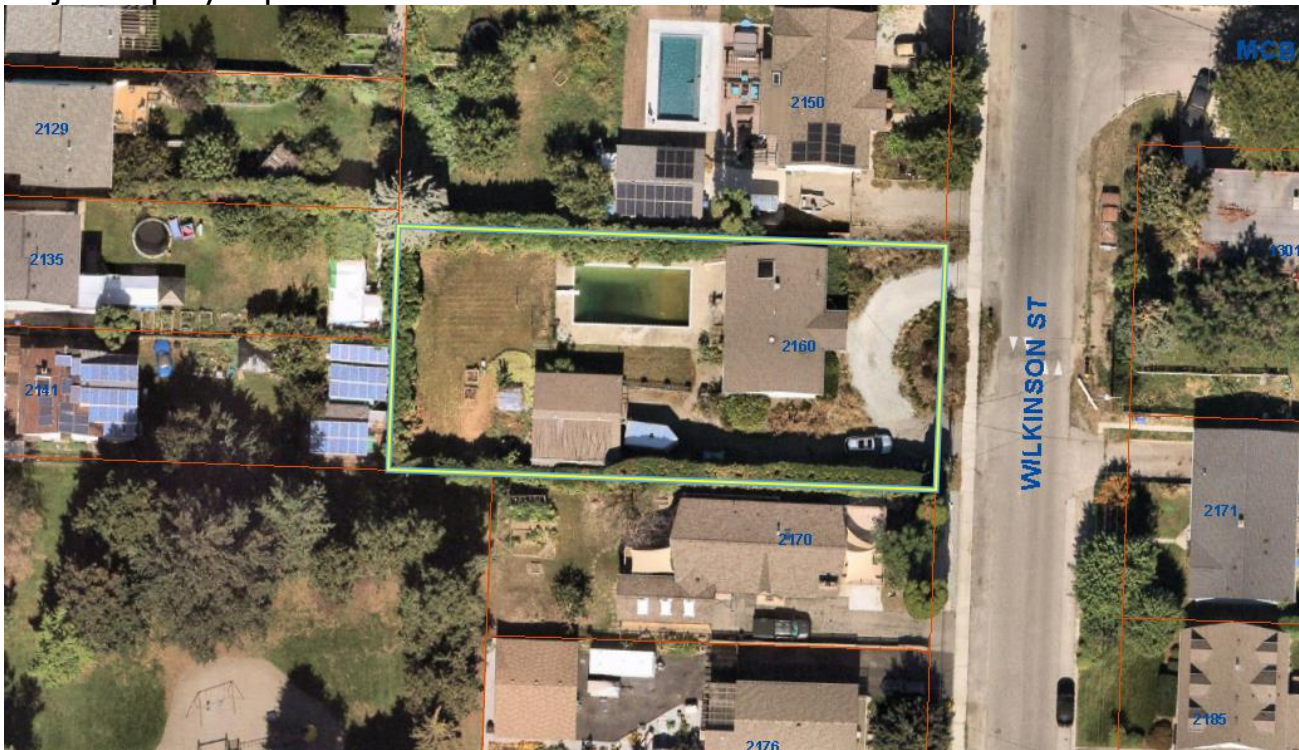
Rezoning to the rental subzone is intended to accommodate a rental apartment building with on-site supports predominantly for women with children. The proposed development will be operated by NOW Canada Society who currently manages a number of other supportive housing developments located in the City of Kelowna.

Lot Area	Proposed (m ²)
Gross Site Area	1,497 m ²
Road Dedication	n/a
Undevelopable Area	n/a
Net Site Area	1,497 m ²

4.0 Site Context & Background

Orientation	Zoning	Land Use
North	Lot immediately north, MF ₁ – Infill Housing Approved 4 lot consolidation MF ₃ Apartment	Single Detached Housing Apartment Housing
East	MF ₁ – Infill Housing	Single Detached Housing
South	MF ₁ – Infill Housing / P ₃ – Parks and Open Space	Single Detached Housing / Park
West	MF ₁ – Infill Housing	Single Detached Housing

Subject Property Map: 2160 Wilkinson St



The subject property is located mid-block on the west side of the street nearest to the intersection of Springfield Rd and Wilkinson St. The property is located adjacent to Stillingfleet Park to the south. Transit stops are located along both sides of Springfield Rd and are within a 5-minute walk from the site.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 5.2 Focus residential density along Transit Supportive Corridors.		
Policy Transit Supportive Corridor Densities	5.2.1	Encourage development that works toward a long term population density of between 50 – 100 people per hectare within 200 metres of each corridor to achieve densities that support improved transit service and local services and amenities. Discourage underdevelopment of properties along Transit Supportive Corridors.
		<i>The subject property is located within 200m of Springfield Rd which is a Transit Supportive Corridor.</i>
Objective 5.3 Design residential infill to be sensitive to neighbourhood context.		
Policy Transition from Transit Supportive Corridors	5.3.2	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.
		<i>The proposed development is a four-storey building which aligns with transitional building height for the area.</i>
Objective 5.11 Increase the diversity of housing forms and tenure to create an inclusive, affordable and complete Core Area.		
Policy Diverse Housing Tenures	5.11.2	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.
		<i>The proposed rental apartment development will be utilized for supportive housing and will increase the diversity of housing forms in the neighbourhood.</i>
Objective 5.12 Protect citizens from displacement due to Core Area development.		
Policy Housing Supports	5.12.1	Prioritize the development of subsidized housing and housing with supports in the Core Area in addition to the Urban Centres, particularly near employment, public transit, services and amenities. Promote acceptance to the community for these supports, services and the citizens that are using them.
		<i>The subject site is located in the Core Area and is situated close to transit options along Springfield Rd.</i>

6.0 Application Chronology

Application Accepted: August 16, 2024
 Neighbourhood Notification Summary Received: November 8, 2024

Report prepared by: Andrew Ferguson, Planner II
Reviewed by: Trisa Atwood, Development Planning Manager
Reviewed by: Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning, Climate Sustainability & Development Services

Attachments:

Attachment A: Applicants Letter of Rationale

Attachment B: Draft Site Plan

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.

This proposed supportive and affordable housing apartment building on Wilkinson Avenue will be home to families, those on disability, seniors and women with children. The building has been designed with a selection of one and two bed accommodation with laundry facilities. The building will offer 5% accessible apartments, demonstrating flexibility so it is inclusive to house all tenants.

With regards to apartment rents, 20% will be Deep Subsidy Units, 50% will be RGI and the remaining 30% will be offered to those on low- moderate income – in line with the requirements for BC Housing's Community Housing Fund requirements. Wilkinson Ave will create housing which mixes incomes as well as ages, families and single people. The multi-generational mix has a stable effect on the housing and a variety of relationships and support is developed. A true sense of community is created which benefits all.

As well as apartments at our head office at Tutt Street, NOW currently operates NOW Place Apartments, (21 units) and 1060 Cawston Ave (40 units) of affordable and supportive housing in Kelowna. NOW has over 20 years' experience in operating such accommodation, and while our buildings are designed for independent living, the society recognizes that fact that many people who are on income assistance and living on low income are dealing with additional challenges in their lives and require help to overcome a variety of situations/circumstances so they can maintain their housing and/or employment, and parent effectively – keeping the family together. Therefore operating experience has taught us that on-site staff presence through the Building Manager, other NOW staff and community partners is essential. The plan for Wilkinson Ave will be no different.

This is where NOW's already established programs come into play. All tenants will have access to tenant support services at NOW Canada, NOW's Mental Wellness Worker and our 24/7 emergency cell service. As funding permits, some may be eligible to receive food cards when the Food Bank isn't enough and their income does not allow them to buy life's essentials. Other tenants may truly benefit from one-on-one trauma therapy – free to tenants and also provided as funding permits. In addition, we can provide child appropriate therapy as needed. Taking into account the demographic of the tenants we expect to live at Wilkinson Ave, it is essential that these services are available, and as such a counselling/community support room will be available for confidential meetings and case planning.

As well, our community partners will be invited to bring their resources to the building so tenants can access a wealth of community services and referrals all on-site. These may include: Y Employment Program, parenting programs, mental wellness support and other resources as determined by tenant requirements.

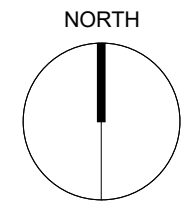
Liz Talbott

Liz Talbott
Executive Director, NOW Canada Society

NOW's Vision: A community where all women live healthy empowered lives, free of exploitation.

NOW Canada Society, 2970 Tutt Street, Kelowna, B.C. V1Y 8Z5. Tel: 250-763-3876
Fax: 250 878 3876. Email: info@nowcanada.ca. Website: www.nowcanada.ca

ATTACHMENT B
 This forms part of application
 # Z24-0042
 Planner Initials **AF**
 City of Kelowna
 COMMUNITY PLANNING



TENGRİ
 ARCHITECTURE LTD.
 101 - 1401 ST PAUL STREET, KELOWNA, BC, V1Y 2E5
 WWW.TENGRİ.CA
 THIS DRAWING MUST NOT BE SCALED - VERIFY ALL DIMENSIONS AND DATAS PRIOR TO COMMENCEMENT OF WORK - REPORT ALL ERRORS AND OMISSIONS TO THE ARCHITECT - VARIATIONS AND MODIFICATIONS ARE NOT ALLOWED WITHOUT WRITTEN PERMISSION FROM THE ARCHITECT - THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE ARCHITECT - ANY REPRODUCTION MUST BEAR THEIR NAME AS ARCHITECT - REPORT ANY ALL CONFLICTING INSTRUCTIONS TO THE ARCHITECT PRIOR TO PROCEEDING WITH CONSTRUCTION



TENGRİ ARCHITECTURE DESIGN | DEVELOPMENT CONSULTING

3	2024-11-12	RE-ISSUED FOR DP
2	2024-10-03	RE-ISSUED FOR DP
1	2024-08-01	ISSUED FOR DEVELOPMENT PERMIT

NO.	DATE	BY	DESCRIPTION
REVISIONS + ISSUE			



ISSUED FOR DEVELOPMENT PERMIT

PROJECT

NOW CANADA

2160 WILKINSON ST., KELOWNA, BC

SHEET TITLE

SITE PLAN

A2.01D

DESIGNED: Designer DRAWN: Author
 SCALE: As indicated FILE: TA24-24

AllTerra

1 SITE PLAN
 3/32" = 1'-0"

CITY OF KELOWNA
BYLAW NO. 12732
Z24-0042
2160 Wilkinson Street

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of Lot 8 Section 19 Township 26 ODYD Plan 10906, located on Wilkinson Street, Kelowna, BC from the MF1 – Infill Housing zone to the MF3r – Apartment Housing Rental 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

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



City of
Kelowna

Z24-0042
2160 Wilkinson St

Rezoning Application

Purpose

- ▶ To rezone the subject property from the MF₁ – Infill Housing zone to the MF_{3r} – Apartment Housing Rental Only zone to facilitate a rental apartment housing development.

Development Process



Aug 16, 2024

Development Application Accepted



Staff Review & Circulation



Nov 8, 2024

Neighbour Notification Received



Initial Consideration



Dec 9, 2024

Reading Consideration



Final Reading & DP

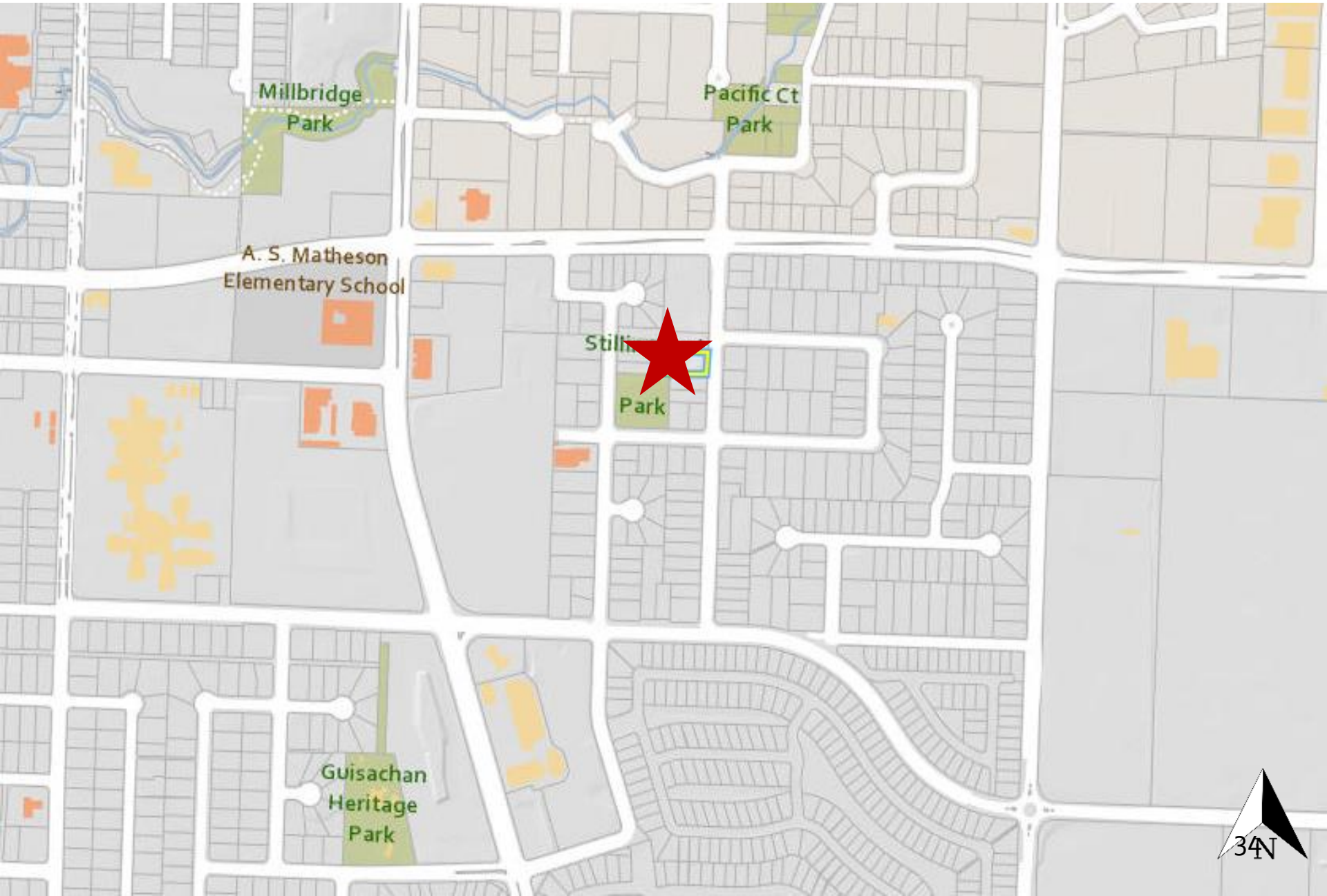


Building Permit

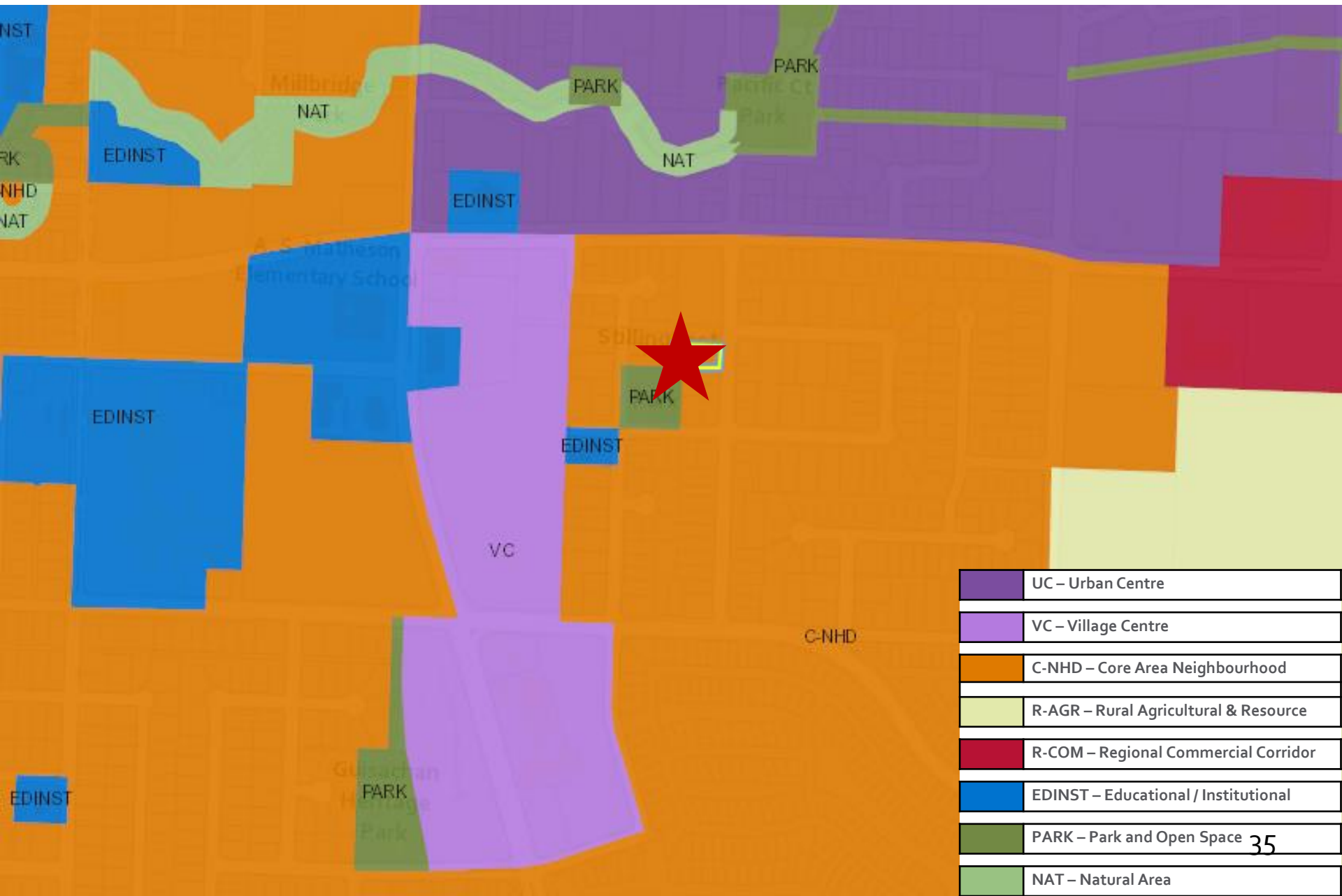










Council Approvals

Context Map



OCP Future Land Use



	UC – Urban Centre
	VC – Village Centre
	C-NHD – Core Area Neighbourhood
	R-AGR – Rural Agricultural & Resource
	R-COM – Regional Commercial Corridor
	EDINST – Educational / Institutional
	PARK – Park and Open Space
	NAT – Natural Area

Subject Property Map



“r” – Rental Only Subzone

Purpose

- To provide a sub-zone that restricts the dwelling units to a rental only tenure and to prohibit any building or bareland stratification.

Summary of Uses

- Dwelling units must be long-term rental only
- Eligible to apply for Revitalization Tax Exemption

MF3 – Apartment Housing Zone

Regulation	Permitted
Maximum Height	18.0 m & 4 storeys
Potential Number of Units	29 units
Maximum Site Coverage of Buildings	65%

OCP Objectives – Climate Resilience

Climate Criteria

Dark Green – Meets Climate Criteria

Light Green – Will Meet Criteria Soon

Yellow – Does not meet Climate Criteria

10 min Walk to Retail/Restaurants	Dark Green
5 min Walk to Park	Dark Green
10 min Bike to Public School	Dark Green
20 min Bus to Urban Centre/Village Centre/Employment Hub	Dark Green
Retaining Trees and/or Adding Trees	Dark Green
OCP Climate Resilience Consistency	Dark Green

OCP Objectives & Policies

- ▶ Future Land Use: C-NHD: Core Area Neighbourhood
 - ▶ Objective 5.2: Focus residential density along Transit Supportive Corridors.
 - ▶ Objective 5.3: Design residential infill to be sensitive to neighbourhood context.
 - ▶ Objective 5.11: Increase the diversity of housing forms and tenure to create an inclusive, affordable and complete Core Area.
 - ▶ Objective 5.12: Protect citizens from displacement due to Core Area development.

Staff Recommendation

- ▶ Staff recommend **support** for the proposed rezoning as it is consistent with:
 - ▶ OCP Future Land Use: Core Area Neighbourhood
 - ▶ OCP Objectives in Chapter 5 Core Area
 - ▶ Transit Supportive Corridor Policies
 - ▶ Rental and Supportive Housing
 - ▶ Development Permit to follow for Council consideration

REPORT TO COUNCIL REZONING



Date: December 9, 2024
To: Council
From: City Manager
Address: 789 & 809 Cadder Ave
File No.: Z24-0045

	Existing	Proposed
OCP Future Land Use:	C-NHD – Core Area Neighbourhood	C-NHD – Core Area Neighbourhood
Zone:	MF1 – Infill Housing	MF3 – Apartment Housing

1.0 Recommendation

THAT Rezoning Application No. Z24-0045 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of:

- Lot 39 Section 19 Township 26 ODYD Plan 700, located at 789 Cadder Ave, Kelowna BC; and
- Lot 38 Section 19 Township 26 ODYD Plan 700, located at 809 Cadder Ave, Kelowna, BC

from the MF1 – Infill Housing zone to the MF3 – Apartment 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 Attachment “A” attached to the Report from the Development Planning Department dated December 9, 2024.

2.0 Purpose

To rezone the subject properties from the MF1 – Infill Housing zone to the MF3 – Apartment Housing zone to facilitate apartment housing.

3.0 Development Planning

Staff support the proposed rezoning from the MF1 – Infill Housing zone to the MF3 – Apartment Housing zone to facilitate the development of apartment housing. The subject properties have the Future Land Use Designation of Core Area Neighbourhood (C-NHD) and are directly fronting a Transit Supportive Corridor (TSC) on Cadder Ave. The proposed zone is consistent with the Official Community Plan’s (OCP) objectives to focus density along a TSC. The applicant is required to dedicate 2.5 m along the entire frontage of Cadder Ave, which is a condition of final adoption of the zone.

Lot Area	Proposed (m ²)
Gross Site Area	1,138 m ²
Road Dedication	76 m ²
Undevelopable Area	N/A
Net Site Area	1,062 m ²

4.0 Site Context & Background

Orientation	Zoning	Land Use
North	MF1 – Infilling Housing	Single Detached Dwelling
East	MF1 – Infilling Housing	Single Detached Dwelling
South	MF1 – Infilling Housing	Single Detached Dwelling
West	MF1 – Infilling Housing	Semi – Detached Dwelling

Subject Property Map: 789 & 809 Cadder Ave



The subject properties are located mid-block on Cadder Ave and the surrounding area is zoned MF1 – Infill Housing and MF4 – Transit Oriented Areas. There are two BC transit bus stops on this block of Cadder allowing quick access to Downtown Urban Centre, Pandosy Urban Centre, and Capri-Landmark Urban Centre.

5.0 Current Development Policies (OCP)

Objective 5.2 Focus residential density along Transit Supportive Corridors	
Policy 5.2.1. Transit Supportive Corridor Densities	Encourage development that works toward a long-term population density of between 50 – 100 people per hectare within 200 metres of each corridor to achieve densities that support improved transit service and local services and amenities. Discourage underdevelopment of properties along Transit Supportive Corridors. <i>The proposal adds meaningful density along Cadder Ave, which is a Transit Supportive Corridor</i>
Policy 5.2.5 Corridor Access and Consolidation	Encourage consolidation of properties and location of automobile accesses from lanes or side streets to reduce or eliminate the number of accesses directly onto Transit Supportive Corridors. <i>The proposal includes the consolidation of two properties and all access is proposed to be off the laneway.</i>

6.0 Application Chronology

Application Accepted: July 30, 2024
 Neighbourhood Notification Summary Received: October 1, 2024

Report prepared by: Jason Issler, Planner II
Reviewed by: Trisa Atwood, Development Planning Manager
Reviewed by: Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning, Climate Action & Development Services

Attachments:
 Attachment A: Development Engineering Memo
 Attachment B: DRAFT Site Plan
 Attachment C: Summary of Neighbour Notification

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.

CITY OF KELOWNA
MEMORANDUM

Date: October 9, 2024
File No.: Z24-0045
To: Urban Planning Manager (JI)
From: Development Engineering Branch (MH)
Subject: 789-809 Cadder Ave RU1 to MF3

The Development Engineering Department has the following comments associated with this Rezoning Application to rezone the subject property from MF1 - Infill Housing zone to MF3 - Apartment Housing zone to facilitate an apartment housing.

Works and Servicing requirements directly attributable at the time of Building Permit are provided Development Permit Memo DP24-0156.

The Development Engineering Technologist for this file is Aaron Sangster (asangster@kelowna.ca).

1. GENERAL

- a. The following comments and requirements are valid for a period of one (1) year from the reference date of this memo, or until the application has been closed, whichever occurs first.
- b. Comments and requirements contained herein assume the subject properties will be consolidated into a single lot.

2. SITE-SPECIFIC REQUIREMENTS

- a. Approximately 2.50 m road dedication along the entire frontage of Cadder Ave is required to achieve a ROW width of 25.0 m in accordance with OCP Functional Road Classification objectives and Bylaw 7900 Typical Road Sections.
- b. The applicant is advised that no municipal storm drainage system services or fronts the subject properties. If the underlying soils are not suitable for infiltration, the applicant may be required to extend the municipal storm sewer to their property.

M Hobbs

Melissa Hobbs, P.Eng., PMP
Development Engineer

AS

ATTACHMENT A

This forms part of application
Z24-0045

Planner
Initials

JI



City of
Kelowna
DEVELOPMENT PLANNING

789 & 809 CADDER AVE, KELOWNA, BC

PROPERTY DESCRIPTION:

CIVIC: 789 AND 809 CADDER AVE, KELOWNA, BC
 LEGAL: LOT 39,38, PLAN KAP700, SECTION 19, TOWNSHIP 26

ZONING CALCULATIONS:

CURRENT: CITY OF KELOWNA MF1 ZONING, CORE AREA, TRANSIT SUPPORTIVE CORRIDOR
 PROPOSED: MF3 ZONING

SITE INFORMATION:

GROSS SITE AREA = 12,258.12 SF (1,138.82 m²)

	ALLOWED/REQUIRED	PROPOSED
SITE COVERAGE =	65% (7,968 SF)	63% (7,692 SF)
SITE COVERAGE + HARDSCAPING =	85% (10,419 SF)	77% (9,425 SF)
MIN. DENSITY: 4.75 UNITS/1,050 m ² LOT AREA =	5 UNITS	29 UNITS
FAR =	1.8 (22,064 SF)	1.65 (20,232 SF)
HEIGHT =	22.0 m (6 STOREYS)	21.93 m (6 STOREYS)

YARD SETBACKS:

FRONT YARD (PRE-DEDICATION) =	4.5 m	4.5 m
FRONT YARD BUILDING STEPBACK =	3.0 m	3.0 m
SIDE YARD (EAST) =	3.0 m	3.2 m
SIDE YARD (WEST) =	3.0 m	3.2 m
REAR YARD (FROM LANE) =	3.0 m	3.0 m

PARKING CALCULATIONS:

1 BEDROOM UNITS =	20 UNITS x 1.0 = 20	
2 BEDROOM UNITS =	9 UNITS x 1.1 = 9.9	
TOTAL =	29.9 = 30	
BICYCLE PARKING INCENTIVE (8.5.8)	30 - 20% (MAX 5) = 25	
VISITOR =	29 UNITS x 0.14 = 4	
TOTAL =	29	29
ACCESSIBLE PARKING =	1 (0 VAN ACCESSIBLE)	1 (0 VAN ACCESSIBLE)

BONUS LONG-TERM BICYCLE STORAGE:

1 BEDROOM =	20 UNITS x 1.25 = 25	
2 BEDROOM =	9 UNITS x 1.5 = 13.5	
TOTAL =	38.5 = 39	39

SHORT-TERM BICYCLE STORAGE:

6 PER ENTRANCE =	6	6
------------------	---	---

PRIVATE & COMMON AMENITY SPACE:

1 BEDROOM UNITS =	15 m ² (161.5 SF) x 20 UNITS = 300 m ² (3,230 SF)
2 BEDROOM UNITS =	25 m ² (269.1 SF) x 9 UNITS = 225 m ² (2,421 SF)
TOTAL REQUIRED:	525 m ² (5,651 SF)

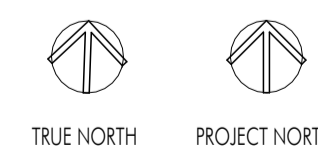
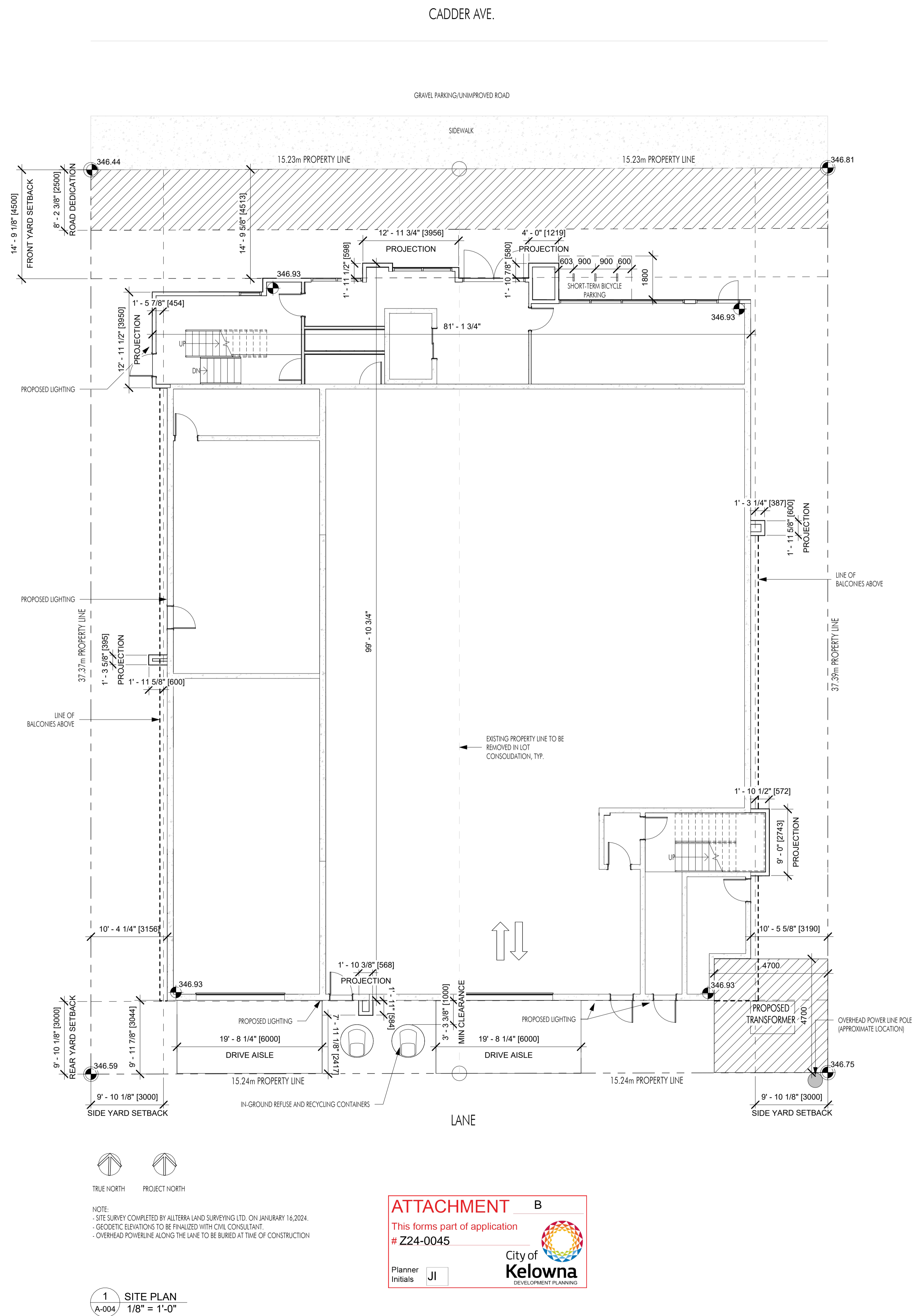
COMMON AMENITY SPACE REQUIRED =	29 UNITS x 4 m ² = 116 m ² (1,248.6 SF)
COMMON AMENITY SPACE PROPOSED =	403.1 m ² (4,339.6 SF)

PRIVATE PROPOSED: 1 BEDROOM UNITS =	206.9 m ² (2,227 SF, SEE TABLE)
PRIVATE PROPOSED: 2+ BEDROOM UNITS =	202.5 m ² (2,180 SF, SEE TABLE)
TOTAL PROPOSED=	812.5 m ² (8,745 SF)

PARKING	
COUNT	TYPE
1	ACCESSIBLE - 90 deg
14	REGULAR - 90 deg
14	SMALL - 90 deg
Grand total: 29	

UNIT CALCULATIONS			
UNIT	# OF BEDROOMS	UNIT AREA	PRIVATE AMENITY SPACE
UNIT 301	1	578 SF	108 SF
UNIT 302	2	760 SF	310 SF
UNIT 303	1	578 SF	108 SF
UNIT 304	1	578 SF	108 SF
UNIT 305	1	578 SF	104 SF
UNIT 306	1	578 SF	108 SF
UNIT 307	2	861 SF	154 SF
UNIT 308	1	621 SF	100 SF
UNIT 401	1	578 SF	108 SF
UNIT 402	2	760 SF	310 SF
UNIT 403	1	578 SF	108 SF
UNIT 404	1	578 SF	108 SF
UNIT 405	1	578 SF	104 SF
UNIT 406	1	578 SF	108 SF
UNIT 407	2	861 SF	154 SF

UNIT CALCULATIONS			
UNIT	# OF BEDROOMS	UNIT AREA	PRIVATE AMENITY SPACE
UNIT 408	1	621 SF	100 SF
UNIT 501	1	578 SF	108 SF
UNIT 502	2	760 SF	310 SF
UNIT 503	1	578 SF	108 SF
UNIT 504	1	578 SF	108 SF
UNIT 505	1	578 SF	104 SF
UNIT 506	1	578 SF	108 SF
UNIT 507	2	861 SF	154 SF
UNIT 508	1	621 SF	100 SF
UNIT 601	2	1018 SF	310 SF
UNIT 602	2	1124 SF	273 SF
UNIT 603	1	898 SF	219 SF
UNIT 604	2	1116 SF	205 SF
UNIT 605	1	677 SF	100 SF
TOTAL UNIT AREAS		20232 SF	



NOTE:
 - SITE SURVEY COMPLETED BY ALLTERRA LAND SURVEYING LTD. ON JANUARY 16, 2024.
 - GEODETIC ELEVATIONS TO BE FINALIZED WITH CIVIL CONSULTANT.
 - OVERHEAD POWERLINE ALONG THE LANE TO BE BURIED AT TIME OF CONSTRUCTION

ATTACHMENT B
 This forms part of application
 # Z24-0045

Planner Initials: **JJ**

City of Kelowna
 DEVELOPMENT PLANNING

1 SITE PLAN
 A-004 1/8" = 1'-0"

COPYRIGHT
 ALL RIGHTS RESERVED
 All ideas, designs, drawings and specifications are the exclusive property of LIME Architecture Inc. As instruments of service, they may not be used or reproduced in any manner without the expressed written consent of LIME Architecture Inc. All Contracting Trades shall check and verify all levels, dimensions, data and conditions on the site prior to commencement of any work. Any discrepancies are to be reported immediately to LIME Architecture Inc. Do not scale any dimensions from this drawing.

All trades are to execute the work in accordance with the current municipality building by-laws and requirements of other local authorities having jurisdiction as well as the British Columbia Building Code - (most recent edition) including all published revisions and addenda. All trades shall assume full responsibility for the locations and protection of all under and above ground utilities, wires and conduit connections, including (but not limited to) water, sewer, gas, hydro and telephone.

Revision No.	Date	Description
04.05.24	FOR REVIEW	
05.31.24	FOR REVIEW	
06.26.24	FOR REVIEW	
07.19.24	FOR REVIEW	
08.26.24	FOR DP	

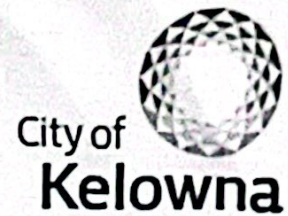
Plot Date
 08.26.24
 PROJECT
 789&809 CADDER AVE
 DRAWING TITLE
PROJECT INFORMATION

Drawing No.
A-004



FOR DP

Neighbour Consultation Form (Council Policy No.367)



A summary of neighborhood consultation efforts, feedback and response must be provided to City staff, identifying how the efforts meet the objectives of this Policy. This form must be filled out and submitted to the File Manager a minimum of 20 days prior to initial consideration by Council.

I, Arvinder Cheema, the applicant for Application No. Z24-0045

for proposed rezoning from MF1 (Infill Housing) to MF3 (Apartment Housing)
(brief description of proposal)

at 789 & 809 Cadder Avenue, Kelowna, BC have conducted the required neighbour
(address)
consultation in accordance with Council Policy No. 367.

- My parcel is located outside of the Permanent Growth Boundary and I have consulted all owners & occupants within a 300m radius
- My parcel is located inside of the Permanent Growth Boundary and I have consulted all owners & occupants within a 50m radius

I have consulted property owners and occupants by doing the following: _____

Mailed out the documents outlined below to the property owners/tenants within the 50m radius provided by the City.

Please initial the following to confirm it has been included as part of the neighbour consultation:

- Ac Location of the proposal;
- Ac Detailed description of the proposal, including the specific changes proposed;
- Ac Visual rendering and/or site plan of the proposal;
- Ac Contact information for the applicant or authorized agent;
- Ac Contact information for the appropriate City department;
- Ac Identification of available methods for feedback.

Please return this form, along with any feedback, comments, or signatures to the File Manager 20 days prior to the anticipated initial consideration by Council date. On the back of this form please list those addresses that were consulted.

ATTACHMENT C

This forms part of application
Z24-0045

Planner Initials Jl



City of Kelowna
DEVELOPMENT PLANNING

City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4
TEL 250 469-8600
FAX 250 862-3330
kelowna.ca

T O

Address	Spoke with Owner & Occupant	Left Package with Owner & Occupant	Date
759 Cadder Ave V1Y5N7	T	✓	
760 Cadder Ave V1Y5N8	T	✓	
764 Cadder Ave V1Y5N8	T	✓	
768 Cadder Ave V1Y5N6		✓	
767-769 Cadder Ave V1Y5N7		✓	
768 Cadder Ave V1Y5N8		✓	
770 Cadder Ave V1Y5N8	T	✓	
774 Cadder Ave V1Y5N8	T O	✓	
779 Cadder Ave V1Y5N7		✓	
784 Cadder Ave V1Y5N8		✓	
785-787 Cadder Ave V1Y5N7	empty lot	✓	
789 Cadder Ave V1Y5N7		✓	
790 Cadder Ave V1Y5N8	T	✓	
802 Cadder Ave V1Y5N8	T	✓	
808 Cadder Ave V1Y5N8		✓	
809 Cadder Ave V1Y5N7		✓	
816 Cadder Ave V1Y5N8		✓	
817 Cadder Ave V1Y5N7		✓	
819 Cadder Ave V1Y5N7	T O	✓	
1 825 Cadder Ave	T O	✓	
2 825 Cadder Ave	T	✓	
3 825 Cadder Ave	T	✓	
4 825 Cadder Ave		✓	
1 826 Cadder Ave V1Y5N8		✓	
2 826 Cadder Ave V1Y5N8		✓	
3 826 Cadder Ave V1Y5N8	T	✓	
4 826 Cadder Ave V1Y5N8		✓	
831 Cadder Ave V1Y5N8		✓	
833 Cadder Ave V1Y5N8		✓	
1 834 Cadder Ave	T	✓	
2 834 Cadder Ave	T	✓	
3 834 Cadder Ave	T	✓	
4 834 Cadder Ave	T	✓	
835 Cadder Ave V1Y5N7	T O	✓	
837 Cadder Ave V1Y5N7	T O	✓	
760 Glenwood Ave V1Y5M5		✓	
766 Glenwood Ave V1Y5M5		✓	
776 Glenwood Ave V1Y5M5		✓	
782 Glenwood Ave V1Y5M4		✓	
784 Glenwood Ave V1Y5M4		✓	
786 Glenwood Ave V1Y5M5		✓	
788 Glenwood Ave V1Y5M4		✓	
796 Glenwood Ave V1Y5M5		✓	
800 Glenwood Ave V1Y5M5	O	✓	
1 808 Glenwood Ave		✓	
2 808 Glenwood Ave		✓	

ATTACHMENT C
 This forms part of application # Z24-0045
 City of Kelowna
 DEVELOPMENT PLANNING
 Planner Initials JI

Adm 257 575 6139 817 & 819

Address	Spoke with Owner & Occupant	Left Package with Owner & Occupant	Date
3 808 Glenwood Ave		✓	Sept 25 th ↓
4 808 Glenwood Ave		✓	
1 816 Glenwood Ave		✓	
2 816 Glenwood Ave		✓	
3 816 Glenwood Ave		✓	
4 816 Glenwood Ave		✓	
1 824 Glenwood Ave		✓	
2 824 Glenwood Ave		✓	
3 824 Glenwood Ave		✓	
4 824 Glenwood Ave		✓	
1 830 Glenwood Ave		✓	
2 830 Glenwood Ave		✓	
3 830 Glenwood Ave		✓	
4 830 Glenwood Ave		✓	

ATTACHMENT C
This forms part of application
Z24-0045
Planner Initials **JJ**
City of Kelowna
DEVELOPMENT PLANNING

CITY OF KELOWNA
BYLAW NO. 12735
Z24-0045
789, 809 Cadder Avenue

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of:
 - a) Lot 38 Section 19 Township 26 ODYD Plan 700, located on Cadder Avenue, Kelowna, BC;
and
 - b) Lot 39 Section 19 Township 26 ODYD Plan 700, located on Cadder Avenue, Kelowna, BCfrom the MF1 – Infill Housing zone to the MF3 – Apartment 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



City of
Kelowna

Z24-0045 789 & 809 Cadder Ave

Rezoning Application

Purpose

- ▶ To rezone the subject properties from the MF₁ – Infill Housing zone to the MF₃ – Apartment Housing zone to facilitate apartment housing.

Development Process



Jul 30, 2024

Development Application Submitted



Staff Review & Circulation



Oct 1, 2024

Neighbour Notification Received



Dec 9, 2024

Initial Consideration



Reading Consideration

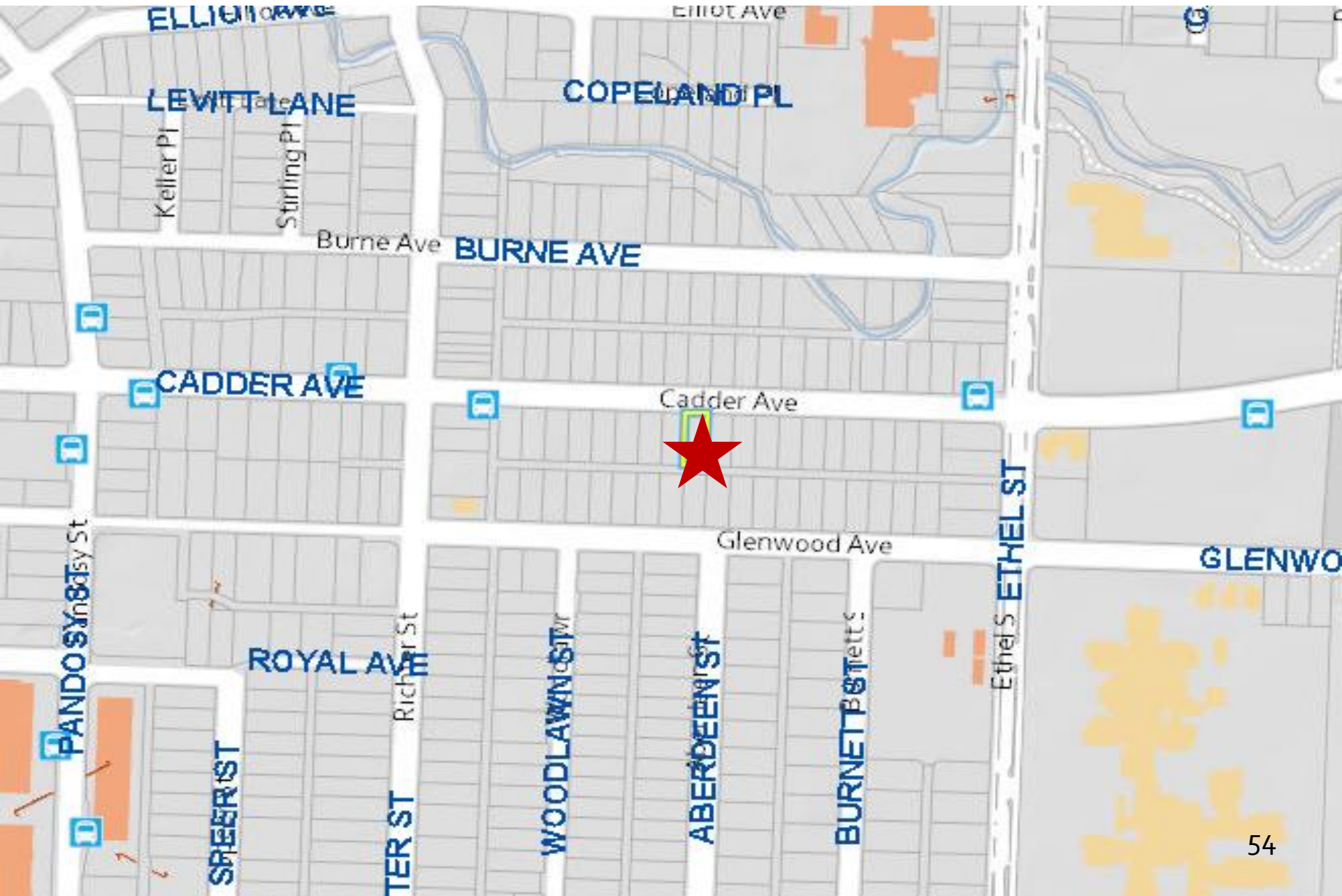


Final Reading & DP

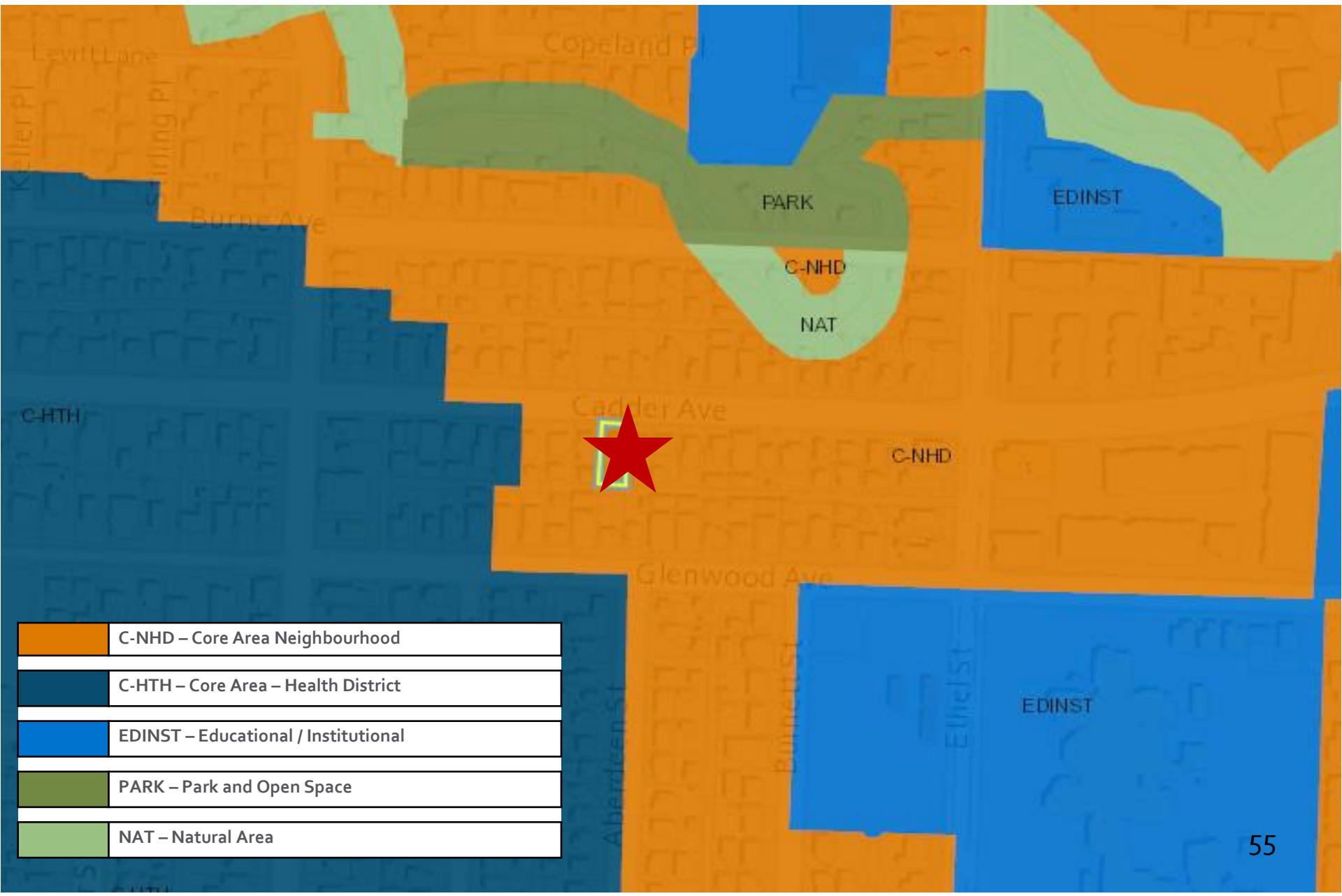







Council Approvals

Context Map



OCP Future Land Use



	C-NHD – Core Area Neighbourhood
	C-HTH – Core Area – Health District
	EDINST – Educational / Institutional
	PARK – Park and Open Space
	NAT – Natural Area

Subject Property Map



MF3 – Apartment Housing Zone

Purpose

- To provide a zone for apartments on serviced urban lots with various commercial uses permitted on Transit Supportive Corridors

Summary of Uses

- Apartment Housing
- Stacked Townhouses
- Townhouses
- Local commercial and institutional

MF3 – Apartment Housing Zone

Regulation	Permitted
Maximum Height (with bonus)	22.0 m & 6 storeys
Potential Number of Units	29
Maximum Site Coverage of Buildings	65%

OCP Objectives – Climate Resilience

Climate Criteria

Dark Green – Meets Climate Criteria

Light Green – Will Meet Criteria Soon

Yellow – Does not meet Climate Criteria

10 min Walk to Retail/Restaurants	Dark Green
5 min Walk to Park	Dark Green
10 min Bike to Public School	Dark Green
20 min Bus to Urban Centre/Village Centre/Employment Hub	Dark Green
Retaining Trees and/or Adding Trees	Dark Green
OCP Climate Resilience Consistency	Dark Green

OCP Objectives & Policies

- ▶ C-NHD: Core Area Neighbourhood
- ▶ Adjacent to Transit Supportive Corridor
 - ▶ Stacked townhouses
 - ▶ Low rise apartments
 - ▶ Local commercial
- ▶ Consolidation and reduce accesses

Staff Recommendation

- ▶ Staff recommend **support** for the proposed rezoning as it is consistent with:
 - ▶ OCP Future Land Use C-NHD
 - ▶ OCP Objectives in Chapter 5 Core Area
 - ▶ Transit Supported Corridor Policies
 - ▶ Development Permit to follow for Council consideration

Report to Council



Date: December 9, 2024
To: Council
From: City Manager
Department: Office of the City Clerk
Subject: Rezoning Bylaws Supplemental Report to Council

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated December 9, 2024 with respect to one rezoning application;

AND THAT Rezoning Bylaw No. 12729 be forwarded for further reading consideration.

Purpose:

To receive a summary of notice of first reading for Rezoning Bylaw No. 12729 and to give the bylaw further reading consideration.

Background:

A public hearing cannot be held for zoning bylaws for residential development that are consistent with the OCP. A public hearing is not required for all other zoning bylaws that are consistent with the OCP. Public notice is given before first reading with signage on the subject property, newspaper advertisements, and mailouts in accordance with the Local Government Act and Development Application & Heritage Procedures Bylaw No. 12310.

Discussion:

The Rezoning Application was brought forward to Council for initial consideration on November 25, 2024. Notice of first reading was completed as outlined above.

Correspondence was received as per the following table:

Address	Application	Bylaw	Public Hearing Option	Recommended Readings	Correspondence Received
1028-1030 Houghton Rd	Z23-0008	12729	No	1 st , 2 nd , 3 rd	1

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

Conclusion:

Following notice of first reading, staff are recommending that Council give Rezoning Bylaw No. 12729 further reading consideration.

Considerations applicable to this report:

Legal/Statutory Authority:

Local Government Act s. 464(2)

Legal/Statutory Procedural Requirements:

Following the notification period under s. 467 of the Local Government Act, Council may choose to:

- give a bylaw reading consideration,
- defeat the bylaw, or
- for non-residential bylaws, give a bylaw first reading and advance the bylaw to a Public Hearing.

Considerations not applicable to this report:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by: L Klaamas, Legislative Technician

Approved for inclusion: L. Bentley, City Clerk

cc: Development Planning

CITY OF KELOWNA
BYLAW NO. 12729
Z23-0008
1028-1030 Houghton Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of Lot 1 Section 27 Township 26 ODYD Plan 17089 located on Houghton Road, Kelowna, BC from the MF1 - Infill Housing zone to the MF2 - Townhouse 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

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 12705
Z24-0037
3199 Appaloosa Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of Lot 47 Sections 2 and 3 Township 23 ODYD Plan 18861, located on Appaloosa Road, Kelowna, BC from the A2 – Agriculture / Rural Residential zone to the I2 – General Industrial zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 7th day of October, 2024.

Approved under the Transportation Act this 8th day of October, 2024.

Audrie Henry

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

**BYLAW NO. 12724
Z24-0038
165 Dougall Road N**

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of Lot A Section 26 Township 26 ODYD Plan EPP137229, located on Dougall Road N, Kelowna, BC from the UC₄ – Rutland Urban Centre zone to the UC_{4r} – Rutland Urban Centre Rental 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 2nd day of December, 2024.

Approved under the Transportation Act this 3rd day of December, 2024.

Audrie Henry

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: December 9, 2024
To: Council
From: City Manager
Subject: Business Licence Bylaw to Include Cannabis Business Regulation
Department: Business Licensing

Recommendation:

THAT Council receives, for information, the report from the Business Licence Department dated December 9, 2024, recommending that Council rescind the Medical Marihuana Production Regulation Business Bylaw No. 10920 and consider amendments to the Business Licence and Regulation Bylaw No. 12585 and Bylaw Notice Enforcement Bylaw No. 10475;

AND THAT Bylaw No. 12727, being Amendment No. 1 to Business Licence and Regulation Bylaw, No. 12585 be forwarded for adoption;

AND THAT Bylaw No. 12728, being Amendment No. 37 to Bylaw Notice Enforcement Bylaw No. 10475 be forwarded for adoption.

Purpose:

To rescind Medical Marihuana Production Regulation Business Bylaw No. 10920 and update Business Licence and Regulation Bylaw No. 12585 and Bylaw Notice Enforcement Bylaw No. 10475 to reflect current cannabis regulations.

Background:

The proposed amendments to Business Licence and Regulation Bylaw No. 12585 were introduced to Council on November 18, 2024. The bylaw received the first three readings on that date. In accordance with Section 59(2) of the Community Chater, amendments of the business licence bylaw necessitates a public consultation process, which is summarized in this report.

Discussion:

Before adopting any business license bylaw, the City is required by legislation to provide notice and offer affected individuals the opportunity to provide feedback. To fulfill this requirement, Staff initiated a consultation process by notifying cannabis producers and retailers with a pending or approved business licence, and published advertisements in the Daily Courier on November 20, and November 23. Written

comments were required to be submitted to the Business Licence Supervisor no later than 4:00 PM on November 27, 2024.

Public Notice Reach:

Organization	Public Notice Reach	Comments Received
Cannabis Retailers	19	0
Cannabis Producers	18	0
Cannabis Analytical Testing Labs	7	0
Daily Courier – November 20	4,886	0
Daily Courier – November 23	4,953	0

Correspondence Received:

The public notification process was open for 10 days and asked that anyone impacted to provide written comments by 4:00 PM on November 27, 2024. The Business Licensing Supervisor did not receive any correspondence.

Conclusion:

The legislative notice requirements have been met; therefore, Staff are recommending adoption of the two bylaws.

Considerations applicable to this report:

Legal/Statutory Authority:

Community Charter Sections 15, 16, 59 and 60.

Consultation and Engagement:

Daily Courier newspaper
Cannabis related business licence holders

Considerations not applicable to this report:

Communications Comments:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Submitted by:

Submitted by: G. March, Licensing & System Improvement Supervisor

Approved for inclusion: R. Smith, Divisional Director of Planning and Development

Cannabis Related Business Licence & Regulation Amendments for Adoption

December 9, 2024

Notification and Consultation

- ▶ Legislative requirement to provide opportunity for persons affected to make representation
- ▶ Notified all cannabis producers and retailers with a pending or approved business licence
- ▶ Published advertisements in Daily Courier City-in-Action on November 20 and 23
- ▶ Written comments to be submitted by end of day November 27, 2024

Public Consultation Reach

Organization	Public Notice Reach	Comments Received
Cannabis Retailers	19	0
Cannabis Producers	18	0
Cannabis Analytical Testing Labs	7	0
Daily Courier – November 20	4,886	0
Daily Courier – November 23	4,953	0

Staff Recommendation

- ▶ THAT Bylaw No. 12727, being Amendment No. 1 to Business Licence and Regulation Bylaw, No. 12585 be forwarded for adoption
- ▶ AND THAT Bylaw No. 12728, being Amendment No. 37 to Bylaw Notice Enforcement Bylaw No. 10475 be forwarded for adoption.



Questions?

For more information, visit kelowna.ca/business

CITY OF KELOWNA
Bylaw No. 12727
Amendment No. 1 to
Business Licence and Regulation Bylaw, No. 12585

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the Business Licence and Regulation Bylaw, No. 12585 be amended as follows:

1. THAT **Part 2 – Definitions, Section 2.2** be amended by adding the following new defined terms, in the appropriate alphabetical order:
 - 1.1. “**CANNABIS** as defined by the *Cannabis Act*, SC 2018, c.16 as amended or replaced from time to time.”
 - 1.2. “**CANNABIS PRODUCTION BUSINESS** means a **premises** for producing, processing, sorting, providing, shipping, delivering, or destroying **cannabis** or a **cannabis**-related product. Must include a Health Canada licensed process or activity pertaining to cannabis such as analytical testing, micro or standard cultivation, nursery, processing, research, wholesale sale, production for a medical or non-medical purpose. This does not include the retail sale or dispensing of **cannabis**.”
 - 1.3. “**CANNABIS RETAIL SALES ESTABLISHMENT** means a **premises** used for the retail sale of **cannabis** which holds a licence issued by the **BCLCRB**.”
2. THAT **Part 8 – Regulations for Specific Businesses** be amended by
 - 2.1. Adding the following new sections after Section 8.3 and before Section 8.4:

“Cannabis

8.4 Every person operating a **Cannabis Production Business** must submit to the **Licence Inspector**, at the time of application or within five (5) days of such a request, the following:

 - a) A copy of the Health Canada Cannabis licence indicating licensed activities.
 - b) A ventilation plan that indicates the system used to control the environment
 - i) meets the requirement of Health Canada Licensing standards, and
 - ii) prevents the escape of pollen and other particles through exhausted air ensuring no particles or odours leaving the premises can be detected by a person with a normal sense of smell while standing at the exterior of the premises.
 - c) A waste management plan that demonstrates compliance with Solid Waste Management Regulation Bylaw No. 10106 and indicates the methods used to
 - i) dispose of waste, cannabis, or cannabis byproduct in a manner that protects a person or animal at time of possession or ingestion, including denaturing cannabis.
 - d) A plan that demonstrates compliance with Water Regulation Bylaw No. 10480 and Sanitary Sewer/Storm Drain Regulation Bylaw, No. 6618-90, including
 - i) how backflow prevention protects the water supply delivered to the property or building, and
 - ii) the quality of wastewater to be discharged into the City’s wastewater or storm water collection system.

8.5 Every person operating a **Cannabis Retail Sales Establishment** must submit to the **Licence Inspector**, at the time of application or within five (5) days of such a request, the following:

 - a) A copy of the Cannabis Retail Store Licence issued by the **BCLCRB**.

- b) A floor plan of the **premises** that labels each room or area with its intended use and dimensions, including cannabis storage area, sales counter, cash register location, or security features.”

2.2. Renumbering the remainder of Part 8 to reflect the insertion of new sections.

3. THAT **Schedule “A” Annual Licence Fees** table be amended by adding the following in the appropriate locations:

Type Code	Licence Category	Annual Licence Fee(s)
“1055	CANNABIS PRODUCTION An establishment intended to operate as a Cannabis Production Business.	\$650”
“1056	CANNABIS RETAIL SALES ESTABLISHMENT An establishment intended to operate as a Cannabis Retail Sales Establishment.	\$650”

- 4. The Medical Marihuana Producer Business Licence and Regulation Bylaw No. 10920 including all amendments is hereby repealed.
- 5. This bylaw may be cited as "Bylaw No. 12727, being Amendment No. 1 to Business Licence and Regulation Bylaw, No. 12585".
- 6. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 18th day of November, 2024.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

Bylaw No. 12728

Amendment No. 37 to Bylaw Notice Enforcement Bylaw No. 10475

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

1. THAT Schedule 'A', Table for Business Licence Bylaw No. 12585, be amended by adjusting the following Section references:
 - 1.1. Deleting "8.7" and replacing with "8.8"
 - 1.2. Deleting "8.8" and replacing with "8.9"
 - 1.3. Deleting "8.14" and replacing with "8.15"
 - 1.4. Deleting both instances of "8.15" and replacing both with "8.16"

2. THAT Schedule 'A' be amended by deleting Medical Marihuana Producer Business Licence and Regulation Bylaw No. 10920 in its entirety that reads:

Medical Marihuana Producer Business Licence and Regulation Bylaw No. 10920						
10920	4.4	Carry on business without a licence	\$500.00	\$450.00	\$500.00	Yes
10920	8.1	Transfer a business without approval	\$100.00	\$90.00	\$110.00	Yes
10920	8.2	Fail to pay transfer fee	\$50.00	\$45.00	\$55.00	Yes
10920	9.1	Use contrary to issued licence	\$500.00	\$450.00	\$500.00	Yes
10920	11.1 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j)	Fail to submit required plan, declaration, licence or identification number (for each offence)	\$100.00	\$90.00	\$110.00	Yes
10920	11.1 (k)	Fail to submit names of employees	\$100.00	\$90.00	\$110.00	Yes
10920	11.1 (k)	Fail to provide employee changes	\$100.00	\$90.00	\$110.00	Yes
10920	11.1 (j)	Fail to submit criminal records check	\$100.00	\$90.00	\$110.00	Yes
10920	13.1	Fail to display business license	\$50.00	\$45.00	\$55.00	Yes
10920	15.1	Prohibit entry of License Inspector	\$500.00	\$450.00	\$500.00	Yes

3. This bylaw may be cited as "Bylaw No. 12728, being Amendment No. 37 to Bylaw Notice Enforcement Bylaw No. 10475".

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

Read a first, second and third time by the Municipal Council this 18th day of November, 2024.

Adopted by the Municipal Council of the City of Kelowna this

_____ Mayor

_____ City Clerk

Report to Council



Date: December 9, 2024
To: Council
From: City Manager
Subject: Security Alarm System Bylaw No. 9147 update
Department: Community Safety Department

Recommendation:

THAT Council receives, for information, the report from the Community Safety Department dated December 9, 2024 with respect updated Security Alarm Systems Bylaw;

AND THAT Security Alarm System Bylaw No. 9147 be rescinded;

AND THAT Bylaw 12730, being Security Alarm System Bylaw be forwarded for reading consideration;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Agreement to Provide the Service of Administration and Enforcement of Security Alarm Systems.

Purpose:

To consider a new Bylaw and associated Agreement for the Regional District of Central Okanagan to continue to provide a Security Alarm Systems service for the City of Kelowna.

Background:

The City of Kelowna Security Alarm System Bylaw No. 9147 sets out rules and fees for the use of security alarm systems in buildings and structures within City limits. The intent of the Bylaw is to pass RCMP response costs to excessive false alarms to individual owners. The City of Kelowna Bylaw No. 9147 Security Alarm System was adopted on December 6, 2004, and there have been no amendments to the Bylaw since its enactment.

RDCO currently provides program administration of security alarm systems on behalf of the City of Kelowna, Westbank First Nation (IR#9 and IR#10), City of West Kelowna, District of Lake Country, District of Peachland, Central Okanagan West Electoral Area and Central Okanagan East Electoral Area. RDCO repealed their False Alarm Reduction Bylaw No. 1382 and created a new Security Alarm Systems Bylaw No. 1546 in May of 2024. The City of Kelowna Bylaw No. 9147 has been updated to parallel/mirror that of the RDCO False Alarm Reduction Bylaw No. 1546, ensuring program alignment.

Discussion:

The following chart depicts the amendments made from the 2004 Bylaw to the proposed 2024 version:

Current (2004)	Proposed (2024)	Reasoning
Fees based on 2004 rates.	An increase in fees is recommended. The Chart below provides specifics.	The requested increase is based on costs to operate the program and to align with industry standards.
An alarm response may be suspended if there are excessive false alarms.	No suspension of alarm response is sought.	The Kelowna RCMP have committed to responding to all alarms if they meet the criteria defined in the current policy given the difficulty in defining what may or may not be a false alarm.
Establishment of an Advisory Board appointed by Council that represents the community, alarm industry, and the RCMP. This Board is involved in appeals when an issuance or renewal is denied.	Alarm registration will no longer be suspended/denied; the Advisory Board is therefore, not necessary.	Given the Advisory Board was never used, both City and RDCO felt this could be managed at the Program Administrator level.
Registration of an alarm active for one year.	Registration of an alarm active for two years.	To use the available time more efficiently.
Reduction in administrative requirements. (ie - After two false alarms in one year, a licensed alarm company must be hired by the alarm user to inspect the alarm and submit a report.	The new bylaw has been drafted with less administrative requirements, (ie - No requirement to hire a company to inspect an alarm and submit a report).	This promotes efficient use of staff and alarm user time and resources.

False Alarm Program Fees

Old Program	New Program
Residential - \$10	Residential - \$40 (biannual renewal - \$30)
Business - \$15	Business - \$80 (biannual renewal - \$60)
Residential: <ul style="list-style-type: none"> • First Offence - \$0 • Second Offence - \$0 • Third Offence - \$50 • Fourth (and subsequent) - \$100 	Residential: <ul style="list-style-type: none"> • First Offence - No charge • Second Offence - \$100 • Third Offence - \$200 • Fourth (and subsequent) - \$300

Business: <ul style="list-style-type: none"> • First Offence - \$0 • Second Offence - \$0 • Third Offence - \$100 • Fourth (and subsequent) - \$200 	Business: <ul style="list-style-type: none"> • First Offence – No charge • Second Offence - \$200 • Third Offence - \$400 • Fourth (and subsequent) - \$600
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Service Level Agreement (SLA)

In 2016, the City of Kelowna signed an agreement with RDCO that laid out the parameters for a collective Security Alarm System program. The agreement stipulated that RDCO would provide an Alarm Administrator and run the program across the Central Okanagan while surplus program funds would be split between RDCO and City of Kelowna on a proportionate basis. The current SLA expired on December 31, 2021. RDCO has recently updated the SLA, generally mirroring the parameters of the last agreement. The new proposed agreement would run until December 31, 2028.

Conclusion:

The draft bylaw and SLA provide the necessary authorities to continue with the Security Alarm System program. As the RDCO provides administrative oversight for the other members of the Regional District, it makes sense for them to administer the program in the City as well. Staff will ensure that any future amendments to the RDCO Bylaw are tracked and brought forward for Council's consideration as appropriate.

Internal Circulation:

Community Safety Department
Communications Department

Considerations applicable to this report:

Legal/Statutory Authority: Community Charter, s. 196 & s. 258

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Consultation and Engagement:

Communications Comments:

Submitted by: T. White, Police Services Branch Manager

Approved for inclusion: S. Leatherdale, General Manager, Corporate & Protective Services

cc:

S. Leatherdale, General Manager, Corporate & Protective Services

K. Triance, Officer In Charge, Kelowna RCMP Detachment

D. Caul, Community Safety Director

**AGREEMENT TO PROVIDE THE SERVICE OF ADMINISTRATION AND ENFORCEMENT OF
SECURITY ALARM SYSTEMS**

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

BETWEEN:

CITY OF KELOWNA, 1435 Water St, Kelowna BC, V1Y 1J4

(the "**City**")

AND:

REGIONAL DISTRICT OF CENTRAL OKANAGAN, 1450 K.L.O. Road, Kelowna BC,
V1W 3Z4

(the "**Regional District**")

GIVEN THAT:

- A. The Regional District provides services for the benefit of residents of the Regional District, including the administration and enforcement of security alarm systems as established through Regional District Security Alarm Systems Bylaw No. 1546, 2024, as amended from time to time;
- B. Pursuant to section 334 of the *Local Government Act*, the Regional District is authorized to make an agreement with a public authority to provide services to or for the public authority that are within the powers of the public authority;
- C. Pursuant to Security Alarm Systems Bylaw No. 9147, as amended from time to time (the "City Bylaw"), the City has the power perform services in relation to fire alarm systems and security alarm systems; and
- D. The parties wish to enter into an agreement under which the Regional District provides the administration and enforcement of security alarm systems to the City in accordance with the City Bylaw and on the terms and conditions set out in this Agreement.

This Agreement is evidence that in consideration of payment of \$1.00 by the City to the Regional District (the receipt and sufficiency the Regional District acknowledges) and in consideration of the promises exchanged below, the City and the Regional District agree with each other as follows:

1. Definitions – In this Agreement:

- (a) “Fee Schedule” means **Schedule “B”**, which sets out the compensation the Regional District is entitled to receive from the City for the Services.
- (b) “Force Majeure” means an act of Canada’s enemies, terrorism, sabotage, war, blockades, insurrections, riots, epidemics, lightning, earthquakes, floods, storms, fires, washouts, nuclear and radiation activity or fallout, arrests and distraint of rules and people, civil disturbances, explosion, expropriation, act of God, or any act, omission, or event whether of the kind enumerated in this definition or otherwise not within the control of a party to this Agreement, which by the exercise of reasonable due diligence the party could not have prevented;
- (c) “Governmental Approvals” means any licences, permits, consents, authorizations, certificates, operating certificates, and other approvals of any kind from any Governmental Authority that are required for or in connection with the performance of the Services.
- (d) “Governmental Authority” means any federal, provincial, local, or other government or governmental agency, authority, board, bureau or commission.
- (e) “Services” means the services and work described in **Schedule “A”** and includes all acts, services and work necessary to perform and provide such services and work.
- (f) “Standards” means any and all laws, enactments, bylaws, statutes, regulations, rules, orders, permits, licences, codes, building codes, professional standards, and specifications (including Canadian Standards Association standards) applicable to the provision of the Services, as they are in force from time to time or in the latest current version, as the case may be.

Regional District Services

- 2. The Regional District shall perform the Services and shall do so in accordance with all Standards and the terms of this Agreement.
- 3. In performing the Services, the Regional District shall:
 - (a) supply all labour, machinery, equipment, tools, supplies, material, and other things necessary to perform the Services in accordance with this Agreement;
 - (b) obtain, maintain in good standing, and comply with the terms of all Governmental Approvals; and
 - (c) provide the Services in a competent, careful, and professional manner.

Term

4. The Regional District shall commence performing the Services on January 01, 2024 and cease performing the Services on December 31, 2028 (the “**Term**”).

Regional District Capacity

5. If at any time and from time to time the Regional District determines, acting reasonably, that it does not have the capacity to provide the Services to the City, nothing in this Agreement obligates the Regional District to provide the Services until it determines, acting reasonably, that it has the capacity to provide the Services.

Remuneration, Invoices and Payment

6. The City shall pay the Regional District for the Services in accordance with the Fee Schedule. For clarity, the parties acknowledge and agree that in accordance with section 334 of the *Local Government Act*, the entire cost of providing the Services under this Agreement shall be a debt owed to the Regional District by the City.
7. The Regional District shall invoice the City for Services provided in accordance with the Fee Schedule, setting out the amount of compensation claimed for Services performed.
8. The City shall pay the Regional District all amounts owing under each invoice within 30 days after delivery of such invoice to the City.

Indemnity

9. The City shall release, indemnify and save harmless the Regional District and its officers, employees, elected and appointed officials, employees, volunteers, agents and authorized contractors from and against any and all claims, demands, actions, suits, loss, damage, costs (including legal costs), fines, penalties, charges and expenses arising out of or in connection with this Agreement or the provision of the Services, including but not limited to:
 - (a) loss or other damage to persons, including bodily injury and death, or property as a result of or in connection with, both directly and indirectly, this Agreement;
 - (b) economic losses sustained because of a suspension of the Services; and
 - (c) breaches by the City of any of its covenants, representations, warranties or obligations contained in this Agreement.

This indemnity survives the expiration or earlier termination of this Agreement.

Force Majeure

14. No party shall be liable for its failure to perform any of its obligations under this Agreement due to Force Majeure.

Workers Compensation

15. The Regional District shall, at all times, in providing the Services and otherwise performing its obligations under this Agreement, comply with the *Workers Compensation Act* (British Columbia) and all regulations and orders from time to time in force thereunder, including the Occupational Health and Safety Regulation, and, upon request from the City, provide evidence of any required registration under that Act and evidence of compliance with any requirement under that Act to make any payments or pay assessments.

Termination

16. Either party may, in its sole discretion and without reason, terminate this Agreement upon _____ days' notice to the other party. If either party terminates this Agreement under this section, the City shall pay the Regional District for all Services performed by the Regional District up to the date of such termination in accordance with this Agreement. The City is not entitled to, and irrevocably waives and releases the Regional District from, any and all claims for any damages or compensation for costs incurred, loss of profit or loss of opportunity, directly or indirectly arising out of termination of this Agreement.
17. Without prejudice to any other right or remedy, the Regional District may, at its sole discretion, and without terminating this Agreement, suspend its provision of the Services to the City if:
 - (a) the City fails to pay any of the amounts payable under this Agreement within _____ days of receiving an invoice from the District; or
 - (b) the City breaches this Agreement and fails to remedy the breach within _____ days of the receipt of written notice of such failure.

Where the Regional District has suspended the Services, the Regional District may reinstate the Services as soon as reasonably possible after the situation that led to the suspension is resolved to the satisfaction of the Regional District.

Records

18. The Regional District shall:
 - (a) keep proper and detailed accounts and records of its performance of the Services, including invoices, receipts, and vouchers, which shall at all reasonable times be open to audit and inspection by the City, which may make copies and take extracts from the accounts and records; and

- (b) afford facilities and access to accounts and records for audit and inspection by the City and must furnish the City with such information as the City may from time to time require regarding those documents.

Freedom of Information and Protection of Privacy Act

- 19. The City acknowledges that the Regional District is subject to the *Freedom of Information and Protection of Privacy Act (FOIPPA)*, that the Regional District may be legally obligated to disclose to a person parts, or all, of this Agreement and any documents legally connected to this Agreement, and that the authority of the Regional District to refuse to disclose a record containing third party confidential information is limited as set out in section 21 of *FOIPPA*. If the City considers that information supplied by it to the Regional District in connection with the performance of the Services is confidential information that should not be disclosed to a person making a request under *FOIPPA*, the City shall identify this information to the Regional District, indicate that the information is supplied in confidence, and refer to *FOIPPA* and section 21 of *FOIPPA* in this regard. The City acknowledges and agrees that the Regional District may be required to disclose City information even where the City stipulates that such information is supplied in confidence. The City acknowledges and agrees that any information included in this Agreement (including in the schedules to this Agreement) is not supplied in confidence.

General

- 20. Neither party may assign all or any part of this Agreement without the prior written consent of the other party, which consent may be withheld in that party's sole discretion.
- 21. Nothing in this Agreement affects the Regional District's or the City's rights and powers in the exercise of their statutory functions under statutes, bylaws, resolutions, orders or regulations, all of which may be fully exercised as if this Agreement had not been executed and delivered by the Regional District and the City.
- 22. Neither the Regional District nor any of its employees is engaged by the City as an agent of the City or has the authority to bind the City in any way whatsoever. This Agreement does not create a joint venture or partnership.
- 23. No amendment of any portion of this Agreement shall be valid unless in writing and executed by the parties to this Agreement.
- 24. Time is of the essence of this Agreement.
- 25. Exercise by a party to this Agreement of any right or remedy of that party, whether granted in or under this Agreement or at law or equity, does not limit or affect any other right or remedy of any kind, whatever its source, that the party may have against the other party and does not affect the right of the party exercising the right or remedy to exercise other rights or remedies against the other party.

26. If any portion of this Agreement is held to be illegal or invalid by a court of competent jurisdiction, the illegal or invalid portion must be severed and the decision that it is illegal or invalid does not affect the validity of the remainder of this Agreement.

27. Any notice, direction, demand, approval, certificate, or waiver which may be or is required to be given under this Agreement must be in writing and delivered personally or by courier or sent by fax or e-mail, addressed as follows:

(a) To the City:

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

Fax Number: (____)

E-mail Address:

Attention:

(b) To the Regional District:

Regional District of Central Okanagan
1450 K.L.O. Road, Kelowna, B.C. V1W 3Z4

Fax Number: (250) _____

E-mail Address: corporate.officer@rdco.com

Attention: Chief Administrative Officer

or to such other address, e-mail address or fax number of which notice has been given as provided in this section.

Any notice, direction, demand, approval, or waiver delivered is to be considered given on the third business day after it is dispatched for delivery. Any notice, direction, demand, approval, or waiver sent by fax or e-mail is to be considered given on the day it is sent, if that day is a business day and if that day is not a business day, it is to be considered given on the next business day after the date it is sent.

28. In this Agreement:

(a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;

(b) reference to a particular numbered section or Schedule is a reference to the correspondingly numbered section or Schedule of this Agreement;

(c) the word "enactment" has the meaning given to it in the *Interpretation Act* (British Columbia) on the reference date of this Agreement;

- (d) reference to any enactment is a reference to that enactment as amended, unless otherwise expressly provided;
 - (e) reference to a month is a reference to a calendar month; and
 - (f) section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement.
29. This Agreement is governed by and is to be interpreted according to the laws of British Columbia.
 30. Each party shall execute or cause to be executed such further documents and instruments and do or cause to be done such further things as may be necessary to implement and carry out the intent of this Agreement.
 31. This Agreement enures to the benefit of and is binding upon the parties and their respective successors, subcontractors, trustees, administrators, and receivers, despite any rule of law or equity to the contrary.
 32. This Agreement is the entire agreement between the parties and it terminates and supersedes all previous communications, representations, warranties, covenants, and agreements, whether verbal or written, between the parties with respect to the subject matter of this Agreement.
 33. Waiver of any default by either party must be express and in writing to be effective, and a waiver of a particular default does not waive any other default.
 34. This Agreement may be executed in any number of counterparts and delivered by e-mail, each of which shall be deemed to be an original and all of which taken together shall be deemed to constitute one and the same instrument, provided that any party delivering this Agreement by e-mail shall also deliver to the other party an originally executed copy of this Agreement.

As evidence of the agreement of the parties to be bound by the above terms and conditions of this Agreement, the parties have executed this Agreement below, on the respective dates written below.

REGIONAL DISTRICT OF CENTRAL OKANAGAN

by its authorized signatories:

Chair

Authorized Signatory

CITY OF KELOWNA

by its authorized signatories:

Mayor

City Clerk

Schedule "A" - Services

Without limiting the Regional District's obligations under this Agreement, the Regional District will provide the City with security alarm systems administration and enforcement services as established through the City Bylaw, including but not limited to the Regional District's obligations listed below.

The City (Police Services) shall:

1. Appoint the Regional District to provide administration and enforcement of the City Bylaw by the False Alarms Reduction Program Coordinator, Protective Services Division.
2. Provide a police response to Security Alarm calls for service within the Regional District.
3. **Share police response data** with the False Alarms Reduction Program Coordinator to ensure false security alarm calls are documented and fees applied as per Schedule "A" of the City Bylaw

The Regional District shall:

1. Enforce the City Bylaw in the City of Kelowna to support the False Alarm Reduction Program by:
 - Supplying and retaining the services of False Alarms Reduction Program Coordinator to administer and manage the Security Alarm Systems Bylaw.
 - Ensuring that security alarm system users obtain security alarm system permits for active security alarm systems.
 - Issuing notices of fees in the event of a false security system alarm.
 - Processing biennial security alarm system permit renewals.
 - Educating security alarm system users and security alarm system companies on how to reduce false alarms.

Schedule “B” – Fee Schedule

Revenue attributable to the Services shall be derived from the fees charged pursuant to the the City Bylaw for the City and the Regional District (the “**Service Revenue**”).

All costs incurring by the Regional District in the course of providing the Services (the “**Service Costs**”) will be tracked by the Regional District. Service Costs shall include, but not be limited to:

- staffing costs;
- supplies; and
- administration overhead according to Regional District policy.

The Service Costs shall be paid by the City to the Regional District from the Service Revenue. To the extent that the Service Revenue exceeds the Service Costs or vice versa, the surplus or deficit shall be allocated between the City and the Regional District. Allocation will be determined using unconverted hospital assessments for land and improvements within the Regional District (the “**District Land**”) and the City (the “**City Land**”), and the City and the Regional District shall be allocated a portion of the surplus or deficit proportionate to the City Land and District Land.

The District shall remit to the City by April 30th of the following year a cheque for the City’s pro-rata share of any surplus, or an invoice for the City’s pro-rata share of any deficit.

Security Alarm System Bylaw: 2024 Update

December 9, 2024

Torry White
Police Services Branch Manager

Agenda

- ▶ Background
- ▶ Updated RCMP Response Protocol
- ▶ 2024 City of Kelowna Security Alarm Calls
- ▶ Updated City of Kelowna Bylaw
- ▶ New Proposed Fee Schedule
- ▶ RDCO Service Level Agreement
- ▶ Discussion

Security Alarm System - Background

- ▶ False Alarm Reduction Program (2005)
- ▶ Program holds Alarm users and Alarm companies accountable
- ▶ City of Kelowna & RDCO Service Level Agreement
- ▶ In 2023:
 - ▶ 72% of all security alarm calls to the RCMP were false alarms
 - ▶ 300 RCMP hours spent responding to alarm requests
- ▶ Updated RCMP Response Protocol adopted in late 2023
- ▶ RDCO updated their Bylaw accordingly
- ▶ City of Kelowna DRAFT Bylaw mirrors RDCO's Bylaw

RCMP Response Protocol

- ▶ Kelowna RCMP believe the majority of false alarms are preventable
- ▶ RCMP updated their response protocol in late 2023:
 - ▶ Two-factor verification process
- ▶ Fines may now be levied by the RCMP should they declare it a false alarm
- ▶ Reduction in 2024:
 - ▶ On average – 20 False Alarms per day
 - ▶ Now – 2-5 False Alarms per day

Kelowna: 2024 Security Alarm Calls

Kelowna FALSE ALARMS



Kelowna VALID



City of Kelowna Bylaw (2004 vs 2024)

Proposed (2024)	Reasoning
An increase in fees is recommended	The requested increase is based on costs to operate the program and to align with industry standards
No suspension of alarm response is requested	The Kelowna RCMP have committed to responding to all alarms if they meet the criteria defined in the current policy given the difficulty in defining what may or may not be a false alarm
Alarm registration will no longer be suspended/denied; an Advisory Board is therefore, not necessary	Given the Advisory Board was never used, both CoK and RDCO felt this could be managed at the Program Administrator level.
Alarm registration active for two years	To use the available time more efficiently.
The new bylaw has been drafted with less administrative requirements, (ie - No requirement to hire a company to inspect an alarm and submit a report)	This promotes efficient use of staff and alarm user time and resources.



New Proposed Fee Schedule



Old Program	New Program
Residential - \$10	Residential - \$40 (biannual renewal - \$30)
Business - \$15	Business - \$80 (biannual renewal - \$60)
Residential: <ul style="list-style-type: none"> • First Offence – No charge • Second Offence – No charge • Third Offence - \$50 • Fourth (and subsequent) - \$100 	Residential: <ul style="list-style-type: none"> • First Offence - No charge • Second Offence - \$100 • Third Offence - \$200 • Fourth (and subsequent) - \$300
Business: <ul style="list-style-type: none"> • First Offence – No charge • Second Offence – No charge • Third Offence - \$100 • Fourth (and subsequent) - \$200 	Business: <ul style="list-style-type: none"> • First Offence – No charge • Second Offence - \$200 • Third Offence - \$400 • Fourth (and subsequent) - \$600

Service Level Agreement

- ▶ RDCO Led Program
- ▶ Surplus funding:
 - ▶ CoK – 66%
 - ▶ Police Response
 - ▶ RDCO – 33%
 - ▶ Crime Prevention
- ▶ Agreement out to 31 Dec 28



Discussion and Next Steps





Questions?

For more information, visit kelowna.ca.

CITY OF KELOWNA

Security Alarm Systems Bylaw No. 12730

WHEREAS the *Community Charter*, Section 8, enables a municipality to provide a service in relation to fire alarm systems and security alarm systems;

AND WHEREAS Section 196 allows a municipality to impose fees in response to a false alarm of a security alarm system;

AND WHEREAS Section 258 allows a municipality to collect false alarm fees in the same manner as property taxes;

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

1. Security Alarm Systems Bylaw No. 9147 is hereby repealed.
2. This Bylaw may be cited as "Security Alarm Systems Bylaw No. 12730".

Part 1 - Interpretation

3. If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.
4. The headings contained in this Bylaw are for convenience only and are not be construed as defining or in any way limiting the scope or the intent of the provisions of this Bylaw.
5. Schedule 'A' Fees is attached to and forms part of this Bylaw.

Part 2 - Definitions

6. In this Bylaw:

"Commercial" means a **Security Alarm Site** that is used for an occupation, employment or enterprise activity carried on for gain or monetary profit. Includes a multi-unit building in which individual units are not independently alarmed.

"Enhanced Call Verification" means a **Security Alarm System Company** must ensure that at least one **Security Alarm System User** or **Keyholder** has been notified of an **Intrusion Alarm** and must confirm that multiple (two or more) security zones or breaches are activated prior to making a **Reported Alarm Request**.

"False Alarm Administrator" means the position appointed by the City to administer a provision of this Bylaw.

"False Alarm" means a **Reported Alarm** where there is no evidence that an unauthorized entry or unlawful act has been attempted or made into, on or in respect of a building, structure or premises and includes, but is not limited to:

- (a) the activation of a **Security Alarm System** during its testing;
- (b) a **Security Alarm System** activated by mechanical failure, malfunction, or faulty equipment;
- (c) a **Security Alarm System** activated by atmospheric conditions, vibrations, or power failure; or
- (d) a **Security Alarm System** activated by user error.

"False Alarm Notice" means a notice in writing sent to **Security Alarm System Users** or Security Alarm Companies when a **False Alarm** is activated on a permitted premises.

"Intrusion Alarm" means an alarm that gives warning to the presence of an intruder.

"Keyholder" means an alternate individual designated by the **Security Alarm System User** who can be contacted in the event of a **Reported Alarm** who has access to the **Security Alarm Site** and are able to operate and verify the alarm.

"Notice of Fees" means a notice or invoice, in writing, stating that a fee of an amount specified is to be charged to **Security Alarm System Users** or Security Alarm Companies when a **False Alarm** is activated, and a **Police Service** is called to respond.

"Operational Communications Center" or "OCC" means an operator who receives a call from 9-1-1 and makes a **Reported Alarm Request** to a **Police Service**.

"Panic Alarm" means Hold up, Duress, or **Intrusion Alarm** being a silent or audible alarm that a **Security Alarm System User** generates by manually activating a device (button, floor pedal, key fob, or pendant) during an emergency when unable to dial 911 due to a robbery in progress or being physically threatened or accosted with imminent harm or death and will result in a heightened response from a **Police Service**.

"Police Service" means the Royal Canadian Mounted Police (RCMP) or police of jurisdiction. The RCMP is responsible for ensuring public safety by providing quality and timely service and protection to citizens and their properties to Panic and **Verified Alarm** calls.

"Reported Alarm" means the contact made to a **Police Service** by any **Security Alarm System Company** or **Security Alarm System User** responsible for the protection of their or a client's property, personnel, or personal well-being.

"Reported Alarm Request" means a call or notification to the **OCC** requesting a **Police Service** response.

"Residential" means a **Security Alarm Site** that is predominately used for a person's living accommodation, including a single-family residence, individual strata or apartment unit, or mobile home.

"Security Alarm Site" means the physical location where the **Security Alarm System** is located.

"Security Alarm System" means a device that gives audible, visual or other form of alarm signal about a problem or condition of a **Security Alarm Site** either self-monitored or monitored by a **Security Alarm System Company**. A Security Alarm System does not include an alarm installed in a vehicle or a personal security device.

"Security Alarm System Company" means a person or company that installs or monitors a **Security Alarm System**.

"Security Alarm System Permit" means a permit issued pursuant to Part 3 Section 7 of this Bylaw.

"Security Alarm System Permit Fee" means a fee that a **Security Alarm System User** pays on a biennial basis to obtain a **Security System Alarm Permit**.

"Security Alarm System User" includes a person who owns or operates a **Security Alarm System**.

"Verified Alarm" means an alarm where a potential criminal offence may be occurring or has occurred as determined by, but not limited to, an eyewitness, real-time video observation or two or more zones being activated.

Part 3 - Alarm Permit Requirements

7. A **Security Alarm System User** of an active **Security Alarm System** must register and pay the New **Security Alarm System Permit** Registration Fee, and the **Security Alarm System Permit** Renewal Fees as set out in Schedule 'A' of this Bylaw.
8. A person will not cause, allow, or permit the occurrence of a **False Alarm**.
9. A **Security Alarm System Permit Fee** is not refundable.
10. A **Security Alarm System Permit** issued under this Bylaw is valid for two (2) years commencing from the date of issuance.
11. A **Security Alarm System User** cannot transfer a **Security Alarm System Permit** to a person or a property.
12. A **Security Alarm System User** must notify the **False Alarm Administrator** within thirty (30) days from when:
 - a) the **Security Alarm System** is not active, or
 - b) the **Security Alarm System** is not under the control of that person or company.

Part 4 – Alarm Dispatch Request Requirements

13. Prior to making a **Reported Alarm Request** to the **Police Service**, the **Security Alarm System User** or **Security Alarm System Company** must follow the **Enhanced Call Verification** procedure.
14. With every **Reported Alarm Request** to the **Police Service**, the **Security Alarm System User** or **Security Alarm System Company** must provide the following information:
 - a) **Security Alarm System Permit** number;

- b) Description regarding the time, location, and type of signal from the **Security Alarm Site**; and
- c) Responsible Parties' contact information.

15. A **Panic Alarm** is exempt from Sections 13 and 14 of this Bylaw.

16. Liability. Registration of a **Security Alarm System** is not intended to, nor will it, create a contract, duty, or obligation, either expressed or implied, of response. All liability and consequential damage resulting from the failure to respond to a **Reported Alarm** is hereby disclaimed and governmental immunity as provided by law is retained.

Part 5 - The Responsibilities of a **Security Alarm System Company**

17. The **Security Alarm System Company** must provide the **Security Alarm System User** with a copy of this Bylaw and all alarm permit requirements as set out in Part 3 of this Bylaw.

18. A **Security Alarm System** that has more than one (1) **False Alarm** in a twelve (12) month period commencing from the date of issuance of the **Security Alarm System User** will be subject to a fee as set out in Schedule 'A' of this Bylaw.

Part 6 - Penalties

19. A person who violates a provision of this Bylaw, or who suffers or allows an act or thing to be done in contravention or in violation of a provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by a provision of this Bylaw, is guilty of an offence under this Bylaw and liable to a monetary penalty as per this Bylaw.

a) Each day a violation of the provision of this Bylaw exists or is permitted to exist will constitute a separate offence.

20. A **Security Alarm System User** or **Security Alarm System Company** who receives a **Notice of Fees** must:

a) pay a fee in accordance with this Bylaw, or

b) make a request, in writing, to the **False Alarm Administrator** to dispute a fee in respect of the allegation, no more than ninety (90) days after the date of the **False Alarm Notice** and associated invoice.

Part 7 - Unpaid Fee Forms Part of Taxes in Arrears

21. Pursuant to the provisions of the *Community Charter*, a fee required to be paid by this Bylaw which remains unpaid after December 31 of the calendar year, will be added to and form part of the property taxes in arrears on the subject property.

22. 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' Fees

a) **New Security Alarm System Permit Registration Fees** (Valid for two years)

Residential Security Alarm System Permit	\$40
Commercial Security Alarm System Permit	\$80

b) **Security Alarm System Permit Renewal Fees** (Biennially)

Residential Security Alarm System Permit	\$30
Commercial Security Alarm System Permit	\$60
Security Alarm System User must reapply for a Security Alarm System Permit and pay the registration fee once permits are expired.	

c) **False Alarm Fee with Security Alarm System Permit**

	1st False Alarm	2nd False Alarm	3rd False Alarm	4th or subsequent False Alarms
Residential	\$0	\$100	\$200	\$300
Commercial	\$0	\$200	\$400	\$600
Number of False Alarm counts will reset annually on anniversary date.				

d) **False Hold-up, Duress or Panic Alarm Fee with Security Alarm System Permit**

	1st False Alarm	2nd False Alarm	3rd False Alarm	4th or subsequent False Alarms
Residential	\$100	\$200	\$400	\$600
Commercial	\$200	\$400	\$800	\$1,200
Number of False Alarm counts will reset annually on anniversary date.				

e) **All Reported Alarm calls to OCC without a valid Security Alarm System Permit**

	1st Reported Alarm	2nd Reported Alarm	3rd Reported Alarm or subsequent Reported Alarm
Residential	\$100	\$200	\$300
Commercial	\$200	\$400	\$600

- f) **False Alarm** caused by a **Security Alarm System Company** (Part 3, Section 8)..... \$200.00
- g) Failure to complete **Enhanced Call Verification** (Part 4, Section 13) \$200.00
- h) Failure to provide alarm dispatch request requirements (Part 4, Section 14) \$200.00
- i) **Security Alarm System Company** not informing the **Security Alarm System User** of the requirements of this Bylaw (Part 5, Section 17) \$200.00
- j) **Security Alarm System Company** fee for a **Security Alarm System** that has more than four (4) **False Alarms** (Part 5, Section 19)..... \$600.00

CITY OF KELOWNA

Bylaw No. 12715

Amendment No. 5 to Development Application and Heritage Procedures Bylaw No. 12310

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the Development Application and Heritage Procedures Bylaw No. 12310 be amended as follows:

1. THAT the **Preamble**, located on Page 1, be amended by
 - 1.1. Deleting "and Agricultural Land Commission applications" and replacing with "Liquor Licence applications under Part 5 of the *Liquor Control and Licensing Act*; and Agricultural Land Commission applications."
 - 1.2. Deleting "WHEREAS under the *Community Charter* and Parts 14 and 15 of the *Local Government Act*" and replace with "WHEREAS under the *Community Charter* and Parts 14 and 15 of the *Local Government Act* and Part 5 of the *Liquor Control and Licensing Act*".
 - 1.3. Adding "issue liquor licence resolutions," after "issue a Temporary Farm Worker Housing Permit," and before "or the Agricultural Land Commission;"
2. THAT **Section 1.3 Scope**, Subsection 1.3.1 be amended by deleting the following:

"l) For property to be added to or removed from the Heritage Register; or
m) For Early Consideration by Council"

and replacing with the following:

"l) For property to be added to or removed from the Heritage Register;
m) For Early Consideration by Council; or
n) For a liquor licence"
3. THAT **Section 1.4 Definitions** be amended by adding in its appropriate location the following new definition:

"**Liquor and Cannabis Regulation Branch**' or '**LCRB**' means the **Liquor and Cannabis Regulation Branch** established by the *Liquor Control and Licensing Act*;"
4. THAT **Section 2.1.2 Application Requirements and Processing** be amended by adding the following new subsection:

"o) An application for a Liquor Licence will be made and processed substantially in accordance with Schedule '16' of this bylaw."
5. THAT **Section 2.2 Council Decisions** be amended by adding the following new subsection:

"2.2.8 Liquor Licence Applications

Except for applications that can be considered by the **Department Manager, Development Planning**, pursuant to Section 2.0 of Schedule '16' of this bylaw, Council may, upon receipt of a report from the City Manager respecting an application under Schedule '16', pass a resolution that:

 - a) Supports the application;
 - b) Does not support the application; or
 - c) Directs that the application be considered at a Tuesday Regular Meeting of Council.

6. THAT **Section 2.3 Delegation of Authority** be amended by adding the following new subsection:

"2.3.8 Liquor Licence Applications

The powers of Council under Section 38(3) of the *Liquor Control and Licensing Act* to provide comments and recommendations with respect to an application, subject to restrictions identified in Schedule '16' of this bylaw."

7. THAT **Schedule '1' – Application Requirements** be amended by

7.1. Deleting the following:

"The information listed below will be required for applications under this **bylaw** in accordance with Schedules '2' to '15' of this bylaw:"

and replacing with:

"The information listed below will be required for applications under this **bylaw** in accordance with Schedules '2' to '16' of this bylaw:"

7.2. Adding the following after 'Floor Plans' and before 'Elevation Drawings – 1:200 scale recommended, all units in metric, including:'

"• Occupant Load – A detailed floor plan showing all washrooms, exits, seating, fixtures and furniture that is stamped by the City of Kelowna."

8. THAT **SCHEDULE '16'** Liquor Licence Applications, as attached to and forming part of this bylaw, be added.

9. This bylaw may be cited as "Bylaw No. 12715, being Amendment No. 5 to Development Application and Heritage Procedures Bylaw No. 12310".

10. 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 25th day of November, 2024.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

SCHEDULE '16' – Liquor Licence Applications

This Schedule describes the process applicants must follow for *Liquor Control and Licensing Act* applications, including application requirements and processing procedures. Following the steps outlined below does not grant a right to development approval.

1.0 APPLICATION REQUIREMENTS

1.1 Liquor Licence applications are made directly to the **Liquor and Cannabis Regulation Branch (LCRB)**. Applications that require local government input are then forwarded to the **City**.

1.2 Following submission to the **LCRB**, a separate application must be submitted to the City of Kelowna. The following information is required for a Liquor Licence application. See Schedule '1' of this bylaw for a description of each application requirement.

Application Form	State of Title
Owners Authorization	Project Rationale
City–Stamped Occupant Load	

2.0 LIQUOR LICENCE APPLICATION (DELEGATED)

2.1 SCOPE OF DELEGATION

2.1.1 The powers delegated to the **Department Manager, Development Planning** with respect to Liquor Licence applications are limited to the following application types:

- a) A Patron Participation Entertainment on a new or existing Food Primary Licence where the capacity is equal to or less than 250 persons;
- b) A new Liquor Primary Licence, Lounge Endorsement, Picnic Area Endorsement, or Special Event Area Endorsement where the capacity is equal to or less than 99 persons; or
- c) A structural change to an existing Liquor Primary Licence, Lounge Endorsement, Picnic Area Endorsement, or Special Event Area Endorsement where the total capacity is equal to or less than 99 persons.

2.2 PROCESSING PROCEDURE

2.2.1 An application under the *Liquor Control and Licensing Act* that is among the application types set out in section 2.1.1 of this Schedule will be processed as follows:

- a) Upon receipt of an **LCRB** application package where local government input is required, submitted in accordance with the requirements of this bylaw the City will contact the applicant who must then submit a Liquor Licence Application to the Development Planning Department.
- b) Development Planning will review the application for completeness. If the application is incomplete, it will be processed in accordance with section 2.11 Incomplete Applications of this bylaw.
- c) Development Planning will refer the application to all relevant City departments, as well as applicable government and external agencies.
- d) Development Planning will evaluate the proposal for compliance with relevant City bylaws and policies and relevant provincial regulations, including, but not limited to, the **LCRB** Liquor Policy Manual and Council Policy No. 359.

- e) The applicant will complete public notification and consultation as required by Council Policy No. 359 Liquor Licensing Policy & Procedures.
- f) Relevant referral agency comments will be considered by the **Department Manager, Development Planning**.
- g) Development Planning will notify the applicant in writing of the decision of the **Department Manager, Development Planning**. If the **Department Manager, Development Planning** decides not to support the application the applicant may, within 10 business days of being notified in writing of the decision, request **Council** to reconsider the decision.
- h) The Report of the **Department Manager, Development Planning**, including recommendations and related schedules, will be uploaded to the **LCRB** portal.

3.0 LIQUOR LICENSE APPLICATION (COUNCIL)

3.1 PROCESSING PROCEDURE

An application under the *Liquor Control and Licensing Act* that is not among the application types set out in section 2.1.1 of this Schedule will be processed as follows:

- a) Upon receipt of an **LCRB** application package where local government input is required, submitted in accordance with the requirements of this bylaw, the City will contact the applicant who must then submit a Liquor Licence Application to the Development Planning Department.
- b) Development Planning will review the application for completeness. If the application is incomplete, it will be processed in accordance with section 2.11 Incomplete Applications of this bylaw.
- c) Development Planning will refer the application to all relevant City departments, as well as applicable government and external agencies.
- d) Development Planning will evaluate the proposal for compliance with relevant City bylaws and policies and relevant provincial regulations, including, but not limited to, the **LCRB** Liquor Policy Manual and Council Policy No. 359.
- e) The applicant will complete public notification and consultation as required by Council Policy No. 359 – Liquor Licensing Policy & Procedures.
- f) Development Planning staff will prepare a staff report for consideration by Council. The applicant is encouraged to attend the Council meeting at which the application will be considered.
- g) Council will consider the application.
 - i. An application with a capacity greater than 99 persons but less than or equal to 250 persons will be considered at a Monday Regular Meeting (afternoon) unless Council resolves to consider the application at a Tuesday Meeting.
 - ii. An application with a capacity greater than 250 persons will be considered at a Tuesday Meeting.
- h) The Office of the City Clerk will notify the applicant in writing of the decision of Council.
- i) If authorized, Development Planning will forward the Council resolution to the **LCRB** with the staff report, Council resolution, and applicable schedules.

CITY OF KELOWNA

Bylaw No. 12716

Amendment No. 3 to Development Application Fees Bylaw No. 12552

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the Development Application Fees Bylaw No. 12552 be amended as follows:

1. THAT **Section 2. General Administration**, Subsection 2.2.1 be amended by deleting "January 1, 2025" and replacing with "January 1, 2026".
2. THAT **Schedule "A", Table 4: Agriculture & Liquor Licences** be amended by deleting the title "Table 4: Agriculture & Liquor Licences" and replacing with the title "Table 4: Agriculture & Liquor Licences".
3. THAT **Schedule "A", Table 4: Agriculture & Liquor Licences** be amended by deleting 'Liquor License (New or Change)' and replacing with "Liquor Licence (New or Change)".
4. THAT **Schedule "A", Table 4: Agriculture & Liquor Licences** be amended by deleting the following application types in their entirety:

Application Type	Base Fee 2024	Additional Fees 2024
Liquor Licences (New or Change)		
"99 persons or less	\$ 2,375.00	-
"100 Persons or more	\$ 2670.00	-

5. THAT **Schedule "A", Table 4: Agriculture & Liquor Licences** be amended by adding the following new application types to the table each as a type of Liquor Licence (New or Change):

Application Type	Base Fee 2024	Additional Fees 2024
Liquor Licences (New or Change)		
"Delegated Liquor Licence 99 Persons or less	\$ 985.00	-
"Delegated Patron Participation Endorsement 250 Persons or less	\$ 985.00	-
"Council Liquor Licence 100 Persons - 250 Persons	\$ 1,345.00	-
"Council Liquor Licence 251 Persons or more	\$ 2,670.00	-
"Council Patron Participation Endorsement 251 Persons or more	\$ 2,670.00	-

6. This bylaw may be cited as "Bylaw No. 12716, being Amendment No. 3 to Development Application Fees Bylaw No. 12552".
7. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 25th day of November, 2024.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 12731

A Bylaw to Amend Water Regulation Bylaw No. 10480 and Water Service Parcel Tax Bylaw No. 8923

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

1. THAT Water Regulation Bylaw No. 10480 be amended by adding the following new section following Section 1.2:

 "1.3 Transitional Provision

 1.3.1 The provisions of this Bylaw do not apply within the boundaries of the local service area defined by Section 3 of Order in Council No. 343/2024."
2. AND THAT Water Service Parcel Tax Bylaw No. 8923 be amended by adding the following new section following Section 5:

 "6. The provisions of this Bylaw do not apply within the boundaries of the local service area defined by Section 3 of Order in Council No. 343/2024."
3. This bylaw may be cited for all purposes as "Water Bylaws Amending Bylaw No. 12731"
4. This bylaw shall come into full force and effect and is binding on all persons on January 1, 2025.

Read a first, second and third time by the Municipal Council this 2nd day of December, 2024.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk