

City of Kelowna

Regular Council Meeting

AGENDA



Monday, April 8, 2019
1:30 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

This meeting is open to the public and all representations to Council form part of the public record. A live audio and video feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

5 - 12

Regular PM Meeting - April 01, 2019

3. Development Application Reports & Related Bylaws

3.1 Commercial Frontage Amendment, TA19-0005 - City of Kelowna

13 - 19

To amend the C4 – Urban Centre Commercial zone to require functional commercial space on appropriate streets.

3.2 Commercial Frontage Amendment, BL11796 (TA19-0005) - City of Kelowna

20 - 21

To give Bylaw No. 11796 first reading in order to amend the C4 – Urban Centre Commercial zone to require functional commercial space on appropriate streets.

3.3 Kelly Rd 1050, Z18-0112 - Jonathan D.C. Tyre and Heather E. Tyre

22 - 26

To consider the rezoning of the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate a two-lot subdivision, and development on the new lot.

3.4 Kelly Rd 1050, Z18-0112 (BL11797) - Jonathan D.C. Tyre and Heather E. Tyre

27 - 27

To give Bylaw No. 11797 first reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate a two-lot subdivision, and development on the new lot.

3.5	Laurier Ave 934, Z18-0103 - 1079687 B.C. Ltd, Inc.No. BC1079687	28 - 33
	To rezone the subject property from RU6 – Two Dwelling Housing to RM1 – Four Dwelling Housing to facilitate the development of four dwelling housing.	
3.6	Laurier Ave 934, Z18-0103 (BL11799) - 1079687 B.C. Ltd, Inc.No. BC1079687	34 - 34
	To give Bylaw No. 11799 first reading in order to rezone the subject property from RU6 – Two Dwelling Housing to RM1 – Four Dwelling Housing to facilitate the development of four dwelling housing.	
3.7	Laurier Ave 913, Z18-0105 - 1128826 B.C. Ltd, Inc.No. BC1128826	35 - 43
	To rezone the subject property from RU6 – Two Dwelling Housing to RM3 – Low Density Multiple Housing to facilitate the development of six dwelling housing.	
3.8	Laurier Ave 913, Z18-0105 (BL11798) - 1128826 B.C. Ltd, Inc.No. BC1128826	44 - 44
	To give Bylaw No. 11798 first reading in order to rezone the subject property from RU6 – Two Dwelling Housing to RM3 – Low Density Multiple Housing to facilitate the development of six dwelling housing.	
3.9	Groves Ave 448,458 and 460, OCP18-0019 and Z17-0032 - Abbott Park Holdings Inc., Inc No. BC1096096	45 - 56
	To amend the Official Community Plan to change the Future Land Use designation and to rezone the subject properties to allow for the future development of multiple dwelling housing.	
3.10	Groves Ave 448,458 and 460, OCP18-0019 (BL11801) - Abbott Park Holdings Inc., Inc No. BC1096096	57 - 57
	Requires a majority vote of all members of Council (5).	
	To give Bylaw No. 11801 first reading in order to change the future land use designation of the subject property from the MRM - Multiple Unit Residential (Medium Density) designation to the MRH - Multiple Unit Residential (High Density) designation.	
3.11	Groves Ave 448,458 and 460, Z17-0032 (BL11802) - Abbott Park Holdings Inc., Inc No. BC1096096	58 - 58
	To give Bylaw No. 11802 first reading in order to rezone the subject property from the RU1 Large Lot Housing zone to the RM6 - High Rise Apartment Housing zone.	
3.12	Byrns Rd 2089, OCP18-0018 Z18-0094 - Mohammed Maizal Munif	59 - 72
	To give OCP Bylaw No.11810 and Rezoning Bylaw No.11811 first reading and forward to Public Hearing.	

3.13	Byrns Rd 2089, OCP18-0018 (BL11810) - Mohammed Maizal Munif	73 - 73
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Requires a majority vote of all members of Council (5).

To give Bylaw No. 11810 first reading in order to change the future land use designation of the subject property from the REP - Resource Protection Area designation to the S2RES - Single/Two Unit Residential designation.

3.14	Byrns Rd 2089, Z18-0094 (BL11811) - Mohammed Maizal Munif	74 - 74
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To give Bylaw No. 11811 first reading in order to rezone the subject property from the A1- Agricultural 1 zone to the RU6 - Two Dwelling Housing zone.

4. Bylaws for Adoption (Development Related)

4.1	Highland Dr N 1720, Z18-0065 (BL11699) - Lidia Bozena Baumgart	75 - 75
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To adopt Bylaw No. 11699 in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.

4.2	Short Term Rental Accommodation, BL11766 (TA19-0007) - City of Kelowna	76 - 87
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To adopt Bylaw No. 11766 in order to amend Zoning Bylaw No. 8000 with short-term rental accommodation updates.

4.3	Short-Term Rental Accommodation Business Licence and Regulation Bylaw No. 11720	88 - 95
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To adopt Bylaw No. 11720 in order to create a new bylaw for Short-Term Rental Accommodation Business Licence and Regulation.

4.4	BL11771 - Amendment No. 23 to Bylaw Notice Enforcement Bylaw No.10475 Bylaw	96 - 98
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To adopt Bylaw No. 11771 in order to amend Bylaw Notice Enforcement Bylaw No. 10475.

5. Non-Development Reports & Related Bylaws

5.1	Public Safety Liaison Report – Update & Action Plan	99 - 157
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To provide Council with an update regarding the Community Safety Report received on November 26, 2018 and report on progress, actions and plans arising from the recommendations in that report.

6. Bylaws for Adoption (Non-Development Related)

- 6.1 BL11745 - South Okanagan Mission Agricultural Users Local Area Service Establishment Bylaw** 158 - 160

To adopt Bylaw No. 11745 in order to establish the South Okanagan Mission Agricultural Users Local Area Service.

- 6.2 BL11746 - South Okanagan Mission Agricultural Users Loan Authorization Bylaw** 161 - 162

To adopt Bylaw No. 11746 in order to borrow for the South Okanagan Mission Agricultural Users Local Area Service.

- 6.3 BL11755 - Amendment No. 4 to Development Cost Charge Bylaw No. 10515** 163 - 164

To adopt Bylaw No. 11755 readings in order to amend Development Cost Charge Bylaw No. 10515.

- 6.4 BL11800, Rescind Housing Agreement for Lakeshore Rd 3477-3499** 165 - 165

To adopt Bylaw No. 11800 in order to rescind the Revitalization Tax Exemption Agreement and repealing the Purpose-Built Rental Housing Agreement Bylaw for the subject property to allow the development to operate a combination of long-term and short-term rentals.

- 6.5 BL11774 - Amendment No. 9 to Water Regulation Bylaw No. 10480** 166 - 173

To adopt Bylaw No. 11774 to amend Water Regulation Bylaw No. 10480.

- 6.6 BL11788 - Amendment No. 36 to Sewerage System User Bylaw No. 3480** 174 - 176

To adopt Bylaw No. 11788 to amend the Sewerage System User Bylaw No. 3480

7. Mayor and Councillor Items

8. Termination



City of Kelowna Regular Council Meeting Minutes

Date: Monday, April 1, 2019

Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Charlie Hodge, Brad Sieben, Luke Stack and Loyal Wooldridge

Members Absent Councillor Mohini Singh

Staff Present City Manager, Doug Gilchrist*; Deputy City Clerk, Karen Needham; Acting Divisional Director, Community Planning & Strategic Investments, Derek Edstrom*; Community Planning Department Manager, Ryan Smith*; Community Planning Supervisor, Laura Bentley*; Long Range Policy Planning Manager, James Moore*; Planner Specialist, Ross Soward*; Transportation Engineering Manager, Gordon Foy*; Planner Specialist, David James*; Deputy City Manager, Joe Creron*; Utility Services Manager, Kevin Van Vliet*; Wastewater Manager, Mike Gosselin*; Senior Project Manager, Andrew Gibbs*; Legislative Coordinator (Confidential), Rebecca Van Huizen

(*denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:33 p.m.

Mayor Basran advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio and video feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Hodge

(Ro341/19/04/01) THAT the Minutes of the Regular Meeting of March 25, 2019 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Byrns Rd 2089, OCP18-0018 Z18-0094 - Mohammed Maizal Munif

Staff displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

Applicant, Birte Decloux, Urban Options:

- Introduced the owner.

Owner, Mohammed Maizal Munif:

- Spoke to his sustainable way of living.
- Spoke to where he is acquiring the house that is going to be moved onto the property.
- Gave background information on this application and lot.
- Has neighbours support based on conversations.
- Has had previous conversations with numerous Councillors on the application.

Owner's Spouse, Sherrilee Franks:

- Spoke to the public open house that took place in Nov. 2018.
- Overall a positive experience.
- Concerns brought forward by neighbours regarding parking, noted the application meets minimum requirements.

Applicant, Birte Decloux, Urban Options:

- Displayed a PowerPoint presentation.
- Noted the lot does not immediately abut ALR land.
- Noted the lot has a good walk score, bike accessibility and transit options.
- Close to shopping, colleges, park amenities, hospitals.
- Noted it was one of the original lots in the Benvoulin Town Site.
- Responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Donn

(R0342/19/04/01) THAT Official Community Plan Bylaw Amendment No. OCP18-0018 to amend Map 4.1 of the Kelowna 2030 – Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located at 2089 Byrns Road, Kelowna, BC, from the REP – Resource Protection Area designation to the S2RES – Single/Two Unit Residential designation NOT be considered by Council;

AND THAT Rezoning Application No. Z18-0094 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located at 2089 Byrns Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU6 – Two Dwelling Housing zone NOT be considered by Council.

Defeated

Councillors Sieben, Given, Wooldridge, DeHart and Hodge - Against

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

(R0343/19/04/01) THAT Official Community Plan Bylaw Amendment No. OCP18-0018 to amend Map 4.1 of the Kelowna 2030 – Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located at 2089 Byrns Road, Kelowna, BC, from the REP – Resource Protection Area destination to the S2RES – Single/Two Unit Residential be considered by Council;

AND THAT Rezoning Application No. Z18-0094 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located at 2089 Byrns Road, Kelowna, BC from the A1 – Agriculture 1 zone to RU6 – Two Dwelling Housing zone be considered by Council;

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

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment C attached to the Report from the Community Planning Department.

Carried

Mayor Basran, Councillors Donn and Stack - Opposed

3.2 McCurdy Rd E 1425, A18-0001 - Shari Matvieshen

Staff displayed a PowerPoint presentation summarizing the application and responded to questions From Council.

Owner, Shari Matvieshen:

- Spoke to the family history on the lot.
- Spoke to the previous application history with previous Council that was unanimously supported.
- Mentioned they are currently making changes to increase the agricultural probability on the property.
- Spoke to the old homesite severance that happened in 2006.
- There was a road access issue from this, and there was a cost to them to construct a new driveway.
- Her parents' health should be taken into consideration with this application.
- Noted other neighbours have multiple suites on their lots, some rented out year long.
- Showed on the ELMO, the minutes from the ALC meeting from the 2010 application, indicating that if some certain improvements were made, they could be open to supporting.
- Responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Donn

(R0344/19/04/01) THAT Agricultural Land Reserve Appeal No. A18-0001 for Lot 2, Section 36, Township 26, ODYD, Plan 23935 Except Plans KAP53090 and KAP84358, located at 1425 McCurdy Rd E, Kelowna for a Non-Farm Use in the Agricultural Land Reserve pursuant to Section 20(3) of the Agricultural Land Commission Act, **NOT** be supported by Council;

AND THAT Council directs Staff **NOT** to forward application A18-0001 to the Agricultural Land Commission for consideration.

Carried

4. Non-Development Reports & Related Bylaws

4.1 Rescind Housing Agreement for 3477-3499 Lakeshore Rd

Councillor Stack declared a perceived conflict of interest on items 4.1 and 4.2 as his employer applies for housing agreements and left the meeting at 2:28 p.m.

Staff displayed a PowerPoint presentation summarizing the reasons for the rescindment and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

(R0345/19/04/01) THAT Council receives, for information, the report from the Community Planning Department dated April 1, 2019, with respect to the Housing Agreement for 3477-3499 Lakeshore Road;

AND THAT Council approves the City rescinding Revitalization Tax Exemption Agreement RTE18-0001 with 0984342 BC Ltd for Lot A District Lot 134 ODYD Plan EPP65105, located at

3477-3499 Lakeshore Road, Kelowna, BC, as per the report from the Community Planning Department dated April 1, 2019;

AND THAT the Mayor and City Clerk be authorized to execute the rescindment of the Revitalization Tax Exemption Agreement on behalf of the City of Kelowna;

AND THAT Council consider a Bylaw that would authorize the City of Kelowna to repeal Bylaw No. 11610 being Housing Agreement Authorization Bylaw 0984342 BC Ltd Inc. No. BC0984342 – 3477-3499 Lakeshore Road, and all amendments there to, for Lot A District Lot 134 ODYD Plan EPP65105, located at 3477-3499 Lakeshore Road, Kelowna, BC;

AND FURTHER THAT Bylaw No. 11800 being Repeal Housing Agreement Authorization Bylaw No. 11610 be forwarded for reading consideration.

Carried

Councillors Donn and Hodge - Opposed

4.2 BL11800, Rescind Housing Agreement for 3477-3499 Lakeshore Rd

Moved By Councillor Sieben/Seconded By Councillor DeHart

(R0346/19/04/01) THAT Bylaw No. 11800 be read a first, second and third time.

Carried

Councillors Donn and Hodge - Opposed

Councillor Stack returned to the meeting at 2:32 p.m.

4.3 Capri-Landmark Urban Centre Plan

Staff displayed a PowerPoint presentation summarizing the final Capri-Landmark Plan and responded to questions from Council.

Staff:

- Compared the original 2017 parks concept plan and associated costs to the 2019 plan.
- Noted there had been a slight reduction for park costs from the February presentation to the current amount, based on land acquisition.
- Discussed the illustrative concept site plan that showed the potential build out of the Sutherland Ave road extension.
- Clarified a survey described in a letter to Council from property owners in area was not a City initiative, and did not include staff.
- Responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Donn

(R0347/19/04/01) THAT Council receives, for information the report, from the Planner Specialist dated April 1, 2019, with respect to the Capri-Landmark Plan;

AND THAT Council endorses the Capri-Landmark Urban Centre Plan as described in the report, from the Planner Specialist dated April 1, 2019.

Tabled

The Mayor called to postpone consideration of the motion in order to receive additional information from staff.

Moved By Councillor Sieben/Seconded By Councillor Donn

(R0348/19/04/01) That council table the motion and defer item 4.3 until the end of the agenda to allow staff to come back with additional information.

Carried

4.4 RCMP and Police Services Resourcing Review and 5 Year Resourcing Plan

Staff spoke to the review and resourcing plan and responded to questions from Council.

City Manager returned at 3:29 p.m.

Moved By Councillor Stack/Seconded By Councillor Hodge

(R0349/19/04/01) That Council receive for information the report from the Deputy City Manager dated April 1st, 2019 regarding RCMP and Police Services Resourcing Review and 5 Year Resourcing Plan;

AND THAT the 2019 Financial Plan be amended to include up to \$73,000 funded from the RCMP reserve.

Carried

4.5 Water Utility 2019 update

Staff displayed a PowerPoint presentation summarizing the recent and upcoming activities that affect the Kelowna water utility and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Stack

(R0350/19/04/01) THAT Council receives for information, the report from the Utility Services Manager dated April 1, 2019, pertaining to an update on the City water utility.

Carried

4.6 Water Utility Rates 2019 and 2020

Moved By Councillor DeHart/Seconded By Councillor Donn

(R0351/19/04/01) THAT Council receives for information the report from the Utility Services Manager dated April 1, 2019, regarding Water utility rates for 2019 and 2020;

AND THAT Bylaw No. 11774 being amendment No. 9 to Water Regulation Bylaw 10480 be forwarded to Council for reading consideration;

AND FURTHER THAT the 2019 Financial Plan be amended to reflect the increase in Water revenue of up to \$278,900 for the 4 per cent rate increase and an increase in the Water Quality Enhancement Fee Revenue of up to \$43,400 for the 3 per cent rate increase that are effective May 6, 2019.

Carried

4.7 BL11774 - Amendment No. 9 to Water Regulation Bylaw No. 10480

Moved By Councillor Donn/Seconded By Councillor Sieben

(R0352/19/04/01) THAT Bylaw No. 11774 be read a first, second and third time.

Carried

4.8 Wastewater Utility 2019 Update

Staff displayed a PowerPoint presentation summarizing the wastewater utility operations and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor DeHart

(R0353/19/04/01) THAT Council receives, for information, the report from the Utility Services Manager dated April 1, 2019, pertaining to an update on the City wastewater utility.

Carried

4.9 Wastewater Utility Rates 2019

Moved By Councillor Given/Seconded By Councillor Woolridge

(R0354/19/04/01) THAT Council receives for information the report from the Utility Services Manager dated April 1, 2019, regarding wastewater utility rates for 2019;

AND THAT Bylaw No. 11788 being amendment 36 to Sewerage System User Bylaw 3480 be forwarded to Council for reading consideration;

AND FURTHER THAT the 2019 Financial Plan be amended to reflect the increase in wastewater revenues of up to \$327,000 for the 3 percent rate increase that is effective May 6, 2019.

Carried

4.10 BL11788 - Amendment No. 36 to Sewerage System User Bylaw No. 3480

Moved By Councillor Donn/Seconded By Councillor DeHart

(R0355/19/04/01) THAT Bylaw No. 11788 be read a first, second and third time.

Carried

4.11 Kerry Park – Budget for Wall Repair and Protection

Staff spoke to the reasons for the repair of the waterfront retaining walls.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

(R0356/19/04/01) THAT Council receives, for information, the report from the Senior Project Manager, dated April 1, 2019 with respect to funding for repair and protection of waterfront retaining walls at Kerry Park;

AND THAT the 2019 Financial Plan be amended to include up to \$86,000, funded from general capital funds currently held in reserve, to facilitate repair and stabilization works required at Kerry Park.

Carried

5. Bylaws for Adoption (Non-Development Related)

5.1 Pacific Ave 1145, BL11776 - Housing Agreement Authorization Bylaw - Okanagan Opportunity (Pacific) GP Inc.

Councillor Stack declared a perceived conflict of interest on items 5.1 to 5.4 as his employer applies

for housing agreements and left the meeting at 4:09 p.m.

Moved By Councillor Wooldridge/Seconded By Councillor Given

(R0357/19/04/01) THAT Bylaw No. 11776 be adopted.

Carried

5.2 Clement Ave 573-599, BL11777 - Housing Agreement Authorization Bylaw - Okanagan Opportunity (Pacific) GP Inc.

Moved By Councillor Given/Seconded By Councillor Wooldridge

(R0358/19/04/01) THAT Bylaw No. 11777 be adopted.

Carried

5.3 Drysdale Blvd 333, BL11784 - Housing Agreement Authorization Bylaw - Drysdale Blvd. Kelowna Apartments 2019 Ltd.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

(R0359/19/04/01) THAT Bylaw No. 11784 be adopted.

Carried

5.4 Glenmore Rd 773, BL11786 - Housing Agreement Authorization Bylaw - 0904419 B.C. Ltd.

Moved By Councillor DeHart/Seconded By Councillor Donn

(R0360/19/04/01) THAT Bylaw No. 11786 be adopted.

Carried

Councillor Stack returned to the meeting at 4:11 p.m.

4.3 Capri-Landmark Urban Centre Plan

Staff:

- Displayed a PowerPoint with additional information regarding the Capri park plan changes from the original plan in 2017 to the one today for endorsement.
- Confirmed Ritchie Park is in the OCP.
- Responded to questions from Council.

City Manager:

- Noted the plan is a high level long range plan to determine if financial strategies would work.
- Numbers not to be put in the budget immediately.
- Spoke to previous town centres and the infrastructure planning associated.
- Noted the numbers may change over the next 20, 30 years of implementation.

Moved By Councillor Sieben/Seconded By Councillor Given

(R0361/19/04/01) THAT Council receives for information, the additional information related to the report from the Planner Specialist dated April 1, 2019, with respect to the Capri-Landmark Plan;

AND THAT Council takes from the table resolution #(R0347/19/04/01).

CarriedMoved By Councillor Given/Seconded By Councillor Donn

(R0362/19/04/01) THAT Council receives, for information the report, from the Planner Specialist dated April 1, 2019, with respect to the Capri-Landmark Plan;

AND THAT Council endorses the Capri-Landmark Urban Centre Plan as described in the report, from the Planner Specialist dated April 1, 2019.

Carried

Councillors DeHart, Hodge and Stack - Opposed

6. **Mayor and Councillor Items - none**

7. **Termination**

This meeting was declared terminated at 4:32 p.m.

Mayor Basran

kn/rvh



Deputy City Clerk

REPORT TO COUNCIL



Date: April 8, 2019

RIM No. 1250-40

To: City Manager

From: Community Planning Department (LK)

Application: TA19-0005

Applicant: City of Kelowna

Subject: Text Amendment Application

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

Existing Zone: C4 – Urban Centre Commercial

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA19-0005 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule A, attached to the Report from the Community Planning Department dated April 8, 2019 be considered by Council;

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

AND THAT final adoption of the Zoning Bylaw Text Amendment Application No. TA19-0005 be considered subsequent to the approval of the Ministry of Transportation;

2.0 Purpose

To amend the C4 – Urban Centre Commercial zone to require functional commercial space on appropriate streets.

3.0 Community Planning

Currently, any parcel with the C4 – Urban Commercial zone requires the provision of commercial space on the main floor even when the street is considered not to be a retail corridor (i.e. primarily residential). The C4- Urban Centre Commercial zone requires a site to provide a functional commercial space on the first floor which must occupy 90% of the street frontage. The proposed amendment would focus the commercial development to the areas located on major streets as indicated by Map 7.3 – 20 Year Major Road Network and Road Classification Plan. This will ensure functional commercial space is provided appropriately on retail streets, and not required in the more residential areas of the Urban Centres. Staff have analyzed the proposed changes in the context of all 5 Urban Centres to ensure appropriateness.

4.0 Proposal

4.1 Project Description

An application for a multiple dwelling housing project at 2080 Benvoulin Court has triggered the proposed Text Amendment. The applicant is proposing a 64-unit multiple dwelling housing project on the site. The 5-storey building would include 18 micro-suite units on the main floor and 16 bachelor units per floor for the remain four floors. The project is aimed at providing housing for youth that are capable of living on their own with some minor levels of support provided. The main floor units would be rented to a youth service provider who would determine the candidates to live in the building and the other units would be regular market rental units.

The Zoning Bylaw currently requires the street facing frontage to be occupied by commercial units. When staff reviewed the project site in context with the neighbourhood, it was determined that Benvoulin Court is not an appropriate area for commercial development. Staff would prefer to see the commercial nodes focused on the appropriate roadways as indicated on the excerpt of the 20 Year Major Roads Map below.

Staff are supportive of the Text Amendment to the C₄ – Urban Commercial zone to limit the location of required commercial development to collector and arterial roads as identified in the OCP Map 7.3 – 20 Year Major Roads.

4.2 Context

Example Subject Property Map: 2080 Benvoulin Court



Map 7.3 – 20 Year Major Roads:

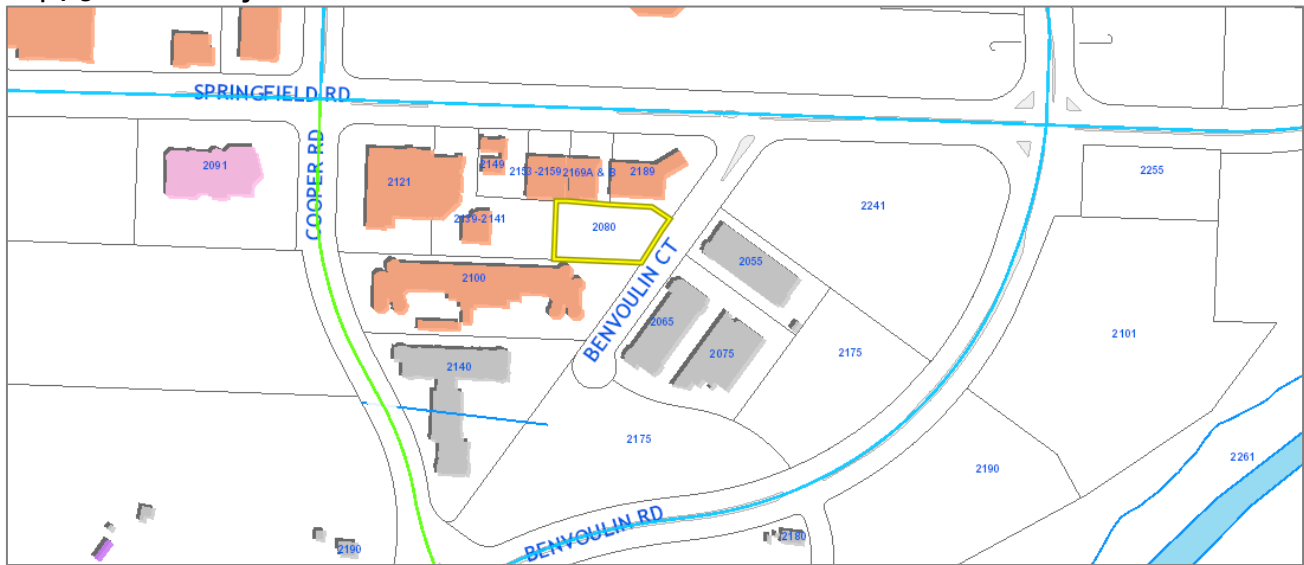


Figure 1 – Green indicates a 2-lane arterial road and light blue indicates a 4-lane arterial road.

5.0 Application Chronology

Date of Application Received: Jan 9, 2019
Date Public Consultation Completed: February 24, 2019

Report prepared by: Lydia Korolchuk, Planner
Reviewed by: Terry Barton, Urban Planning Manager
Approved for Inclusion by: Ryan Smith, Community Planning Department Manager

Attachments:

Schedule A: Proposed Text Amendment
Site Plan & Rendering

Schedule A – C4 Zoning Bylaw No. 8000 Text Amendments

Part I – Text Amendment Table

No.	Section	Existing Text	Proposed Text	Rationale
1.	Section 14.4.6 Other Regulations	<p>Other Regulations</p> <p>(a) Apartment housing and major group homes require access to grade separate from the commercial uses. In the case of elevator equipped buildings, uses can share elevators provided security measures are in place to restrict access to residential areas.</p> <p>(b) A minimum area of 6.0 m² of private open space shall be provided per bachelor dwelling, congregate housing bedroom or group home bedroom, 10.0 m² of private open space shall be provided per 1 bedroom dwelling, and 15.0 m² of private open space shall be provided per dwelling with more than 1 bedroom.</p> <p>(c) Drive-in food services shall only be permitted on properties fronting a provincial highway.</p> <p>(d) Financial services shall have a maximum total gross floor area of 500 m² unless a larger branch of the Financial services establishment is located within the Downtown Urban Centre.</p>	<p>Other Regulations</p> <p>(a) Apartment housing and major group homes require access to grade separate from the commercial uses. In the case of elevator equipped buildings, uses can share elevators provided security measures are in place to restrict access to residential areas.</p> <p>(b) A minimum area of 6.0 m² of private open space shall be provided per bachelor dwelling, congregate housing bedroom or group home bedroom, 10.0 m² of private open space shall be provided per 1 bedroom dwelling, and 15.0 m² of private open space shall be provided per dwelling with more than 1 bedroom.</p> <p>(c) Drive-in food services shall only be permitted on properties fronting a provincial highway.</p> <p>(d) Financial services shall have a maximum total gross floor area of 500 m² unless a larger branch of the Financial services establishment is located within the Downtown Urban Centre.</p>	The intent of the amendment is to focus commercial development to the major streets as identified in the OCP.

No.	Section	Existing Text	Proposed Text	Rationale
		<p>(e) A building incorporating residential uses shall provide a functional commercial space on the first floor, which must occupy a minimum of 90% of all street frontages, OR a minimum of 75% on secondary street frontages provided 100% of the principal frontage has a functional commercial space. Access driveways or other portions of the street frontage not used as building will not be considered for the purpose of this calculation.</p> <p>(f) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 6 (accessory development, yards, projections into yards, accessory development, lighting, stream protection, etc.), the landscaping and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific use regulations of Section 9.</p>	<p>(e) Any building located on streets classified as a collector or arterial as identified in the OCP Map 7.3 - 20 Year Major Road Network and Road Classification Plan shall provide a functional commercial space on the first floor, which must occupy a minimum of 90% of all street frontages, OR a minimum of 75% on secondary street frontages provided 100% of the principal frontage has a functional commercial space. Access driveways or other portions of the street frontage not used as building will not be considered for the purpose of this calculation.</p> <p>(f) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 6 (accessory development, yards, projections into yards, accessory development, lighting, stream protection, etc.), the landscaping and fencing provisions of Section 7, the parking and loading</p>	

No.	Section	Existing Text	Proposed Text	Rationale
			regulations of Section 8, and the specific use regulations of Section 9.	

2080 Benvoulin CT., Kelowna, BC



PROPERTY DESCRIPTION

CIVIC: 2080 Benvoulin Court, Kelowna, BC
LEGAL: Plan KAP83889; Lot B; DL 128

ZONING CALCULATIONS:

City of Kelowna C4 Zoning

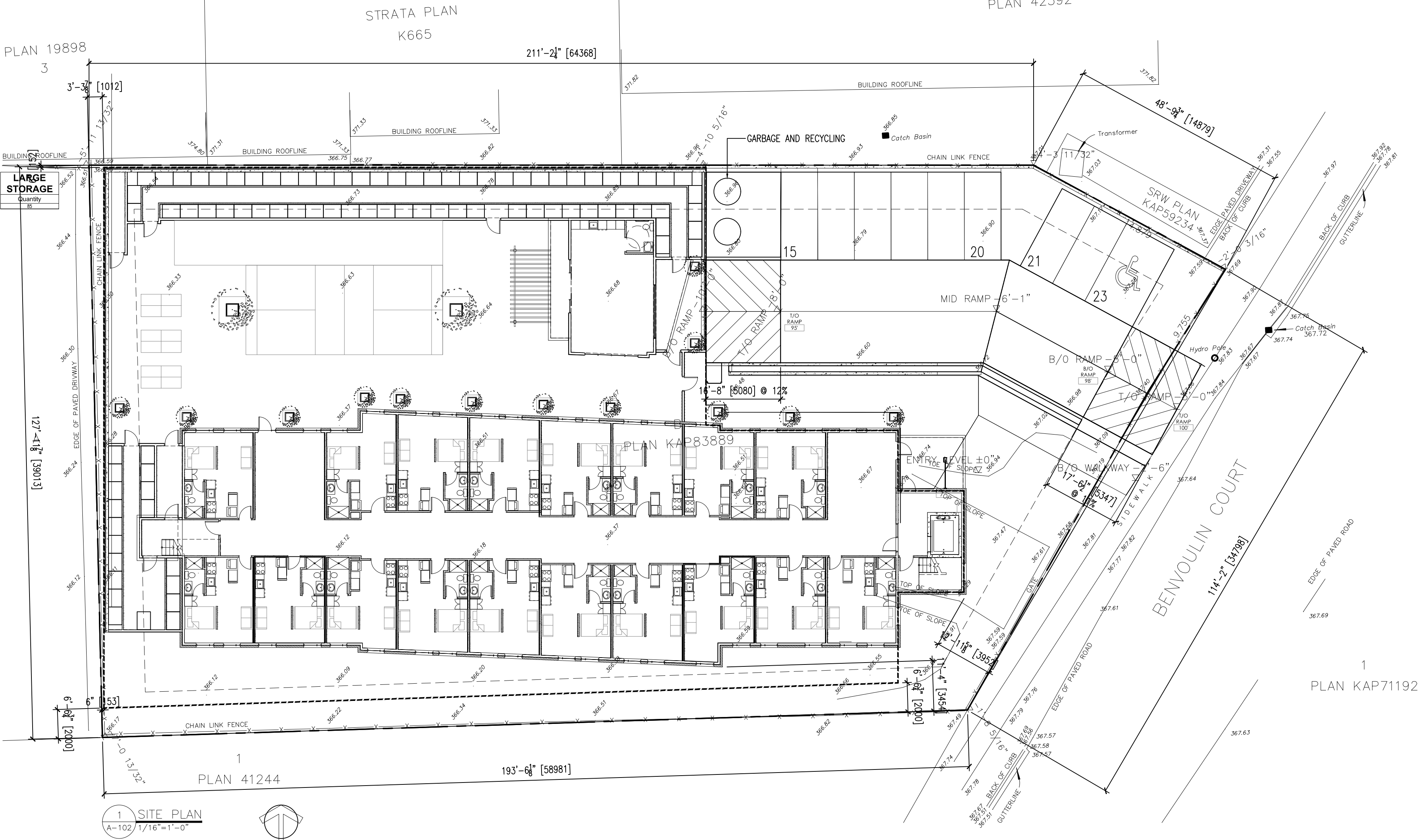
SITE INFORMATION:

Gross Site Area=	28,031 sf (2,604.2 sm)	Allowed	Proposed
Allowable Site Coverage=		75% (21,226sf)	18,773sf
F.A.R. =		1.3 + .18 = 1.48 (41,486sf)	1.22 (34,292sf)
Unit Area Calculations:			
NET FLOOR AREA		PRIVATE OPEN SPACE	
ENTRY LEVEL ALL UNITS 18 micro suites	5,660 SF (526 SM)	64.6sf/unitx84=5,426.4sf total	5,790sf Community Spaces
SECOND LEVEL ALL UNITS 16 bachelor suites	7,182 SF (667 SM)		
THIRD LEVEL ALL UNITS 16 bachelor suites	7,350 SF (683 SM)		
FOURTH LEVEL ALL UNITS 16 bachelor suites	7,350 SF (683 SM)		
FIFTH LEVEL ALL UNITS 16 bachelor suites	6,750 SF (627 SM)		

TOTAL	34,292 SF (3,186 SM)	
Building Height:	Allowed: 37m (59.1 ft) or 12 storeys	Proposed: 17.8 m (58.5 ft) - 5 storeys
Yard setbacks:	Allowed: Front yard - 0.0 m Side yard - 0.0 m/2.0 m abutting residential Rear yard - 0.0 m/6.0 m abutting residential	Proposed: 3m Landscape Buffer 0.0m/2.0 m 0.0m
Parking Calculations:	Required: 1 per / bachelor (floors 2 to 5)= 1 x 64 = 64 Supportive Housing (floor 1)= 1 per 3 beds (floor 1) = 6 (Required) 70	Proposed: 64 6 72
Bicycle Storage:	Required: Class I, .5/unit Class II, .1/unit	Proposed: 85 (dedicated storage lockers) 9 (per Landscape Plan)

DRAWINGS:

ARCHITECTURAL:	PROJECT & SITE INFORMATION
A-001	PARKADE LEVEL FLOOR PLAN
A-100	ENTRY LEVEL FLOOR PLAN
A-101	SECOND LEVEL FLOOR PLAN
A-102	THIRD LEVEL FLOOR PLAN
A-103	FOURTH LEVEL FLOOR PLAN
A-104	FIFTH LEVEL FLOOR PLAN
A-105	ROOF PLAN
A-106	ELEVATIONS
A-200	ELEVATIONS
A-201	SECTIONS
A-300	RENDERS
A-700	



FOR DP

CITY OF KELOWNA
BYLAW NO. 11796
TA19-0005 – C4 Commercial Frontage Amendment

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

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

1. THAT **Section 14 – Commercial Zones, 14.4 C4 – Urban Centre Commercial, 14.4.6(e) Other Regulations** be amended by deleting:

"A **building** incorporating residential uses shall provide a functional commercial space on the first floor, which must occupy a minimum of 90% of all street frontages, OR a minimum of 75% on secondary **street** frontages provided 100% of the principal frontage has a functional commercial space. Access driveways or other portions of the **street** frontage not used as a **building** will not be considered for the purpose of this calculation."

And replacing it with:

"Any building located on streets classified as a collector or arterial as identified in the OCP Map 7.3 – 20 Year Major Road Network and Road Classification Plan shall provide a functional commercial space on the first floor, which must occupy a minimum of 90% of all street frontages, OR a minimum of 75% on secondary **street** frontages provided 100% of the principal frontage has a functional commercial space. Access driveways or other portions of the **street** frontage not used as a **building** will not be considered for the purpose of this calculation."

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

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: April 8, 2019

RIM No. 0920-20

To: City Manager

From: Community Planning Department (BBC)

Application: Z18-0112

Owner: Jonathan David Clark Tyre and
Heather Elizabeth Tyre

Address: 1050 Kelly Road

Applicant: Jonathan D. Tyre

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: RU2 – Medium Lot Housing

1.0 Recommendation

THAT Rezoning Application No. Z18-0112 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, District Lot 135, Osoyoos Division, Yale District, Plan 18974, located at 1050 Kelly Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone, be considered by Council;

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

2.0 Purpose

To consider the rezoning of the subject property from RU1 – Large Lot Housing to RU2 – Medium Lot Housing to facilitate a two-lot subdivision, and development on the new lot.

3.0 Community Planning

Community Planning supports the proposed rezoning of the subject property from RU1 – Large Lot Housing to RU2 – Medium Lot Housing, to facilitate a two-lot subdivision, as illustrated in Schedule A.

The property is located within the Permanent Growth Boundary in the South Pandosy – KLO City Sector. The parcel is designated as S2RES – Single/Two Unit Residential in the Official Community Plan (OCP). The application to rezone the parcel meets the OCP urban infill policy of supporting the densification of neighbourhoods through appropriate infill development, including the use of smaller lots. The modest increase in density is supported by local amenities such as parks, schools, transit and recreational opportunities in the immediate area.

To fulfill Council Policy No. 367, the applicant submitted a Neighbour Consultation Summary Form to Staff on March 14, 2019, outlining that the neighbours within 50 m of the subject property were notified.

4.0 Proposal

4.1 Project Description

The subject property currently has a single family dwelling and a detached accessory structure located adjacent to the principle dwelling. The principle dwelling will be retained and the existing secondary structure will be demolished.

The proposal is to rezone the subject property from the existing RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone, to facilitate a two-lot subdivision and the development of a single detached dwelling on the newly created lot.

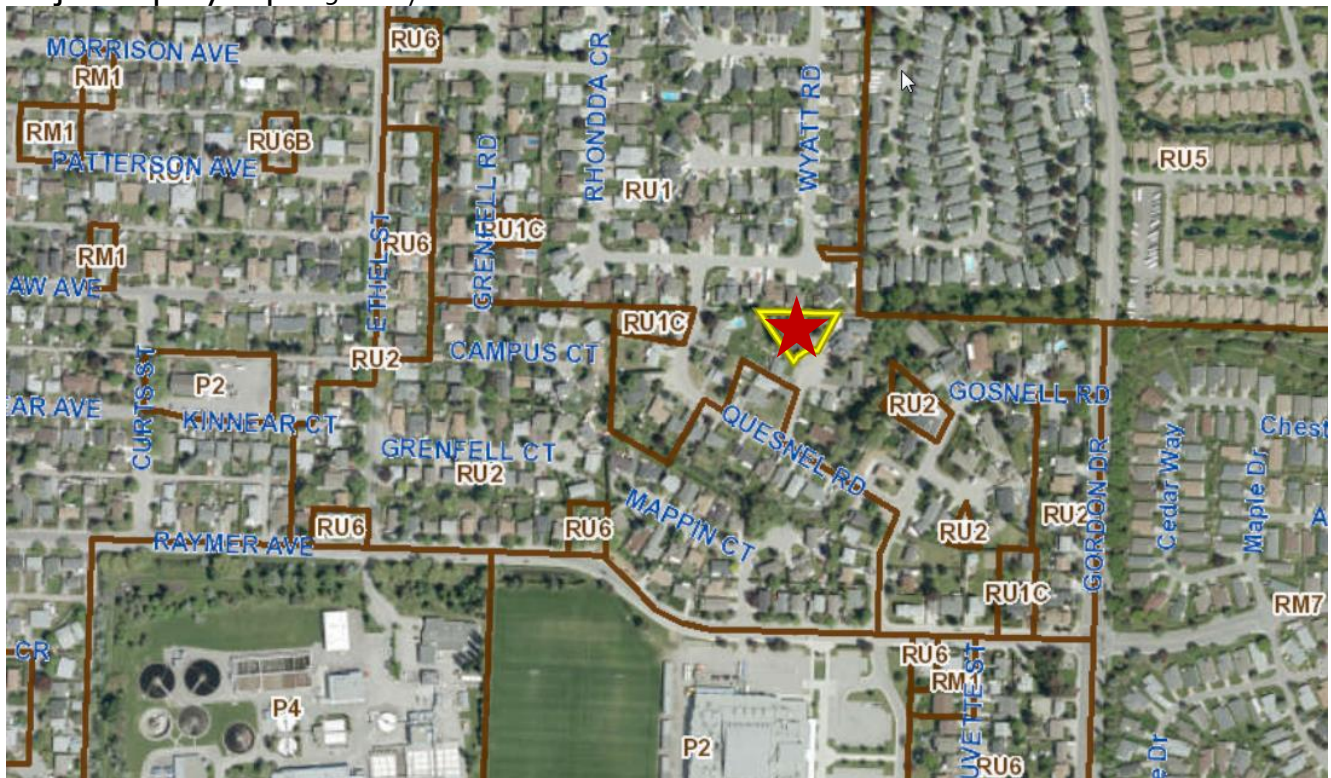
Should the rezoning be supported by Council, the applicant would be able to proceed with the subdivision application followed by a building permit application to construct a single family dwelling on the new lot. The Zoning Bylaw Development Regulations and parking requirements would be reviewed at time of Building Permit application to ensure compliance.

4.2 Site Context

The subject property is accessed from the end of Kelly Road, a cul-de-sac, and is approximately 230 meters north of intersection of Raymer Avenue. The area is characterized primarily by single family dwellings, with parks, public schools and transit within walking distance, including the Okanagan College Campus located within 400 m to the south.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing RU5 – Bareland Strata Housing	Residential
East	RU1 – Large Lot Housing RM7 – Mobile Home Park	Residential
South	RU1 – Large Lot Housing RU2 – Medium Lot Housing RU6 – Two Dwelling Housing	Residential
West	RU1 – Large Lot Housing RU1C – Large Lot Housing with Carriage House RU2 - Medium Lot Housing	Residential

Subject Property Map: 1050 Kelly Road**5.0 Current Development Policies****5.1 Kelowna Official Community Plan (OCP)****Development Process**

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Sensitive Infill.² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

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

² City of Kelowna Official Community Plan, Policy 5.27.6 (Development Process Chapter)

6.0 Technical Comments

6.1 Building & Permitting Department

- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

7.0 Application Chronology

Date of Application Received: November 19, 2018

Date of Additional Documents Received: January 14, 2019

Date Public Consultation Completed: March 14, 2019

Report prepared by: Barbara B. Crawford, Planner

Reviewed by: Dean Strachan, Suburban and Rural Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Schedule A – Proposed Site Plan

CITY OF KELOWNA
BYLAW NO. 11797
Z18-0112 – 1050 Kelly Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3, District Lot 135, Osoyoos Division, Yale District, Plan 18974, located on Kelly Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: April 8, 2019

RIM No. 0920-20

To: City Manager

From: Community Planning Department (AJ)

Application: Z18-0103 **Owner:** 1079687 B.C. Ltd, Inc.No. BC1079687

Address: 934 Laurier Avenue **Applicant:** Jimmy Jin

Subject: Rezoning Application

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

Existing Zone: RU6 – Two Dwelling Housing

Proposed Zone: RM1 – Four Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z18-0103 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 4 District Lot 138, ODYD, Plan 2819 located at 934 Laurier Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM1 – Four Dwelling Housing Zone, be considered by Council;

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

AND THAT the 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 Community Planning Department dated April 8, 2019;

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

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

2.0 Purpose

To rezone the subject property from RU6 – Two Dwelling Housing to RM1 – Four Dwelling Housing to facilitate the development of four dwelling housing.

3.0 Community Planning

Community Planning staff are supportive of the proposed rezoning application to facilitate the development of four dwelling units on the existing parcel. The Official Community Plan (OCP) Future Land Use designation of the subject property is MRL – Multiple Unit Residential (Low Density), which is consistent with forms including townhouses, garden apartments, apartments, buildings containing three or more residential units such as proposed in this application. Section 5.2 of this report provides an overview on the RM1 zone.

Council Policy No. 367 with respect to public consultation was undertaken by the applicant.

4.0 Proposal

4.1 Background

Currently, the subject property has an existing single family dwelling, which would be demolished to allow for the construction of the four-unit housing project.

4.2 Project Description

The applicant has provided plans for a four-unit residential housing project. Each unit is proposed to have three bedrooms, requiring eight parking spaces overall. The applicant has proposed six parking spaces, accessed off the rear lane, and staff are tracking a variance for two parking spaces. The proposed development meets other Zoning Bylaw regulations for floor area ratio, height, and setbacks.

4.3 Site Context

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM5 – Medium Density Multiple Housing	Multi-family Housing
East	RU6 – Two Dwelling Housing	Two Single Family Dwellings
South	RU6 – Two Dwelling Housing	Single Family Dwelling
West	RU6 – Two Dwelling Housing	Single Family Dwelling

Subject Property Map: 934 Laurier Avenue



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

5.2 Zoning Bylaw No. 8000

RM1 – Low Density Multiple Housing.² The intent of the zone is to provide a land use for the development of up to four dwelling units in the form of single detached, semi-detached, duplex, three-plex or four-plex housing on urban services. The maximum floor area ratio is 0.6, the maximum building height is the lesser of 9.5m or 2.5 storeys, and the maximum site coverage of buildings is 40%.

6.0 Technical Comments

6.1 Building & Permitting Department

- Full plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

- See Attachment A.

7.0 Application Chronology

Date of Application Received: August 29, 2018
Date Public Consultation Completed: October 11, 2018

Report prepared by: Arlene Janousek, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Development Engineering Memo
Schedule A: Conceptual Site Plan

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Chapter 5).

² City of Kelowna Zoning Bylaw No. 8000, Section 13.7.

CITY OF KELOWNA MEMORANDUM

ATTACHMENT A

This forms part of application
Z18-0103



City of
Kelowna
COMMUNITY PLANNING

Planner
Initials **AJ**

Date: September 24, 2018
File No.: Z18-0103
To: Community Planning (TA)
From: Development Engineering Manager (JK)
Subject: 934 Laurier Ave

RU6 to RM1

The Development Engineering Department has the following comments and requirements associated with this rezoning application. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technologist for this project is Jason Angus

1. Domestic Water and Fire Protection

The subject property is currently serviced with a 25mm water service. Only one service will be permitted for this development. The applicant will arrange for the disconnection of existing service and the installation of a new service. The disconnection of the existing small diameter water services and the tie-in of a larger new service can be provided by City forces at the developer's expense. One metered water service will supply the development. The applicant will be required to sign a Third Party Work Order for the cost of the water service upgrades. For estimate inquiry's please contact Jason Angus, by email jangus@kelowna.ca or phone, 250-469-8783.

2. Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service complete with an inspection chamber (IC) and brooks box. No further upgrades are needed at this time to facilitate the development of a four-plex.

3. Road Improvements

Laurier Ave must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, sidewalk, landscaped boulevard, drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.

A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be **\$33,406.86** not including utility service cost.

4. Subdivision

- (a) Grant Statutory Rights of Way if required for utility services.
- (b) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility.

Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager

5. Development Permit and Site Related Issues

Direct the roof drains into on-site rock pits or splash pads.

Access is permitted from the lane only.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building must be installed in an underground duct system, and the building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

7. Bonding and Levy Summary

(a) Levies

1. Laurier Ave & Laneway improvements	\$34,406.86
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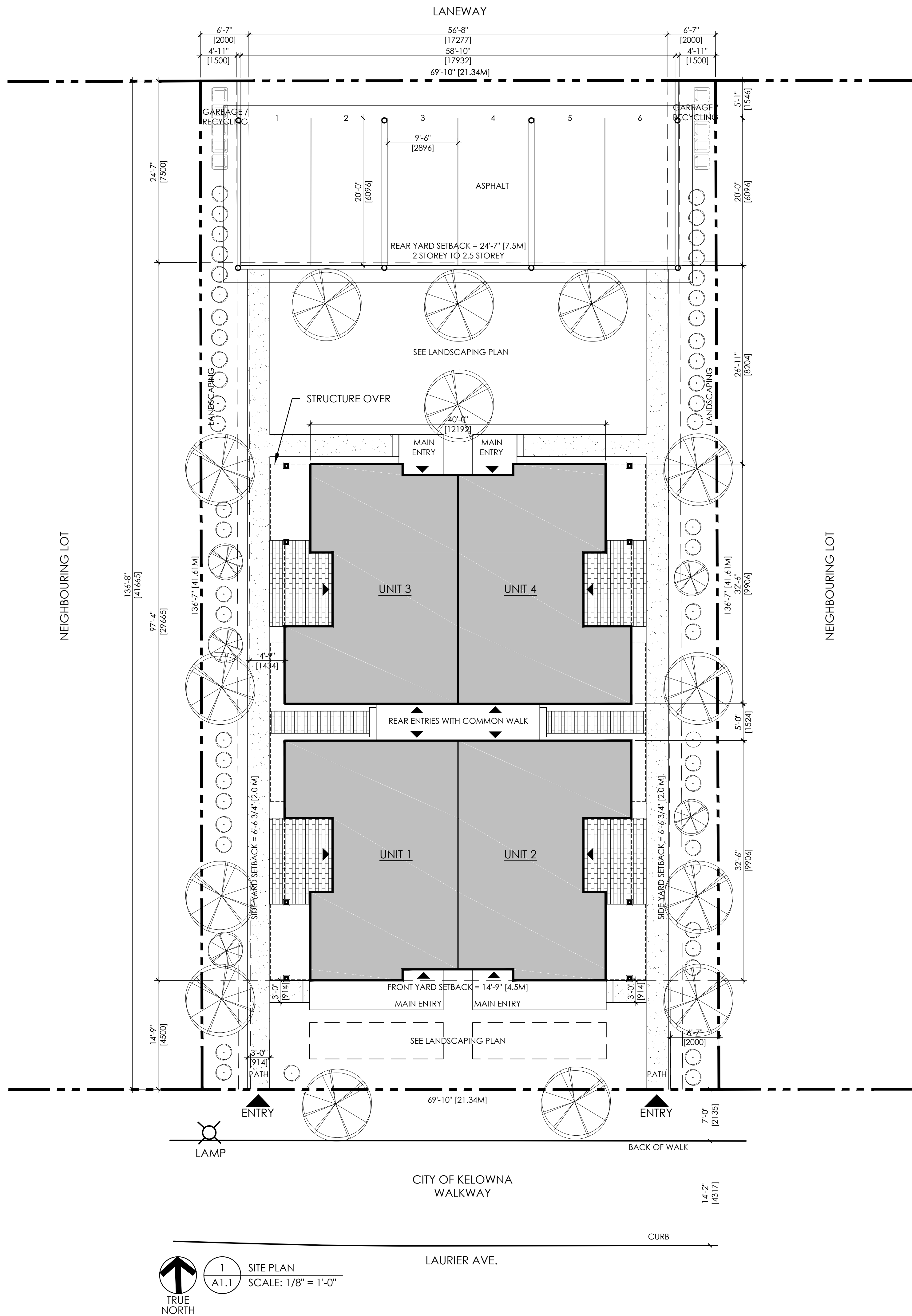
(b) Bonding

1. Service upgrades	To be determined
---------------------	------------------



 James Kay, P. Eng.
 Development Engineering Manager

JA



PROJECT INFO:

CIVIC ADDRESS:
CURRENT: 934 LAURIER AVENUE., KELOWNA, BC.

LEGAL ADDRESS:
CURRENT: KID: 152316 PLAN: 2819 LOT: 4

ZONING:
CURRENT: RU6 - TWO DWELLING HOUSING
OCP: MRL

PROPOSED: RM1 - LOW DENSITY MULTIPLE HOUSING

SITE AREA: 888.2 m² (9560.45 SF)
FLOOR AREA: 121.2 m² (1305 SF) PER UNIT
FOOTPRINT: 250.17 m² (2692.8 SF)

CITY OF KELOWNA ZONING BYLAW (No. 8000) ANALYSIS:

SECTION 8 - PARKING AND LOADING
8.1 OFF-STREET VEHICLE PARKING
8.1.2 MIN NUMBER SPACES
TABLE 8.1 (DUPLIX HOUSING): 1.5/ 2 BED DWELLING UNIT
1.5 SPACES x 4 UNITS = 6 SPACES
PROP: 6 SPACES

8.1.7 PARKING SPACES FOR THE DISABLED
a) PER B.C. BUILDING CODE: NOT REQUIRED
PROP: NONE

8.1.8 VISITOR PARKING
TABLE 8.1 (DUPLIX HOUSING): NONE
PROP: NONE

8.1.9 RESIDENTIAL USE LOCATION
b) PARKING NOT PERMITTED IN REQD. FRONT YARD

c) PARKING SETBACK
WEST PROPERTY LINE: MIN 1.5m
EAST PROPERTY LINE: MIN 1.5m
REAR PROPERTY LINE: MIN 1.5m
PROP: 1.5 m
PROP: 1.5 m
PROP: 1.5 m

d) EASY ACCESS FROM VISITOR PARKING
TO BUILDING/DEVELOPMENT ACCESS
PROP: COMPLIES

8.1.11 SIZE
a) MIN WIDTH: 2.5m
MIN LENGTH: 6.0m
MIN HEIGHT: 2.0m
PROP: 2.7m
PROP: 6.0m
PROP: +2.0m

8.4 OFF-STREET BICYCLE PARKING
8.4.1 NUMBER OF SPACES
TABLE 8.3 (APARTMENT HOUSING):
CLASS I: 0.5/DWELLING UNIT
4 UNITS x 0.5 SPACES/UNIT = 2 SPACES
CLASS II: 0.1/DWELLING UNIT
4 UNITS x 0.1 SPACES/UNIT = 0.4 SPACES
PROP: IN SUITE
PROP: IN SUITE

SECTION 13 - URBAN RESIDENTIAL ZONES
13.7 RM1 - FOUR-PLEX HOUSING
13.7.2 PRINCIPLE USES
d) FOUR DWELLING HOUSING
PROP: FOUR DWELLING HOUSING

13.7.4 BUILDINGS AND STRUCTURES PERMITTED
b) FOUR-PLEX HOUSING
PROP: FOUR-PLEX HOUSING

13.7.5 SUBDIVISION REGULATIONS
a) MIN LOT WIDTH: 20.0m
b) MIN LOT DEPTH: 30.0m
c) MIN LOT AREA: 700m²
PROP: 21.315m
PROP: 41.635m
PROP: 888.2m²

13.7.6 DEVELOPMENT REGULATIONS
a) MAX SITE COVERAGE: 40%
250.17 / 888.20 = 0.2817
EXCEPT THE MAX. SITE COVERAGE OF BUILDINGS,
DRIVEWAYS AND PARKING AREAS IS 50%
(141.98 + 250.17) 392.15 / 888.20 = .4415
PROP: 28.17%
PROP: 44.15%

b) MAX FLOOR AREA RATIO: 0.60
528.69 / 888.20 = .5952
PROP: 0.5952

c) MAX HEIGHT: LESSER OF 9.5m OR 2.5 STOREYS
PROP: 2 STOREYS (9.5m)

d) MIN FRONT YARD: 4.5m
PROP: 4.5 m

e) MIN SIDE YARD: 2.5m FOR 2.5 STOREY
MIN SIDE YARD: 2.0m FOR 1.5 STOREY
PROP: 3.8 m

f) MIN REAR YARD: 7.5m FOR 2.5 STOREY
MIN REAR YARD: 6.0m FOR 1.5 STOREY
PROP: 17.65 m

13.9.7 OTHER REGULATIONS
a) MIN AREA PRIVATE OPEN SPACE: 25m²/DWELLING
11.86m² PER UNIT PATIO/DECK SPACE
353.5m² LANDSCAPED SURFACE > 88.4m² PER UNIT
TOTAL AMENITY SPACE PER UNIT = 88.4 + 11.86 = 100.2m²
PROP: 100.2m²

b) WHERE LANE ACCESS IS PROVIDED, VEHICULAR ACCESS
WILL NOT BE PERMITTED FROM FRONTING STREET
PROP: NO FRONTING STREET PARKING

c) ADDITIONAL REGULATIONS
PROP: AS APPLICABLE

SCHEDULE

A

This forms part of application

Z18-0103

Planner
Initials

AJ



- THIS DRAWING MUST NOT BE SCALED.
- VERIFY ALL DIMENSIONS AND DATUMS 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.

NOT FOR
CONSTRUCTION.

3	2018/08/28	GTA	ISSUED FOR DP
2	2018/04/19	GTA	LANDSCAPE DESIGN
1	2017/11/15	GTA	CLIENT MEETING

DESIGN CONSULTANT

SEAL



gta

GTA ARCHITECTURE LTD.
243-1889 Springfield Road
Kelowna, British Columbia
V1Y 5V5
Telephone: 250.979.1668
www.gtarch.ca

DEVELOPED BY:

PROJECT
934 LAURIER AVENUE,
KELOWNA BC

SHEET TITLE

PROPOSED
SITE PLAN

DRAWN KF, VR	SHEET NO.
DESIGN KF	A1.1
SCALE 1/8" = 1'-0"	
DATE AUGUST 24, 2018	FILE VA1726

CITY OF KELOWNA
BYLAW NO. 11799
Z18-0103 – 934 Laurier Avenue

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 4 District Lot 138, ODYD, Plan 2819 located on Laurier Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM1 – Four Dwelling Housing Zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: April 8, 2019

RIM No. 0920-20

To: City Manager

From: Community Planning Department (AJ)

Application: Z18-0105

Owner: 1128826 B.C. Ltd, Inc.No.
BC1128826

Address: 913 Laurier Avenue

Applicant: Jimmy Jin

Subject: Rezoning Application

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

Existing Zone: RU6 – Two Dwelling Housing

Proposed Zone: RM3 – Low Density Multiple Housing

1.0 Recommendation

THAT Rezoning Application No. Z18-0105 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 138, ODYD, Plan 2255 located at 913 Laurier Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated April 8, 2019;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the registration on the subject property of a Section 219 Tree Protection Covenant to ensure the preservation of two trees located on the subject property as identified in Schedule "A";

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

2.0 Purpose

To rezone the subject property from RU6 – Two Dwelling Housing to RM₃ – Low Density Multiple Housing to facilitate the development of six dwelling housing.

3.0 Community Planning

Community Planning staff are supportive of the proposed rezoning application to facilitate the development of six dwelling units on the existing parcel. The Official Community Plan (OCP) Future Land Use designation of the subject property is MRL – Multiple Unit Residential (Low Density), which is consistent with building forms including townhouses, garden apartments, apartments, buildings containing three or more residential units such as proposed in this application.

The applicant was required to engage the services of a professional arborist in order to preserve two large mature trees on the property, and a recommendation was included to protect the trees long-term through the registration of a Section 219 Restrictive Covenant.

Council Policy No. 367 with respect to public consultation was undertaken by the applicant.

4.0 Proposal

4.1 Background

Currently, the subject property has an existing single family dwelling, which would be demolished to allow for the construction of the six-unit row housing project.

4.2 Project Description

The applicant has provided plans for a six-unit residential row housing building. To meet the parking requirement of two parking spaces per unit, each row house has a one car garage and one parking stall provided in tandem behind the garage. Overall, the proposed development meets Zoning Bylaw regulations, and there are no variances required based on the site plan provided.

4.3 Site Context

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Single Family Dwelling
East	RU6 – Two Dwelling Housing	Single Family Dwelling
South	RU6 – Two Dwelling Housing	Single Family Dwelling
West	RU6 – Two Dwelling Housing	Single Family Dwelling

Subject Property Map: 913 Laurier Ave**5.0 Current Development Policies****5.1 Kelowna Official Community Plan (OCP)****Development Process**

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

5.2 Zoning Bylaw No. 8000

RM3- Low Density Multiple Housing.² The intent of this zone is to provide a land use for low density multiple housing projects on urban services. Principal uses include multiple dwelling housing, supportive housing, and congregate housing. The maximum floor area ratio is 0.75, the maximum building height is the lesser of 10m or 3 storeys, and the maximum site coverage of buildings is 50%.

6.0 Technical Comments**6.1 Building & Permitting Department**

- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

- Please see Attachment A.

7.0 Application Chronology

Date of Application Received: August 29, 2018
 Date Public Consultation Completed: October 11, 2018

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Chapter 5).

² City of Kelowna Zoning Bylaw No. 8000, Section 13.9.

Report prepared by: Arlene Janousek, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Development Engineering Memo
Schedule A: Site Plan

CITY OF KELOWNA

MEMORANDUM

Date: September 25, 2018

File No.: Z18-0105

To: Community Planning (TA)

From: Development Engineering Manager (JK)

Subject: 913 Laurier Ave RU1 to RM3

Development Engineering Department have the following comments and requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technologist for this project is Jason Angus.

1. General

- a. Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement buildings may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- b. Provide easements as may be required.
- c. This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC V1Y 2K0 to obtain further information and to determine suitable location(s) within the development.

2. Geotechnical Study

- (a) Provide a geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

The Geotechnical report must be submitted prior to submission of Engineering drawings or application for subdivision approval.

- i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- ii. Site suitability for development.

- iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - iv. Any special requirements for construction of roads, utilities and building structures.
 - v. Recommendations for items that should be included in a Restrictive Covenant.
 - vi. Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
 - vii. Any items required in other sections of this document.
- a. Additional geotechnical survey may be necessary for building foundations, etc

3. Water

- a. The developer's consulting engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. The bylaw requirement for residential low density multiple housing zone is 150l/s and is available at the site. If it is determined that upgrades to any other existing water distribution system must be made to achieve the required fire flows, additional bonding will be required.
- b. An approved backflow protection device must also be installed on site as required by the City Plumbing Regulation and Water Regulation bylaws.
- c. A water meter is mandatory for this development and must be installed inside a building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost

4. Sanitary Sewer

- a. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal and disconnection of the existing services and the installation of one new larger service.

5. Drainage

- a. The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems.
- b. Provide a detailed Stormwater Management Plan for this development as per the Subdivision, Development and Servicing Bylaw #7900.
- c. There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system

6. Roads

- a. Laurier Ave must be upgraded to an collector standard along the full frontage of this proposed development, including sidewalk, pavement removal and replacement, boulevard landscaping, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. Road cross section to be used is a modified SS-R5
- b. Ethel Street has already been upgraded. No further upgrades are needed at this time.
- c. The laneway must be upgraded to a paved standard complete with a storm drainage. Standard SS-R2 to be used in detail design.

7. Power and Telecommunication Services and Street Lights

- a. The electrical and telecommunication services to this building must be installed in an underground duct system, and the building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

8. Development Permit and Site Related Issues

- a. Access to the property will be lane access only
- b. Provide 3.05m of road dedication along the frontage of this development for the laneway width of a max 6.0m

9. Design and Construction

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

10. Other Engineering Comments

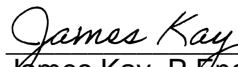
- a. If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

11. Servicing Agreements for Works and Services

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

12. Charges and Fees

- a. Development Cost Charges (DCC's) are payable
- b. Fees per the "Development Application Fees Bylaw" include:
 - i. Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - ii. Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
- c. Engineering and Inspection Fee: 3.5% of construction value (plus GST)


James Kay, P.Eng.
Development Engineering Manager

JA

SCHEDULE

A

This forms part of application

Z18-0105

Planner
Initials

AJ

City of
Kelowna

COMMUNITY PLANNING

- THIS DRAWING MUST NOT BE SCALED.
- VERIFY ALL DIMENSIONS AND DATUMS 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.

NOT FOR CONSTRUCTION.

5	2019/14/01	GTA	DP City Feedback
4	2018/25/09	GTA	REVISION TO CITY
3	2018/28/08	GTA	ISSUED FOR DP
2	2018/17/08	GTA	CLIENT REVIEW
1	2018/13/07	GTA	CLIENT REVIEW
NO.	DATE	BY	REVISION

DESIGN CONSULTANT

SEAL

gta

GTA ARCHITECTURE LTD.
243-1889 Springfield Road
Kelowna, British Columbia
V1Y 5V5
Telephone: 250.979.1668
www.glarch.ca

DEVELOPED BY:

PROJECT

913 LAURIER AVENUE,
KELOWNA BC

SHEET TITLE

SITE PLAN &
BYLAW ANALYSIS

DRAWN KF, VR	SHEET NO.
DESIGN KF	A1.1
SCALE 1/8" = 1'-0"	
DATE SEPT 25, 2018	FILE VA1726

PROJECT INFO:

CIVIC ADDRESS:
CURRENT: 913 LAURIER AVENUE., KELOWNA, BC.

LEGAL ADDRESS:
CURRENT: LOT A, PLAN 2255, KID 118378

ZONING:
CURRENT: RU6 - TWO DWELLING HOUSING

PROPOSED: RM3 - LOW DENSITY MULTIPLE HOUSING

SITE AREA: 1142.58 m² (12298.62 SF)

CITY OF KELOWNA ZONING BYLAW (No. 8000) ANALYSIS:

SECTION 8 - PARKING AND LOADING
8.1 OFF-STREET VEHICLE PARKING
8.1.2 MIN NUMBER SPACES
TABLE 8.1 (STACKED ROW HOUSING): 1.5 / 2 BED DWELLING UNIT
2.0 / 3 BED DWELLING UNIT
2 SPACES x 6 UNITS = 12 SPACES PROP: 12 SPACES

8.1.7 PARKING SPACES FOR THE DISABLED
a) PER B.C. BUILDING CODE: NOT REQUIRED PROP: NONE

8.1.8 VISITOR PARKING
TABLE 8.1 (STACKED ROW HOUSING): 1/7 DWELLING UNITS
6 UNITS = 1 VISITOR SPACE PROP: 1 SPACE

8.1.9 RESIDENTIAL USE LOCATION
b) PARKING NOT PERMITTED IN REQD. FRONT YARD PROP: NONE
c) PARKING SETBACK
WEST PROPERTY LINE: MIN 1.5m PROP: 1.5m
EAST PROPERTY LINE: MIN 1.5m PROP: 1.5m
REAR PROPERTY LINE: MIN 1.5m PROP: 1.5m

d) EASY ACCESS FROM VISITOR PARKING
TO BUILDING/DEVELOPMENT ACCESS PROP: COMPLIES

8.1.11 SIZE
a) MIN WIDTH: 2.5m PROP: 2.7m
MIN LENGTH: 6.0m PROP: 6.0m
MIN HEIGHT: 2.0m PROP: +2.0m

8.4 OFF-STREET BICYCLE PARKING
8.4.1 NUMBER OF SPACES
TABLE 8.3 (APARTMENT HOUSING):
CLASS I: 0.5/DWELLING UNIT
4 UNITS x 0.5 SPACES/UNIT = 2 SPACES PROP: IN SUITE
CLASS II: 0.1/DWELLING UNIT
4 UNITS x 0.1 SPACES/UNIT = 0.4 SPACES PROP: IN SUITE

SECTION 13 - URBAN RESIDENTIAL ZONES
13.7 RM3 - STACKED ROW HOUSING
13.7.2 PRINCIPLE USES
d) MULTIPLE DWELLING HOUSING PROP: MULTIPLE DWELLING HOUSING

13.7.4 BUILDINGS AND STRUCTURES PERMITTED
b) STACKED ROW HOUSING PROP: STACKED ROW HOUSING

13.7.5 SUBDIVISION REGULATIONS
a) MIN LOT WIDTH: 30.0m PROP: 27.43m
b) MIN LOT DEPTH: 30.0m PROP: 41.61m
c) MIN LOT AREA: 900m² PROP: 1139.8m²

13.7.6 DEVELOPMENT REGULATIONS
a) MAX SITE COVERAGE: 40% PROP: 30.24%
(345.48) 345.48m² / 1142.6m² = 0.3024
EXCEPT THE MAX. SITE COVERAGE OF BUILDINGS,
DRIVEWAYS AND PARKING AREAS IS 60%
(345.48+332.04) 677.52m² / 1142.6m² = 0.5930

b) MAX FLOOR AREA RATIO: 0.75 PROP: 0.693
(132.01m² / UNIT) x 6 UNITS = 792.07m²
792.07m² / 1142.6m² = 0.6932

c) MAX HEIGHT: LESSER OF 10.0m OR 3 STOREYS PROP: 3 STOREYS (9.64m)
+ ROOF TOP PATIO

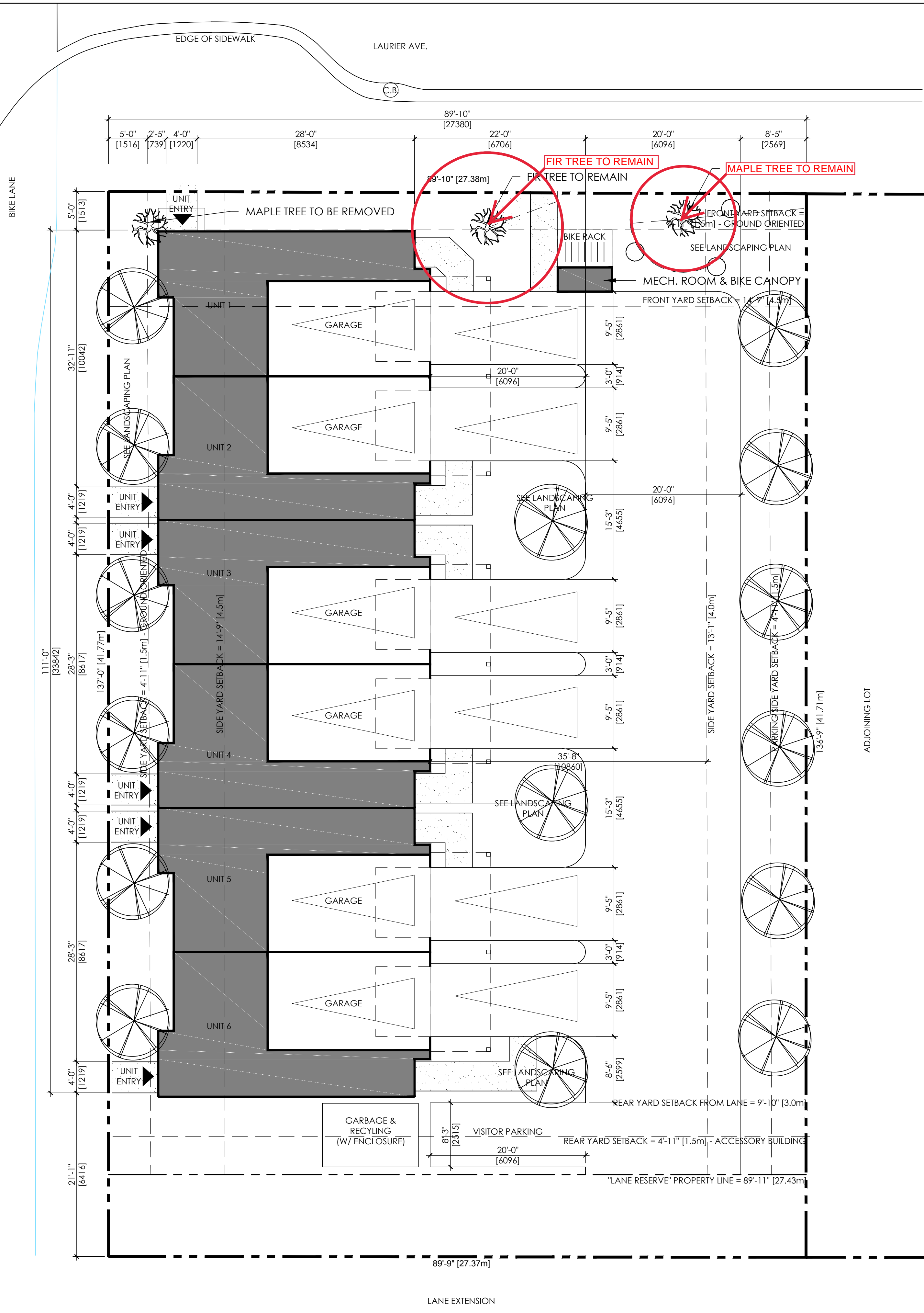
d) MIN FRONT YARD: 1.5m IF FRONT DOOR FACING STREET PROP: 1.513m

e) MIN SIDE YARD: 1.5m IF FRONT DOOR FACING STREET PROP: 1.96m WEST
4.5m PROP: 12.39m EAST

f) MIN REAR YARD: 3.0m PROP: 3.0m

13.9.7 OTHER REGULATIONS
a) MIN AREA PRIVATE OPEN SPACE: 25m²/DWELLING PROP: 6x44.44 = 266.6m² (2870.0 SF)
6 UNITS x 25m²/UNIT = 150m²

b) ADDITIONAL REGULATIONS PROP: AS APPLICABLE



1

A1.1

SITE PLAN
SCALE: 1/8" = 1'-0"

PROJECT
NORTH

CITY OF KELOWNA
BYLAW NO. 11798
Z18-0105 – 913 Laurier Ave

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A District Lot 138, ODYD, Plan 2255 located on Laurier Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: April 8, 2019

RIM No. 0920-20

To: City Manager

From: Community Planning Department (JB)

Application: OCP18-0019 and Z17-0032

Owner: Abbott Park Holdings Inc., Inc.
No. BC1096096

Address: 448, 458, & 460 Groves Ave

Applicant: Zeidler Architecture

Subject: OCP Amendment (minor) and Rezoning Applications

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

Proposed OCP Designation: MRH- Multiple Unit Residential (High Density)

Existing Zone: RU1- Large Lot Housing

Proposed Zone: RM6- High Rise Apartment Housing

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP18-0019 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of lots 6, 7, and 8, District Lot 14, ODYD, Plan 3856 located at 448, 458, & 460 Groves Ave Kelowna, BC from the MRM- Multiple Unit Residential (Medium Density) designation to the MRH- Multiple Unit Residential (High Density) designation, be considered by Council;

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

THAT Rezoning Application No. Z17-0032 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of lots 6, 7, and 8, District Lot 14, ODYD, Plan 3856, located at 448, 458, & 460 Groves Ave, Kelowna, BC from the RU1- Large Lot Housing zone to the RM6- High Rise Apartment Housing zone be considered by Council;

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

AND THAT final adoption of the Official Community Plan Map Amending Bylaw and the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated March 26, 2018;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw and the Rezoning Bylaw be considered subsequent to the registration of a height restriction covenant to a maximum of six (6) storeys and a land use restriction covenant limiting the types of allowable commercial on the subject property;

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

2.0 Purpose

To amend the Official Community Plan to change the Future Land Use designation and to rezone the subject properties to allow for the future development of multiple dwelling housing.

3.0 Community Planning

Community Planning Staff are supportive of the proposed Official Community Plan (OCP) amendment and rezoning application to facilitate the development of a 6 storey, 22-unit apartment housing development with a proposed floor area ratio (FAR) of 1.8. The subject properties are in the heart of the South Pandosy Urban Centre and requires the consolidation of three lots located at 448, 458, & 460 Groves Ave. It is a highly walkable location with a walkscore of 81 (most errands can be accomplished on foot), and a transit score of 38. Bordering the site immediately to the north is an existing laneway and Abbott Park.

The maximum FAR achievable under the RM5- Medium Density Multiple Housing zone, consistent with the subject properties current MRM- Multiple Unit Residential (Medium Density) future land use designation, is 1.4. The project's proposed floor area ratio of 1.8 exceeds the maximum permitted floor area ratio in the RM5 zone. In order to proceed with the proposed development an Official Community Plan Amendment and rezoning are required. In consideration of the subject properties urban context Community Planning Staff are supportive of the proposed Official Community Plan Amendment to MRH – Multiple Unit Residential (High Density) and rezoning to RM6 – High Rise Apartment Housing to facilitate the construction of a six-storey apartment building. Staff are supportive of achieving significant residential density within the Urban Centre, especially when the land assembly is significant and allows for comprehensive development.

At the request of Community Planning Staff, the applicant provided a shadow study to show potential impacts of future development on the existing mature trees of Abbott Park. The study did not show any significant impact on the existing trees or use and enjoyment of the park.

On March 14, 2019, Council gave 4th reading to the road closure of the laneway, which is to remain as a separately titled lot. The landowner and property owners to the west of the subject site will register an access easement over the laneway to allow for pedestrian access, including stairway access and landscape treatment. A height caveat which limits the future building height to 6 storeys will be implemented as a condition of rezoning. Additionally, a land use restriction covenant will restrict the following commercial uses currently permitted in the RM6 zone: hotel/motel accommodation within a multiple residential unit, household repair service, personal service establishments, and retail stores, convenience. This is to ensure that the maximum height prescribed in the RM6 zone (at 16 stories) will not be utilized in any future development scenarios and commercial uses will be restricted.

As per Council Policy 367, the applicant completed the neighbourhood consultation required for a minor OCP amendment and minor rezoning application.

4.0 Proposal

4.1 Background

The subject property is currently three separate lots, each containing an existing single-family home.

4.2 Project Description

The 'Abbott Park Residences' proposes the construction of a 6 storey, 22 unit condo building. A Development Permit and Development Variance Permit application have been submitted with the OCP amendment and rezoning application. Community Planning Staff are tracking multiple variances relating to setbacks and parking.

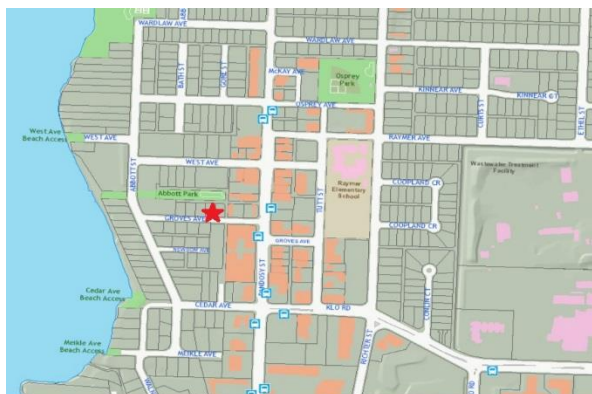
4.3 Site Context

The subject property is located within the South Pandosy Urban Centre on Groves Ave. The site is bordered by Abbott Park to the north, commercial to the east, and single family dwelling units to the south and west. Sopa Square is located southeast of the site.

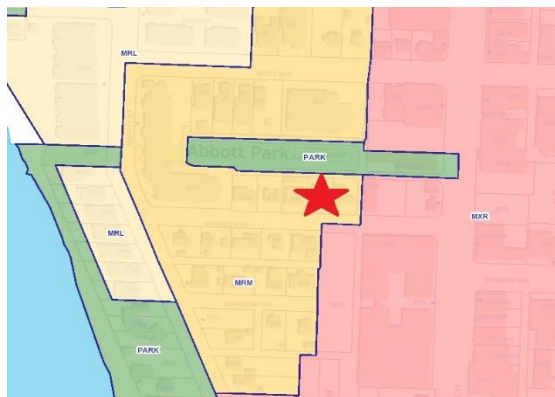
Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3- Parks and Open Space	Public Park
East	C4- Urban Centre Commercial	Health Service
South	RU1- Large Lot Housing & C4- Urban Centre Commercial	Single family dwellings & Commercial
West	RM5- Medium Density Multiple Housing	Multiple dwelling housing

Context Map:



Future Land Use:



Subject Property Map: 448, 458, & 460 Groves Ave



5.0 Current Development Policies

Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Neighbourhood Impact.² When considering an OCP Amendment, the City will seek information with respect to the impact on land values related to the likelihood that other properties in the immediate neighbourhood will remain or develop as indicated in the OCP.

Ensure appropriate and context sensitive built form.³

South Pandosy.⁴ Generally 4 storeys. Six storeys within C₄ or C₉ zoned areas. Potential for 8 storeys where an architecturally distinct and significant buildings is placed at a corner, gateway or view terminus location that is significant to the community or where a building is of cultural significance to the community.

¹ City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.27.9 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.5.1 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Policy 5.5.1 (Development Process Chapter).

Kelowna Rezoning Bylaw No. 8000

RM6- High Rise Apartment Housing

The purpose of this zone is to provide for high density development. Principal uses provide opportunity for high density development such as multiple dwelling housing and supportive housing. Key development regulations include a maximum floor area ratio of 2.0.

5.0 Application Chronology

Date of Application Received: March 23, 2017

Date of Amended Plans Received: September 21, 2018

Date Public Consultation Completed: November 24-26, 2018

Report prepared by: Jocelyn Black, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion by: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Development Engineering Memo

Schedule A: Site Plan

Schedule B: Conceptual Elevations & Renderings



CONTEXT / VICINITY PLAN



SOUTH-WEST AERIAL VIEW



SOUTH-EAST AERIAL VIEW



NORTH-WEST AERIAL VIEW



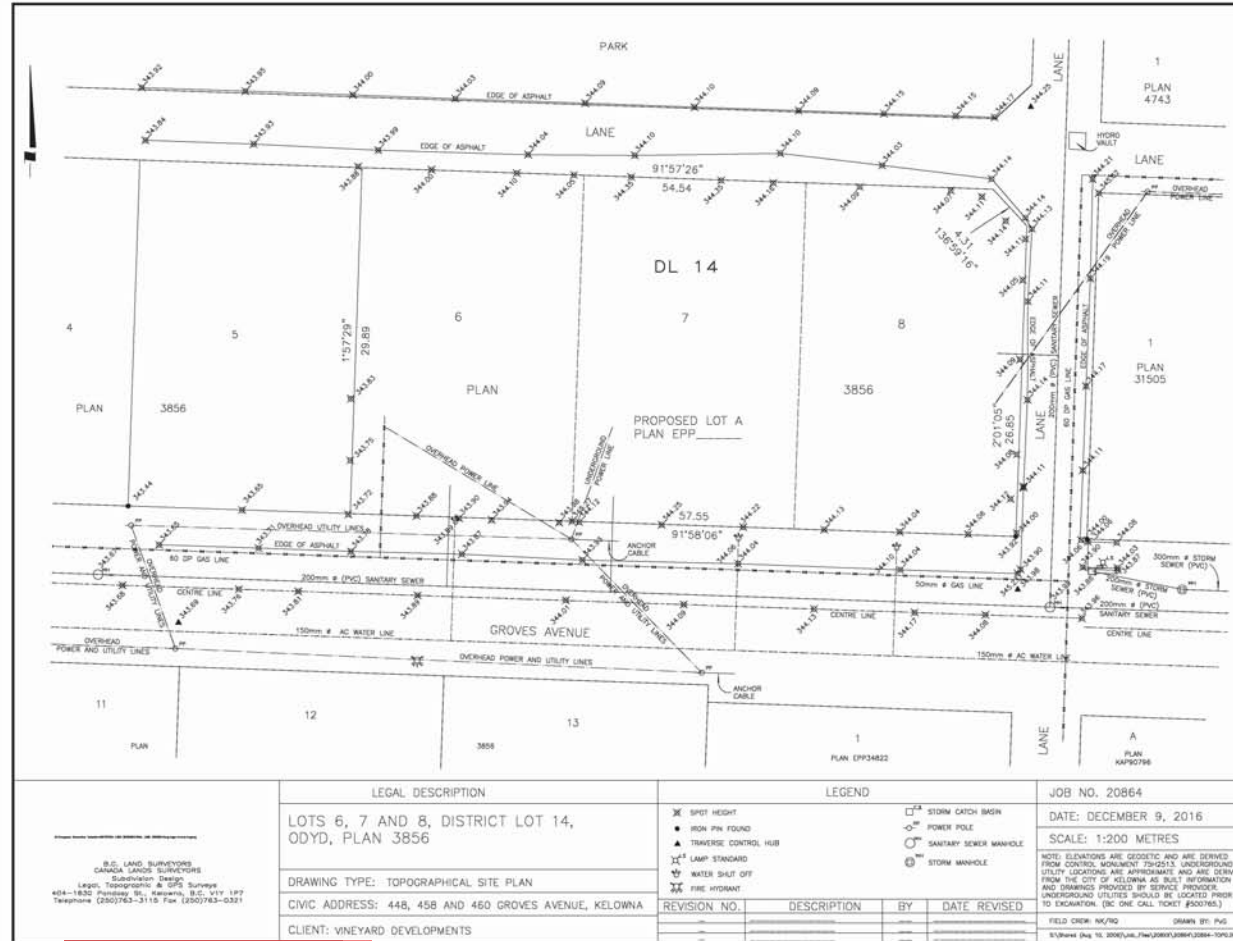
NORTH-EAST AERIAL VIEW



VIEW FROM SOUTH-EAST CORNER OF PROPERTY



VIEW FROM SOUTH-WEST CORNER OF PROPERTY



SCHEDULE A

This forms part of application
OCP18-0019/Z17-0032

Planner Initials JB

City of Kelowna
COMMUNITY PLANNING

NOTE: ALL INFORMATION OBTAINED FROM EXISTING SITE SURVEY PERFORMED BY "BC LAND SURVEYORS CANADA LANDS SURVEYORS" PROFESSIONAL LAND SURVEYORS IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYORS ACT, SURVEY COMPLETED DECEMBER 9, 2016. THE LEGAL SURVEY DEPICTED ON THIS SHEET IS FOR REFERENCE ONLY. "ZEIDLER ARCHITECTURE" ASSUMES NO RESPONSIBILITY FOR THE ACCURACY AND CONTENT OF THIS SURVEY INFORMATION DEPICTED HEREIN.

1 SITE SURVEY (BY OTHERS)
DP1.0 SCALE: 1:200



300, 640 - 8 Avenue S.W.
Calgary, AB T2P 1G7
T +1 403 233 2525

seal

NOT FOR CONSTRUCTION

consultants

This drawing must not be scaled.
The contractor shall verify all levels, datums, and dimensions prior to commencement of work. All errors and omissions must be reported to the Architects immediately.
This drawing is the exclusive property of the Architects and must not be reproduced without their written permission.
© Zeidler Architecture



Issue No.	Date	Description
1	2018-09-21	ISSUED FOR DEVELOPMENT PERMIT

client
VINEYARD DEVELOPMENTS LTD.
#101, 1885 DILWORTH DR.
KELOWNA, B.C. V1Y9T1

project title
ABBOTT PARK RESIDENCES

460 Groves Avenue
Kelowna, B.C.

drawing title

SITE SURVEY (BY OTHERS)
& SITE CONTEXT PHOTOS

scale: 1:200
drawn by: Author
checked by: Checker
project no: 216-140
date issued: 2018-09-21

re-issue no: 1
sheet no: DP1.0



3 SOUTHEAST 3D VIEW
DP3.2 SCALE




2 NORTHEAST 3D VIEW
DP3.2 SCALE

SCHEDULE B

This forms part of application
OCP18-0019/Z17-0032

Planner Initials

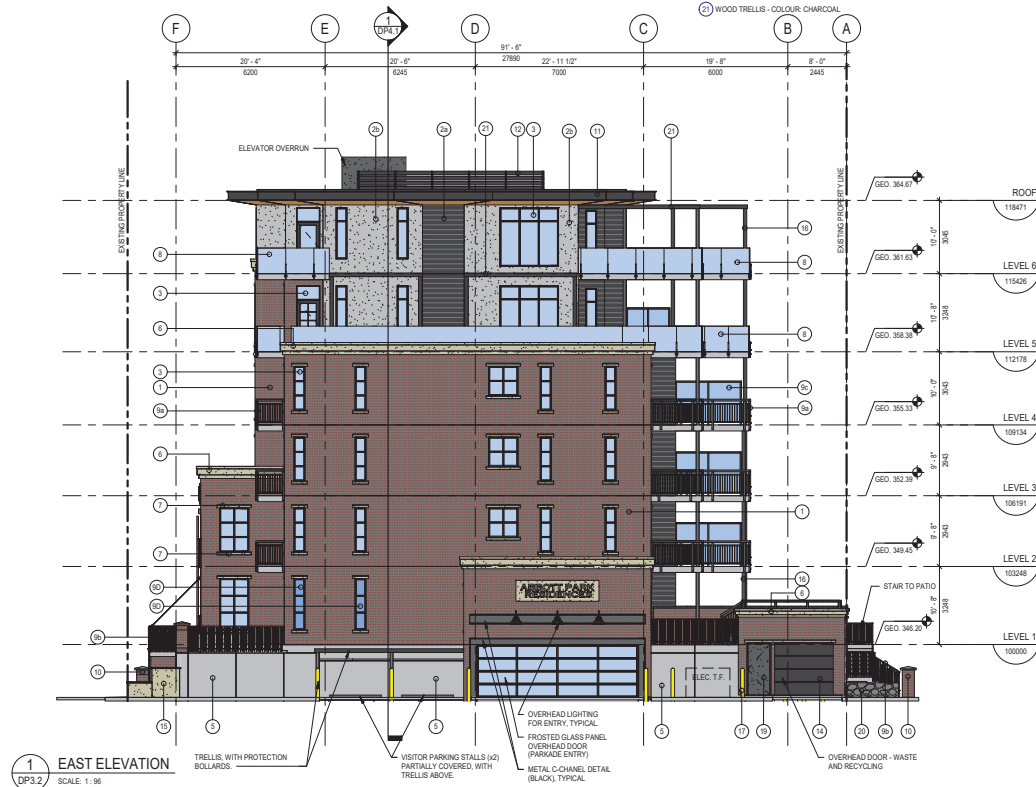
JB



City of Kelowna
COMMUNITY PLANNING

MATERIALS LEGEND

- 1 BRICK VENEER - COLOUR: HISTORIC RED
- 2A PREFINISHED CEMENTITIOUS SIDING PANEL - COLOUR: DARK GREY / CHARCOAL
- 2B ACRYLIC STUCCO - COLOUR: LIGHT GREY / OFF-WHITE
- 3 WINDOW GLAZING IN BLACK FRAMES
- 4 FRAMELESS WINDOW GLAZING
- 5 CONCRETE WALLS CW REVEALS
- 6 DECORATIVE PRECAST CORNICES - COLOUR: SANDSTONE
- 7 PRECAST WINDOW HEADS / SILLS - COLOUR: SANDSTONE
- 8 GLASS BALCONY GUARDRAIL - BLACK POSTS
- 9 METAL PICKET GUARDRAIL AND RAILING - COLOUR: BLACK
- 10 METAL PICKET DECORATIVE GUARDRAIL AND RAILING - COLOUR: BLACK
- 11 GLASS PRIVACY SCREEN
- 12 SPANDREL PANEL GLAZING IN BLACK FRAMES
- 13 BRICK CLAD (HISTORIC RED) GUARDRAIL COLUMNS WITH COLUMN CAPS (SANDSTONE)
- 14 EYEBROW CANOPY - PREFINISHED BLACK CW WOOD SOFFIT
- 15 MECHANICAL SCREENING FENCE: BLACK FRAME WITH SLAT SCREENS
- 16 ARCHITECTURAL MESH SCREEN
- 17 METAL C-CHANNEL FRAME PAINTED BLACK
- 18 CONCRETE LANDSCAPE PLANTERS CW CAP AT T.O. WALL - STUCCO FINISH (SANDSTONE)
- 19 STEEL COLUMNS - BLACK
- 20 BOLLARD, PAINTED - COLOUR: SAFETY YELLOW
- 21 MECHANICAL LOUVER - COLOUR: CHARCOAL
- 22 HOLLOW METAL DOOR - COLOUR: CHARCOAL
- 23 NATURAL ROCK LANDSCAPE PLANTER
- 24 WOOD TRELLIS - COLOUR: CHARCOAL



300, 640 - 8 Avenue S.W.
Calgary, AB T2P 1G7
T +1 403 233 2525

NOT FOR CONSTRUCTION

This drawing must not be scaled.
The contractor shall verify all levels, datums, and dimensions prior to commencement of work. All errors and omissions must be reported to the Architects immediately.
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Issue No.	Date	Description
1	2018-09-21	ISSUED FOR DEVELOPMENT PERMIT

client
VINEYARD DEVELOPMENTS LTD.
#101, 1885 DILWORTH DR.
KELOWNA, B.C. V1Y9T1

project title
ABBOTT PARK RESIDENCES
460 Groves Avenue
Kelowna, B.C.

drawing title
BUILDING ELEVATION + PERSPECTIVE VIEWS - EAST

scale: As indicated
drawn by: Author
checked by: Checker
project no: 216-140
date issued: 2018-09-21

re-issue no: sheet no: DP3.2

CITY OF KELOWNA

MEMORANDUM

ATTACHMENT A

Date: March 26, 2018
File No.: Z17-0032
To: Community Planning (TB)
From: Development Engineering Manager(SM)
Subject: 448, 458 & 460 Groves Ave (REVISED)

RMS

This forms part of application		
# OCP18-0019/Z17-0032		
Planner Initials	JB	

Development Engineering has the following requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is Jason Angus

.1) Domestic Water and Fire Protection

- a) The development site is presently serviced with small water services. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. Only one service will be permitted for this development.
 - b) The applicant, at his cost, will arrange for the removal of the existing services and the installation of one new larger metered water service. The new service should tie in to the main on Groves Ave. The estimated cost of this construction for bonding purposes is **\$10,000.00**.
 - c) It is apparent that the existing 150mm diameter watermain within Groves Avenue is substandard and will not support this development. The applicant, at his cost, will arrange for upgrading ~65m of watermain and the installation of a fire hydrant and one new larger water service. The estimated cost of this construction for bonding purposes is **\$76,000.00**.
 - d) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.
- .2) Sanitary Sewer
- a) The development site is presently serviced with small diameter sanitary sewer services. Only one service will be permitted for this development. The developer's consulting civil engineer will determine sanitary sizing for this development. The applicant, at his cost, will arrange for the removal of the existing services and and the installation of one new larger service. The estimated cost of this construction for bonding purposes is **\$15,000.00**

Z17-0032 448,458 460 Groves Ave RM5 (REVISED) JA.doc

.3) Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for these sites which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems.

- (b) Only one service will be permitted for this development. The applicant, at his cost, will arrange the installation of one overflow service. The estimated cost of this construction is included in the road improvements.

.4) Road Improvements

- (a) Groves Ave fronting this development must be upgraded to an urban standard to including barrier curb & gutter, a separate sidewalk, storm drainage, road fillet & landscaped boulevard and relocation or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The estimated cost of the road improvements for bonding purposes is **\$65,000.00**

- (a) Lane fronting this development must be upgraded to SS-R2 standard to including road fillet and relocation or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The estimated cost of the road improvements for bonding purposes is **\$6,000.00**

.5) Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- a) *Dedicate 0.8m width along the full frontage of the North/South lane.*
- b) Dedicate 1.5m width along the full frontage of Groves Ave.
- c) Lot consolidation.
- d) Grant statutory rights-of-way if required for utility services.

.6) Electric Power and Telecommunication Services

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground as this site is located within the South Pandosy urban town centre.
- b) LED Streetlights must be installed on Groves Ave.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- d) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).

Z17-0032 448,458 460 Groves Ave RM5 (REVISED) JA.doc

.7) Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

.8) Design and Construction

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

.9) Servicing Agreements for Works and Services

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

.10) Survey Monuments and Iron Pins

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

.11) Bonding and Levy Summary

(a) Bonding

Water works upgrade	\$86,000.00
Sanitary service upgrade	\$15,000.00
Road Frontage Improvements	<u>\$71,000.00</u>

Z17-0032 448,458 460 Groves Ave RM5 (REVISED) JA.doc

Total Bonding

\$172,000.00

ATTACHMENT A

This forms part of application

OCP18-0019/Z17-0032

Planner

JB

Initials



NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided, and may be in the form of cash or an irrevocable letter of credit, in an approved format. The owner must also enter into a servicing agreement in a form provided by the City.

.12) Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as (3.5% of Total Off-Site Construction Cost plus GST).

14) Development Permit and Site Related Issues

Access and Manoeuvrability

- (i) Access to the site is permitted from the lane as per bylaw.
- (ii) Review and confirm that the development and development site access does not adversely affect the lane operation as a two-way roadway. The minimum clear throat lane width must be 6.4m.

15. Geotechnical Report

As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics.
- (b) Site suitability for development, unstable soils, etc.
- (c) Drill and / or excavate test holes on the site and install pisometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

James Kay, P. Eng.
Development Engineering Manager
JA

CITY OF KELOWNA

BYLAW NO. 11801

Official Community Plan Amendment No. OCP18-0019 – Abbott Park Holdings Inc., Inc. No. BC1096096 448, 458 & 460 Groves Avenue

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lots 6, 7, and 8, District Lot 14, ODYD, Plan 3856 located on Groves Ave, Kelowna, BC from the MRM - Multiple Unit Residential (Medium Density) designation to the MRH - Multiple Unit Residential (High Density) designation;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11802
Z17-0032 – 448, 458 & 460 Groves Avenue

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 6, 7, and 8, District Lot 14, ODYD, Plan 3856, located on Groves Ave, Kelowna, BC from the RU1- Large Lot Housing zone to the RM6- High Rise 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 time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: April 8, 2019
File: 0610-50
To: City Manager
From: Karen Needham, Deputy City Clerk
Subject: Byrns Rd 2089, OCP18-0018 Z18-0094 - Mohammed Maizal Munif
Report Prepared by: Clint McKenzie, Legislative Coordinator

Recommendation:

THAT Official Community Plan Bylaw No 11810 and Rezoning Bylaw No.11811 be given first reading as approved by Council at the April 01, 2019 Regular PM Meeting.

Purpose:

To give OCP Bylaw No.11810 and Rezoning Bylaw No.11811 first reading and forward to Public Hearing.

Background:

At the April 1, 2019 PM Council Meeting, Council supported the alternate recommendation for the application at 2080 Byrns Road, to consider amendments to the OCP by changing the Future Land Use designation from REP – Resource Protection Area designation to the S2RES – Single/Two Unit Residential designation, and to rezone the subject property from the A1 – Agriculture 1 zone to RU6 – Two Dwelling Housing zone.

The bylaws will be forwarded to the April 23, 2019 Public Hearing.

Considerations not applicable to this report:

Internal Circulation:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:
Alternate Recommendation:

Submitted by:

K. Needham, Deputy City Clerk

REPORT TO COUNCIL



Date: April 1, 2019

RIM No. 0920-20

To: City Manager

From: Community Planning Department (BBC)

Application: OCP18-0018 and Z18-0094

Owner: Mohammed Maizal Munif

Address: 2089 Byrns Rd

Applicant: Urban Options Planning &
Permits – Birte Decloux

Subject: Official Community Plan (OCP) Amendment and Rezoning Application

Existing OCP Designation: REP – Resource Protection Area

Proposed OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: A1 – Agriculture 1

Proposed Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP18-0018 to amend Map 4.1 of the Kelowna 2030 – Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located at 2089 Byrns Road, Kelowna, BC, from the REP – Resource Protection Area designation to the S2RES – Single/Two Unit Residential designation NOT be considered by Council;

AND THAT Rezoning Application No. Z18-0094 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located at 2089 Byrns Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU6 – Two Dwelling Housing zone NOT be considered by Council.

2.0 Purpose

To consider Staff recommendation to NOT amend the Official Community Plan from REP – Resource Protection Area to S2RES – Single/Two Unit Residential, and to NOT rezone the subject property from A1 – Agricultural to RU6 – Two Dwelling Housing that would facilitate the development of a second dwelling on the subject property.

3.0 Community Planning

Community Planning Staff do not recommend support to amend the future land use and to rezone the subject property to facilitate the development of a second dwelling on the subject property. The property and the neighbouring residential lots are outside of the Permanent Growth Boundary (PGB), designated as Resource Protection in the Official Community Plan (OCP) and located within a farming area.

While the subject property is not within the Agriculture Land Reserve (ALR), it is adjacent to ALR lands and is within an agricultural interface area. The OCP directs growth and development inside the PGB in order to reduce speculative pressure on agricultural lands, avoid isolated development pockets (both within the ALR and outside the ALR), and ensure the long-term viability of surrounding farmland. As the property is surrounded by active agricultural lands, additional residential dwellings have the potential to increase urban encroachment and agricultural / urban land use conflicts created by non-farm activities within agricultural areas. It is important to acknowledge the difficulties farmers have due to complaints and possible perceived restrictions regarding normal farming practices.

In alignment with the OCP and Agricultural Plan objectives to preserve agricultural land, in recent years the City has committed significant resources to regain viable agricultural land along the Benvoulin agricultural corridor, successfully increasing agricultural uses on a number of lots. These include several properties along Benvoulin between Byrns Road and KLO Road. The Agricultural Land Commission (ALC) strongly endorses the protection and preservation of the Benvoulin agricultural corridor to re-establish active farming on lands located within this corridor. Allowing additional density in the isolated residential areas may undermine the success gained to date along this corridor due to land use conflicts.

Further, the OCP sets clear goals for creating a sustainable future and community, and the proposal contradicts the following objectives: contain urban growth and focusing development into a compact urban form that maximizes the use of existing infrastructure in urban centers; contribute to energy efficient settlement patterns; promote healthy and productive agriculture through diverse strategies that protect farmlands and food production. The addition of a second dwelling in this location does not support the infill role of the RU6 zone as the property does not have easy access to adequate transit, active transportation, schools, parks, and employment districts.

Standard urban neighbourhood amenities such as curb, gutter and sidewalk are not present in this area. Permitting urban development and density increase at this and other similar interface areas would require City investment and resources to be re-allocated from urban and village centers, and other priority infill areas as identified by the OCP.

The applicant has confirmed the completion of neighbourhood consultation and public information session in accordance with Council Policy No. 367.

4.0 Proposal

4.1 Background

The subject property along with the surrounding lots located immediately to the west, east, and southeast resulted from a subdivision dating June of 1967. Throughout the late 1960s and early 1970s, prime agricultural lands were being lost each year to urban development. The provincial government responded by establishing the ALC and the ALR in 1973. Had the ALR been established at the time of the subdivision, it is unlikely the subdivision that created this and the surrounding lots would have been permitted.

In August of 2014, a nearby property located at 2049 Byrns Road received an OCP amendment approval from REP – Resource Protection Area to S2RES - Single/Two Unit Residential and was rezoned from A1 – Agriculture to RU6 – Two Dwelling Housing (OCP13-0012/Z13-0019, Bylaw #10897 and #10898).

At the time of application, three structures existed on that property: a legal non-conforming duplex, an accessory structure (garage) with an illegal dwelling unit, and an illegal carriage house. Both the duplex and the garage structure were permitted in 1973 by the Regional District, however the carriage house did not appear to be authorized by way of Building Permits.

An initial application for 2049 Byrns Road proposed to amend the OCP to higher density (from REP – Resource Protection to MRL – Multiple Unit Residential, Low Density) on a portion of the property. A recommendation of non-support for the OCP amendment was considered and deferred by Council. An alternate proposal for S2RES - Single/Two Unit Residential and RU6 – Two Dwelling Housing was ultimately adopted by Council; however, it is important to note that Staff identified and outlined a number of land use related conflicts and concerns, many of which are identified in this report and share commonality with the current proposal at the subject property.

4.2 Project Description

The applicant is proposing to amend the Future Land Use designation for the subject property from REP – Resource Protection Area to S2RES - Single/Two Unit Residential, and rezone from A1 – Agriculture 1 to RU6 – Two Dwelling Housing to facilitate the development of a second dwelling on the property. If the application to rezone the land is successful, the applicant proposes to relocate an existing house onto the subject property, which has been recently renovated and is similar in character to the existing dwelling on the property.

The applicant has provided an on-site parking plan that meets zoning requirements for the proposal. However, Staff has received comments of concern from neighbouring residents regarding parking practices and the potential number of vehicles parked on and off-site.

There are no variances being tracked at this time. Should Council support the proposed OCP amendment and rezoning, issuance of a Farm Protection Development Permit would be required prior to any construction on the property.

4.3 Site Context

The subject property is located along the south side of Byrns Road, between Benvoulin Road and Burtch Road. The 1,052 m² (0.26 acre) subject property is in an agricultural / rural residential interface area and is outside of the City's PGB. With the exception of the two RU6 lots located west of the subject property, the subject lot along with all other properties fronting Byrns and Benvoulin Road are non-conforming A1 – Agriculture zoned properties given their parcel size; all are significantly less than 4.0 ha. All properties are connected to community water and sewer. Byrns Road is constructed to a rural standard and contains no storm sewer, curb, gutter or sidewalk.

The properties to the north and south of the subject property are large agricultural properties, while the properties to the east and west are rural residential, consistent with the subject property

Adjacent land uses are as follows:

Orientation	Zoning	ALR (Yes/No)	Land Use
North	A1 – Agriculture 1	Yes	Agriculture
East	A1 – Agriculture 1	No	Rural Residential
South	A1 – Agriculture 1	No – abutting Yes – adjacent	Agriculture
West	A1 – Agriculture 1 RU6 – Two Dwelling Housing	No	Rural Residential

Subject Property Map: 2089 Byrns Road. Current ALR lands are shown in dark green, future land use designated REP lands (non-ALR) are shown in light green.



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 1: Introduction

Goals for a Sustainable Future:

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

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

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

Objective 5.33 Protect and enhance local agriculture

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Policy .8 Housing in Agricultural Areas. Discourage residential development (both expansions and new developments) in areas isolated within agricultural environments (both ALR and non-ALR).

Chapter 15: Farm Protection DP Guidelines

Objectives:

- Protect farm land and farm operations;

- Minimize the impact of urban encroachment and land use conflicts on agricultural land;
- Minimize conflicts created by activities designated as farm use by ALC regulation and non-farm uses within agricultural areas.

5.2 City of Kelowna Agriculture Plan (2017)

Official Community Plan Recommendations

- Restrict additional density outside the Permanent Growth Boundary.

6.0 Technical Comments

6.1 Development Engineering Department

- See Attachment C – Development Engineering Memorandum

7.0 Application Chronology

Date of Application Received:	April 18, 2018
Date of Neighbourhood Consultation Completed:	November 12, 2018
Date of Public Information Session Completed:	November 18, 2018

8.0 Alternate Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP18-0018 to amend Map 4.1 of the Kelowna 2030 – Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located at 2089 Byrns Road, Kelowna, BC, from the REP – Resource Protection Area destination to the S2RES – Single/Two Unit Residential be considered by Council;

AND THAT Rezoning Application No. Z18-0094 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located at 2089 Byrns Road, Kelowna, BC from the A1 – Agriculture 1 zone to RU6 – Two Dwelling Housing zone be considered by Council;

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

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment C attached to the Report from the Community Planning Department.

Report prepared by:	Barbara B. Crawford, Planner
Reviewed by:	Laura Bentley, Community Planning Supervisor
Reviewed by:	Terry Barton, Urban Planning Manager
Approved for Inclusion:	Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A – Applicant’s Letter of Rationale
 Attachment B – Conceptual Site and Landscape Plans
 Attachment C – Development Engineering Memorandum



ATTACHMENT A	
This forms part of application # OCP18-0018 Z18-0094	
Planner Initials	BC
City of Kelowna COMMUNITY PLANNING	

March 26, 2018

City of Kelowna
Planning Department
1435 Water Street
Kelowna, BC

RE: OCP Amendment / Rezoning at 2089 Byrns Road

Dear Planning Department:

This application seeks to rezone the property at 2089 Byrns Road to the RU6 – Two Dwelling Housing zone to allow a second home to be moved to the property. Although the property is located outside of the Permanent Growth Boundary and the future land use is “Resource Protection”, we ask you to consider the following reasons to support and send the application to Council for their consideration:

- Infill density in the immediate area
- Unique situation
- Rescue of a home
- Good quality affordable rental housing
- Neighbourhood support

In 2013 the property at 2049 Byrns Road sought to change the future land use designation to MRL (Multiple residential low density). The land had all the attributes for this designation, however, it was felt to be too intensive for the area given the proximity of active agriculture land and being outside of the Permanent Growth Boundary. A compromise was found, and Planning staff supported the change to the S/2RES (single two unit residential) and the associated RU6-Two Dwelling Housing zone was approved by Council. The file number associated with this change is OCP13-0012/Z13-0019.

The neighbourhood is unique given that it consists of 11 residential properties surrounded on all sides by agricultural land within the Agricultural Land Reserve. Interestingly, the neighbourhood is across from the Benvoulin Heritage Church which was constructed here in 1892 and the church was expected to be the center of the Benvoulin townsite. It is suspected that the subject property and its neighbours to the east (with 3-digit plan numbers) were created at that time as part of the town center.

If the application to rezone the land is successful, the house (below) will be placed directly behind the existing home on the parcel. This “new” home was purchased because the interior

had been recently renovated, its structural integrity and how it is similar in character to the existing dwelling. The benefits to bring the home to the site are:

- the mature vegetation can be retained,
- no additional driveway access needed, and
- no changes to the front home or how the property presents to the street are required.

To move the home onto the site, access to the property has been secured through 2430 Benvoulin Road. The house is in storage awaiting its fate.



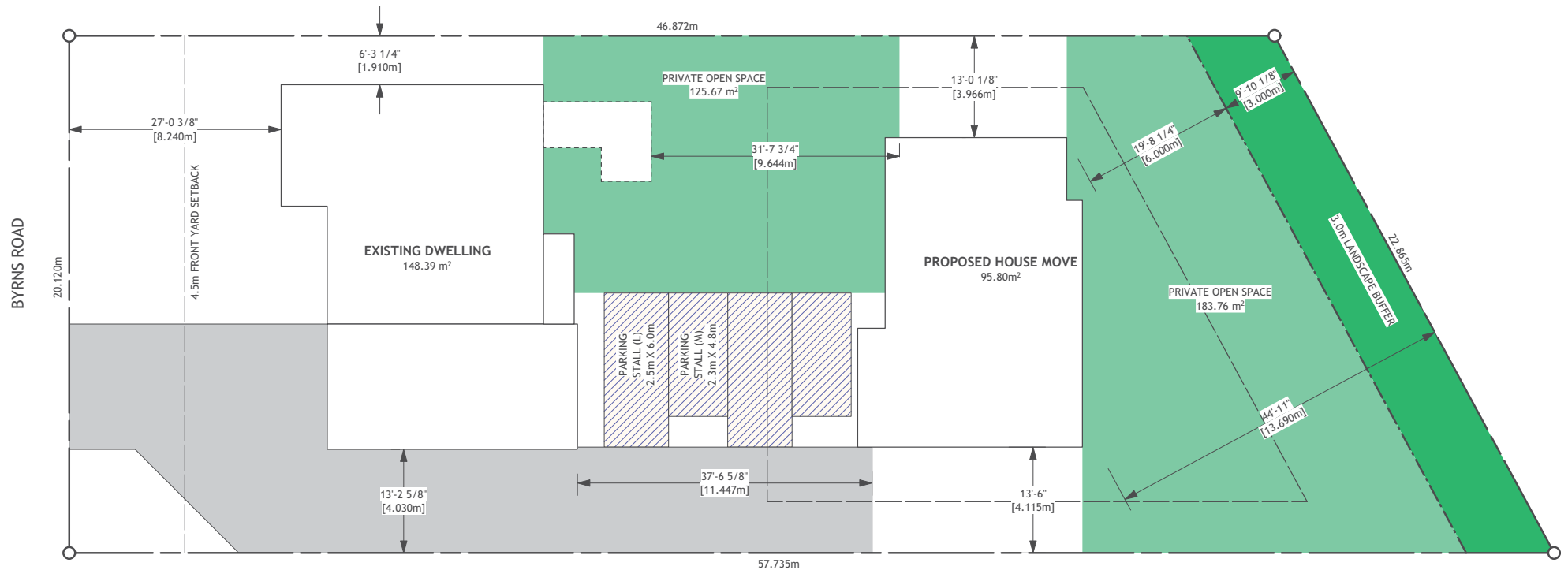
In this case, it is believed that the infill is affordable. The cost of construction is limited to a foundation, associated water and sewer accesses, and moving the building to the site. The existing house is currently being rented and the land owner (who is renting elsewhere) plans to move in to the second home. Given the age of the homes, it will be difficult to strata title them for individual sale and it is expected that at least one home will continue as a rental dwelling.

To strengthen the case for a positive Staff recommendation, the landowner conducted a neighbourhood canvass to secure support from the neighbours. The results, site plan and letter supplied are provided as part of the submission. Fifteen immediate neighbours were contacted for a face-to-face visit with thirteen providing signatures of support and two remaining neutral. The properties that abut the subject property all agreed with the project.

We are seeking to rezone the property to allow a “rescue” house to be placed on the site which will provide additional housing stock while keeping the integrity of the neighbourhood intact. Support of the neighbours has been provided as part of the submission package. Now we ask you, Planning Staff and City Council to support this application.

Regards,

Birte Decloux on behalf of M. Maizal Munif



2089 BYRNS ROAD, KELOWNA, BC

PRELIMINARY SITE PLAN



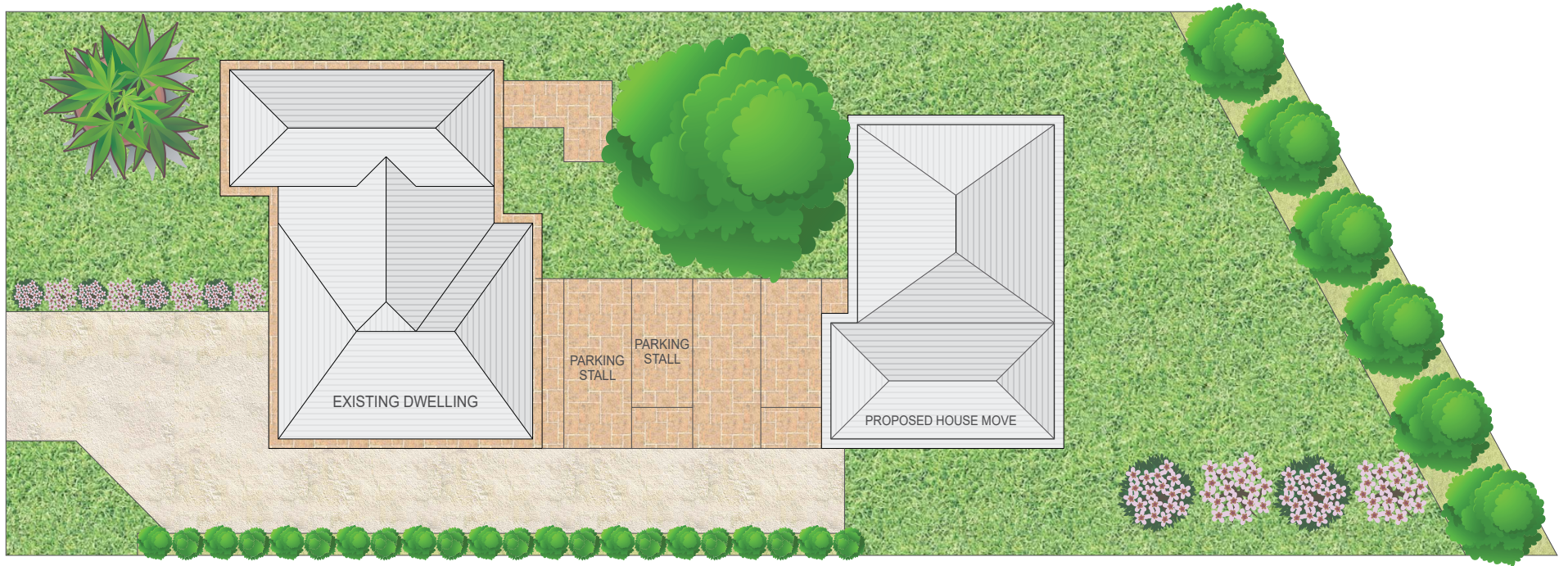
IHS DESIGN

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

MARCH 27, 2018

SCALE = 1:150

1 OF 1



SITE PLAN

CITY OF KELOWNA

MEMORANDUM

Date: August 28, 2108
File No.: Z18-0094
To: Community Planning (BC)
From: Development Engineering Manager (JK)
Subject: 2089 Byrns Road A1 to RU6

Development Engineering Department have the following comments and requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technologist for this project is Jason Angus.

1) General

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

2) Geotechnical Study.

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

- (e) Recommendations for items that should be included in a Restrictive Covenant.
- (f) Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
- (g) Any items required in other sections of this document.
- (h) Additional geotechnical survey may be necessary for building foundations, etc

1) Water

- i) The This property is currently serviced with a 19mm-diameter copper water service. One 50mm water service c/w two curb stops are required to meet current by-law requirements. One new water service can be provided by the City at the owner's cost. The applicant will be required to sign a Third Party Work Order for the cost of the water service upgrades. For estimate inquiry's please contact Jason Angus, by email jangus@kelowna.ca or phone, 250-469-8783
- ii) An approved backflow protection device must also be installed on site as required by the City Plumbing Regulation and Water Regulation bylaws.
- iii) A water meter is mandatory for this development and must be installed inside a building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost

3) Sanitary Sewer

- i) Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service complete with inspection chamber (IC) which is adequate for this application.

4) Roads

- i) Byrns Road is designated an urban arterial road. Frontage improvements required include curb and gutter, separate sidewalk, piped storm drainage system, road works, landscaped boulevard complete with underground irrigation system, street lights, treed middle median and left turn bays. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be **\$31,895.50** not including utility service cost.

5) Power and Telecommunication Services and Street Lights

- i) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground.
- ii) Streetlights must be installed on all roads.

- iii) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- iv) Remove existing poles and utilities, where necessary. Remove aerial trespass (es).

6) Other Engineering Comments

- i) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands, and for public access to Vaughan Ave via the proposed lane.
- ii) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.
- iii) Direct the roof drains into on-site rock pits.
- iv) A maximum driveway width of 6m is to be designed to.

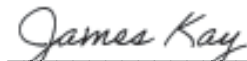
7) Bonding and Cash-in-lieu Summary

- i) Cash-in-lieu

(a) General Requirements	
1. Byrns Road Improvements	\$31,895.50

- ii) Bonding

(a) General Requirements	
1. Utility Improvements	\$ TBD



James Kay, P.Eng.
Development Engineering Manager

JA

CITY OF KELOWNA

BYLAW NO. 11810

Official Community Plan Amendment No. OCP18-0018 2089 Byrns Road

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

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

1. THAT Official Community Plan Bylaw Amendment No. OCP18-0018 to amend Map 4.1 of the Kelowna 2030 – Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located on Byrns Road, Kelowna, BC, from the REP – Resource Protection Area designation to the S2RES – Single/Two Unit Residential designation.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11811
Z18-0094 – 2089 Byrns Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 24, Block 3, District Lot 130, Osoyoos Division, Yale District, Plan 415B, located on Byrns Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU6 – Two Dwelling Housing zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11699
Z18-0065 – 1720 Highland Drive North

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Section 29, Township 26, Osoyoos Division Yale District, Plan 28059, located on Highland Drive North, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 19th day of November, 2018.

Considered at a Public Hearing on this 4th day of December, 2018.

Read a second and third time by the Municipal Council this 4th day of December, 2018.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11766

TA19-0007 – Short Term Rental Accommodation

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

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

1. THAT **Section 2 – Interpretation**, sub- section **2.3 General Definitions** be amended by:
 - a) deleting the definition for **APARTMENT HOTELS** in its entirety that reads as follows:

"APARTMENT HOTELS means **apartment housing** having a principal common entrance, cooking facilities and furnishings within each **dwelling**. This does not include any **commercial uses** except when specifically permitted in the **zone**."
 - b) adding the following to the end of the sentence of the definition for **RESIDENTIAL ZONES** ", except for **short-term rental accommodation** as a **secondary use**." and
 - c) adding a new definition for **SHORT-TERM RENTAL ACCOMMODATION** in its appropriate location that reads as follows:

"SHORT-TERM RENTAL ACCOMMODATION means the **use** of a **dwelling** unit or one or more **sleeping units** within a **dwelling** unit for temporary overnight accommodation for a period of 29 days or less. This **use** does not include **bed and breakfast homes, hotels or motels**."
2. AND THAT **Section 6 – General Development Regulations**, sub- section **6.5 Accessory Development**, be amended by:
 - a) by adding the words in sub-paragraph c "sleeping units" in the second sentence after the first word **"Bedrooms"** in sub- section **6.5.2 Accessory Building in Non-Residential Zones**; and
 - b) by adding the words in sub-paragraph h "sleeping units" in the second sentence after the first word **"Bedrooms"** in sub- section **6.5.3 Accessory Building in Residential Zones**.
3. AND THAT **Section 8 – Parking and Loading**, **8.1 Parking Schedule** be amended by:
 - a) deleting in its entirety the section for **Apartment Hotels** that reads as follows:

Apartment Hotels	1.0 spaces per sleeping unit ; 1.0 spaces per 7 dwelling units which shall be designated as visitor parking spaces
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- b) adding new sections for **Short-Term Rental Accommodation** as a **Secondary Use** and **Short-Term Rental Accommodation** as a **Principal Use** in their appropriate location that reads as follows:

Short-Term Rental Accommodation as a Secondary Use	1.0 medium space per two sleeping units Where three dwelling housing, four dwelling housing, or multiple dwelling housing is the principal use , the dwelling unit is exempt from the requirement in section 8.1.2 to have parking spaces for secondary uses in addition the required parking spaces for the principal use , provided the dwelling unit has a minimum of 2 parking spaces .
Short-Term Rental Accommodation as a Principal Use	Equivalent to apartment housing requirements for that zone

4. AND THAT **Section 9 – Specific Use Regulations**, sub- section **9.6 Bed and Breakfast Homes, 9** be amended by:

- a) adding to the end of the sentence, in sub- section 9.6.1, sub-paragraph c the words “and be on site when the **bed and breakfast home** is operating.”

- b) deleting in sub-section 9.6.1, sub-paragraph c the word “or”

And replacing it with:

“of”

- c) deleting sub- section 9.6.3 that reads:

“All **bed and breakfast homes** shall comply with the other provisions of this Bylaw, the BC **Building Code**, the **Agricultural Land Commission** General Order No. 1157/93 where applicable, and other fire and health regulations.”

And replacing it with:

“All **bed and breakfast homes** shall comply with the other provisions of this Bylaw, the BC Building Code, the Agricultural Land Reserve Use, Subdivision and Procedure Regulation where applicable, and other fire and health regulations.”

- d) adding a new sub- section **9.17 Short-Term Rental Accommodation** in its appropriate location that reads:

“9.17 Short-Term Rental Accommodation

- 9.17.1 Where **short-term rental accommodation** is a **secondary use**, it must be secondary to a **dwelling** unit as a **principal use** and must be operated by a resident who resides for more than 240 days of the year at that **dwelling** unit.
- 9.17.2 **Short-term rental accommodation** is not permitted in a **secondary suite** or **carriage house**.
- 9.17.3 **Short-term rental accommodation** is not permitted in combination with a **bed and breakfast home**.
- 9.17.4 No more than one booking or reservation for **short-term rental accommodation** is permitted in each **dwelling** unit at one time.
- 9.17.5 No more than two adults may occupy a **sleeping unit** used for **short-term rental accommodation**.
- 9.17.6 The maximum number of **sleeping units** that may be used for **short-term rental accommodation** in each **dwelling** unit is specified in **Table 9.17.1**.

Table 9.17.1 Maximum Sleeping Units for Short-Term Rental Accommodation

Use	Maximum number of sleeping units
Single dwelling housing Two dwelling housing Multiple dwelling housing (including apartment housing) as a principal use	3
Three dwelling housing Four dwelling housing Multiple dwelling housing (including apartment housing) as a secondary use	2

- 9.17.7 Parking must be provided in accordance with the parking and loading regulations of Section 8. **Short-term rental accommodation** may not use required visitor **parking spaces**.”

5. AND THAT **Section 12 – Rural Residential Zones**, be amended by:
- adding to Section **12.1 RR1 – Rural Residential 1 / RR1c – Rural Residential 1 with Carriage House**, sub- section **12.1.3 Secondary Uses**, a new sub-paragraph in its appropriate location for “**short term rental accommodation** subject to Section 9.17 of this bylaw ”;
 - adding to Section **12.2 RR2 – Rural Residential 2 / RR2c – Rural Residential 2 with Carriage House**, sub- section **12.2.3 Secondary Uses**, a new sub-paragraph in its appropriate location for “**short term rental accommodation** subject to Section 9.17 of this bylaw”; and
 - adding to Section **12.3 RR3 – Rural Residential 3 / RR3c – Rural Residential 3 with Carriage House**, sub- section **12.3.3 Secondary Uses**, a new sub-paragraph in its appropriate location for “**short term rental accommodation** subject to Section 9.17 of this bylaw”;
6. AND THAT **Section 13 – Urban Residential Zones**, be amended by:
- adding to Section **13.1, RU1 – Large Lot Housing/RU1c – Large Lot Housing with Carriage House/RU1h – Large Lot Housing (Hillside Area)/RU1hc – Large Lot Housing (Hillside Area) with Carriage House**, sub- section **13.1.3 Secondary Uses**, a new sub-paragraph in its appropriate location for “**short term rental accommodation** subject to Section 9.17 of this bylaw”;
 - adding to Section **13.2, RU2 – Large Lot Housing/RU2c – Large Lot Housing with Carriage House/RU2h – Large Lot Housing (Hillside Area)/RU2hc – Large Lot Housing (Hillside Area) with Carriage House**, sub- section **13.2.3 Secondary Uses**, a new sub-paragraph in its appropriate location for “**short term rental accommodation** subject to Section 9.17 of this bylaw”;

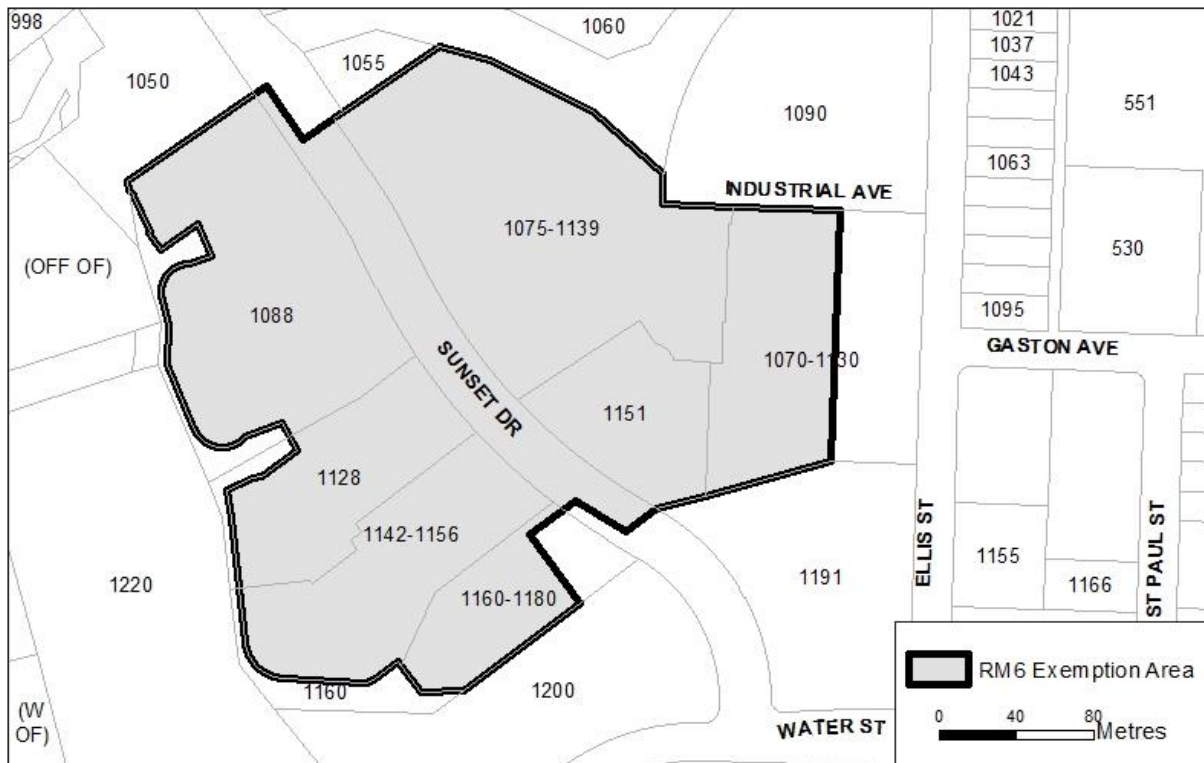
- c) adding to Section **13.3 RU3 – Small Lot Housing/RU3h – Small Lot Housing (Hillside Area)**, sub-section **13.3.3 Secondary Uses**, a new sub-paragraph in its appropriate location for “**short term rental accommodation** subject to Section 9.17 of this bylaw”;
- d) adding to Section **13.4 RU4 – Low Density Cluster Housing/RU4h – Low Density Cluster Housing (Hillside Area)**, sub-section **13.4.3 Secondary Uses**, a new sub-paragraph in its appropriate location for “**short term rental accommodation** subject to Section 9.17 of this bylaw”;
- e) adding to Section **13.5 RU5 – Bareland Strata Housing**, sub-section **13.5.3 Secondary Uses**, a new sub-paragraph in its appropriate location for “**short term rental accommodation** subject to Section 9.17 of this bylaw”;
- f) adding to Section **13.6 RU6 – Two Dwelling Housing / RU6 – Two Dwelling Housing with Boarding or Lodging House**, sub-section **13.6.3 Secondary Uses**, a new sub-paragraph in its appropriate location for “**short term rental accommodation** subject to Section 9.17 of this bylaw”;
- g) adding to Section **13.7 RM1 – Four Dwelling Housing**, sub-section **13.7.3 Secondary Uses**, a new sub-paragraph in its appropriate location for “**short term rental accommodation** subject to Section 9.17 of this bylaw”;
- h) adding to Section **13.8 RM2 – Low Density Row Housing / RM2h – Low Density Row Housing (Hillside Area)**, sub-section **13.8.3 Secondary Uses**, a new sub-paragraph in its appropriate location for “**short term rental accommodation** subject to Section 9.17 of this bylaw”;
- i) adding to Section **13.9 RM3 – Low Density Multiple Housing**, sub-section **13.9.3 Secondary Uses**, a new sub-paragraph in its appropriate location for “**short term rental accommodation** subject to Section 9.17 of this bylaw”;
- j) adding to Section **13.10 RM4 – Transitional Low-Density Housing**, sub-section **13.10.3 Secondary Uses**, a new sub-paragraph in its appropriate location for “**short term rental accommodation** subject to Section 9.17 of this bylaw”;
- k) adding to Section **13.11 RM5 – Medium Density Multiple Housing**, sub-section **13.11.3 Secondary Uses**, a new sub-paragraph in its appropriate location for “**short term rental accommodation** subject to Section 9.17 of this bylaw”;
- l) deleting in Section **13.12 RM6 – High Rise Apartment Housing**, sub-section **13.12.3 Secondary Uses** sub-paragraph (e) that reads “**hotel/motel accommodation within a multiple residential unit**” and add in its appropriate location a new sub-paragraph that reads “**short-term rental accommodation** subject to Section 9.17 of this bylaw”;
- m) adding a new Section **13.12.8 Site Specific Uses and Regulations** in its appropriate location that reads:

“13.12.8 Site Specific Uses and Regulations

Uses and regulations apply to the RM6 – High Rise Apartment Housing **zone** on a site-specific basis as follows:

	<i>Legal Description</i>	<i>Civic Address</i>	<i>Regulation</i>
1.	See Map A	1070-1130 Ellis Street 1075-1139 Sunset Drive 1088 Sunset Drive 1128 Sunset Drive 1142-1156 Sunset Drive 1151 Sunset Drive 1160 Sunset Drive	Notwithstanding section 9.17.1, the operator of short-term rental accommodation does not need to be a resident who resides for more than 240 days of the year at that dwelling unit.

Map A: Properties Zoned RM6 where Site Specific Use Regulation No. 1 Applies



- n) adding to Section **13.14 RH1 – Hillside Large Lot Residential**, sub- section **13.14.4 Secondary Uses**, a new sub-paragraph in its appropriate location for “**short term rental accommodation** subject to Section 9.17 of this bylaw”;
- o) adding to Section **13.15 RH2 – Hillside Two Dwelling Housing**, sub- section **13.15.4 Secondary Uses**, a new sub-paragraph in its appropriate location for “**short term rental accommodation** subject to Section 9.17 of this bylaw”;
- p) adding to Section **13.16 RH3 – Hillside Cluster Housing**, sub- section **13.16.4 Secondary Uses**, a new sub-paragraph in its appropriate location for “**short term rental accommodation** subject to Section 9.17 of this bylaw”; and
- q) adding to Section **13.17 RU7 – Infill Housing**, sub- section **13.17.3 Secondary Uses**, a new sub-paragraph in its appropriate location for “**short term rental accommodation** subject to Section 9.17 of this bylaw”.

7. AND THAT **Section 14– Commercial Zones**, be amended by:

- a) adding to Section **14.3 C3 – Community Commercial** in sub- section **14.3.3 Secondary Uses** in its appropriate location “**short-term rental accommodation**, subject to section 9.17 of this Bylaw”;
- b) deleting in Section **14.4 C4 –Urban Centre Commercial** in sub- section **14.4.2 Principal Uses** sub-paragraph (c) **apartment hotels**;
- c) adding to Section **14.4 C4 –Urban Centre Commercial** in sub- section **14.4.3 Secondary Uses** in its appropriate location “**short-term rental accommodation**, subject to section 9.17 of this Bylaw”;
- d) deleting Section **14.4 C4 –Urban Centre Commercial**, sub- section **14.4.5 Development Regulations** sub-paragraph (c) that reads:

“(c) The maximum **height** is the lesser of 15.0 m or 4 **storeys** in the South Pandosy and Rutland Urban Centres. In the Springfield/Highway 97 Urban Centre, maximum **height** is the lesser of 15.0 m or 4 **storeys**, except that for **hotels**, **apartment hotels** and **apartment housing** it shall be the lesser of 37.0 m or 12 **storeys**. In all other areas, the maximum **height** shall be the lesser of 15.0 m or 4 **storeys**. For mixed-use developments located in Urban Centres, where parking is located entirely below natural grade and provides a co-op / car sharing program, and provides a **public courtyard** and **green roof**, the maximum building height shall be the lesser of 25.0 m or 7 **storeys**.”

And replace it with:

“(c) The maximum **height** is the lesser of 15.0 m or 4 **storeys** in the South Pandosy and Rutland Urban Centres. In the Midtown Urban Centre, maximum **height** is the lesser of 15.0 m or 4 **storeys**, except that for **hotels** and **apartment housing** it shall be the lesser of 37.0 m or 12 **storeys**. In all other areas, the maximum **height** shall be the lesser of 15.0 m or 4 **storeys**. For mixed-use developments located in Urban Centres, where parking is located entirely below natural grade and provides a co-op / car sharing program, and provides a **public courtyard** and **green roof**, the maximum building height shall be the lesser of 25.0 m or 7 **storeys**.”;

- e) adding to Section **14.5 C5 – Transition Commercial** in sub- section **14.5.3 Secondary Uses** in its appropriate location “**short-term rental accommodation**, subject to section 9.17 of this Bylaw”;
- f) deleting Section **14.6 C6 –Regional Commercial**, sub- section **14.6.3 Secondary Uses** sub-paragraph (c) **apartment hotels**;
- g) adding to Section **14.6 C6 –Regional Commercial**, sub- section **14.6.3 Secondary Uses** a new sub-paragraph in its appropriate “**short-term rental accommodation**, subject to section 9.17 of this Bylaw”;
- h) deleting Section **14.6 C6 –Regional Commercial**, sub- section **14.6.5 Development Regulations** sub-paragraph (c) that reads:

“The maximum **height** is the lesser of 15.0 m or 4 **storeys** except for **hotels**, **apartment hotels** and **apartment housing**, shall be the lesser of 37.0 m or 12 **storeys**.”

And replacing it with:

“The maximum **height** is the lesser of 15.0 m or 4 **storeys** except for **hotels** and **apartment housing**, it shall be the lesser of 37.0 m or 12 **storeys**.”

- i) deleting in Section **14.6 C6 –Regional Commercial**, sub- section **14.6.6 Other Regulations** sub-paragraph (a) the words “**apartment hotels**”;

- j) deleting in Section **14.7 C7 –Central Business Commercial**, sub- section **14.7.2 Principal Uses** sub-paragraph (c) the words “**apartment hotels**”;
- k) adding to Section **14.7 C7 –Central Business Commercial**, sub- section **14.7.3 Secondary Uses** a new sub-paragraph in its appropriate location “**short-term rental accommodation**, subject to section 9.17 of this Bylaw”;
- l) deleting Section **14.8 C8 –Convention Hotel Commercial**, sub- section **14.8.3 Secondary Uses** sub-paragraph “(c) **apartment hotel**”;
- m) adding a new Section **14.8 C8 –Convention Hotel Commercial**, sub- section **14.8.3 Secondary Uses** in its appropriate location a new sub-paragraph that reads “**short-term rental accommodation**, subject to section 9.17 of this Bylaw”;
- n) adding to Section **14.9 C9 – Tourist Commercial**, sub- section **14.9.2 Principal Uses** in its appropriate location a new sub-paragraph that reads “**short-term rental accommodation**, subject to section 9.17 of this Bylaw”;
- o) deleting Section **14.9 C9 – Tourist Commercial**, sub- section **14.9.2 Principal Uses** sub-paragraph “(c) **apartment hotels**”;
- p) deleting Section **14.9 C9 – Tourist Commercial**, sub- section **14.9.5 Secondary Uses** sub-paragraphs (a) and (b) that reads:

“(a) The maximum **floor area ratio** is 0.5 except it is 1.5 for **apartment hotels** and **hotels**.

(b) The maximum **height** is the lessor of 11.0 m or 2 **storeys** except 22.0 m or 6 **storeys** for **apartment hotels** and **hotels**.”

And replace it with:

“(a) The maximum **floor area ratio** is 0.5 except it is 1.5 for **multiple dwelling housing**, **short-term rental accommodation** and **hotels**.

(b) The maximum **height** is the lesser of 11.0 m or 2 **storeys** except it is 22.0 m or 6 **storeys** for **multiple dwelling housing**, **short-term rental accommodation** and **hotels**.”

- q) deleting Section **14.9 C9 – Tourist Commercial**, sub- section **14.9.6 Other Regulations** sub-paragraph (e) that reads:

“(e) **Apartment hotels**, **hotels**, and **motels** are permitted only when connected to **urban services**.

And replace it with:

(e) **Multiple dwelling housing**, **short-term rental accommodation**, **hotels**, and **motels** are permitted only when connected to **urban services**.”

8. AND THAT Section **17– Health District Zone**, be amended by:

- a) adding to Section **17.2 Health District Zone**, **17.2 HD2 – Hospital and Health Support Services**, sub- section **17.2.2 Principal Uses**, 17.2.2.1 a new sub-paragraph that reads “**short-term rental accommodation**, subject to section 9.17 of this Bylaw”;
- b) deleting Section **17.2 Health District Zone**, **17.2 HD2 – Hospital and Health Support Services**, sub- section **17.2.3 Secondary Uses**, 17.2.3.1 sub-paragraph “(c) **apartment hotel**”;

- c) deleting from Section **17.2 Health District Zone, 17.2 HD2 – Hospital and Health Support Services**, sub-section **17.2.6 Parking Regulations specific to the HD2 zone**, sub-paragraph (a) & (b) the words “**apartment hotel**”;
 - d) deleting from Section **17.2 Health District Zone, 17.2 HD2 – Hospital and Health Support Services**, sub-section **17.2.7 Other Regulations**, sub-paragraph (f) that reads:

“(f) **Apartment hotel** and **hotel** use shall only be permitted when secondary to **multiple dwelling housing** or **congregate housing**.”;
 - e) deleting the title in Section **17.3 Health District Zone, 17.3 HD3 –Health Services Transitional**, sub-section “**17.3.2 Principal Uses**” and replace it with “**17.3.2 Uses**”;
 - f) adding to Section **17.3 Health District Zone, 17.3 HD3 –Health Services Transitional**, sub-section **17.3.2 Principal Uses**, 17.3.2.2 a new sub-paragraph in its appropriate location that reads “**short-term rental accommodation**, subject to section 9.17 of this Bylaw”;
9. AND THAT Section **18– Schedule ‘B’ – Comprehensive Development Zones**, be amended by:
- a) adding to the **CD1 – Comprehensive Development One**, sub-section 1.3 **Secondary Uses** a new sub-paragraph in its appropriate location that reads “**short-term rental accommodation**, subject to section 9.17 of this Bylaw”;
 - b) adding to the **CD2 – Kettle Valley Comprehensive Residential Development**, sub-section 1.3 **Secondary Uses** a new sub-paragraph in its appropriate location that reads “**short-term rental accommodation**, subject to section 9.17 of this Bylaw”;
 - c) adding to the **CD3 –Comprehensive Development Three**, sub-section 1.2 **Secondary Uses** a new sub-paragraph in its appropriate location that reads “**short-term rental accommodation**, subject to section 9.17 of this Bylaw”;
 - d) adding to the **CD4 –Comprehensive Small Lot Residential**, sub-section 1.3 **Secondary Uses** a new sub-paragraph in its appropriate location that reads “**short-term rental accommodation**, subject to section 9.17 of this Bylaw”;
 - e) adding to the **CD5–Multi-Purpose Facility/CD5lp – Multi-Purpose (Liquor Primary)**, sub-section 1.3 **Secondary Uses** a new sub-paragraph in its appropriate location that reads “**short-term rental accommodation**, subject to section 9.17 of this Bylaw”;
 - f) adding to the **CD10–Heritage Cultural**, sub-section 1.3 **Secondary Uses** a new sub-paragraph in its appropriate location that reads “**short-term rental accommodation**, subject to section 9.17 of this Bylaw”;
 - g) deleting in **CD14–Comprehensive High-Tech Business Campus**, sub-section 1.3 **Secondary Uses** the sub-paragraph “(d) **apartment hotels**”;
 - h) deleting in **CD14–Comprehensive High-Tech Business Campus**, sub-section 1.6 **Other Regulations** sub-paragraphs (e) and (f) that reads:

“(e) **Apartment Housing** is allowed only above the **first storey** and requires access to grade separate from the **commercial uses**.

(f) **Apartment Housing** and **apartment hotels** shall provide a minimum area of 6 m² of **private open space** per **bachelor dwelling**, 10 m² of **private open space** per **one bedroom dwelling**, and 15 m² of **private open space** per **dwelling** with more than **one bedroom**.”

- i) deleting in the **CD17–Mixed Use Commercial – High Density/CD17rcs – Mixed Use Commercial – High Density (Retail cannabis Sales)**, sub-section 1.1 **Principal Uses** sub-paragraph (a) **apartment hotels**;
- j) adding to the **CD17–Mixed Use Commercial – High Density/CD17rcs – Mixed Use Commercial – High Density (Retail cannabis Sales)**, sub-section 1.1 **Principal Uses** a new sub-paragraph in its appropriate location that reads “multiple dwelling housing”;
- k) deleting in the **CD17–Mixed Use Commercial – High Density/CD17rcs – Mixed Use Commercial – High Density (Retail cannabis Sales)**, sub-section 1.2 **Secondary Uses** sub-paragraph (a) **apartment housing**;
- l) adding to the **CD17–Mixed Use Commercial – High Density/CD17rcs – Mixed Use Commercial – High Density (Retail cannabis Sales)**, sub-section 1.2 **Secondary Uses** a new sub-paragraph in its appropriate location that reads “short-term rental accommodation, subject to section 9.17 of this Bylaw”;
- m) deleting in the **CD18–McKinley Beach Comprehensive Resort Development**, sub-section 1.2 **PRINCIPAL AND SECONDARY USES, 1.2 (a) AREA 1 Village Centre, Principal Uses**, sub-paragraph (a) **apartment hotels**;
- n) adding to the **CD18–McKinley Beach Comprehensive Resort Development**, sub-section 1.2 **PRINCIPAL AND SECONDARY USES, 1.2 (a) AREA 1 Village Centre, Principal Uses**, a new sub-paragraph in its appropriate location that reads “multiple dwelling housing”;
- o) adding to the **CD18–McKinley Beach Comprehensive Resort Development**, sub-section 1.2 **PRINCIPAL AND SECONDARY USES, 1.2 (a) AREA 1 Village Centre, Principal Uses**, a new sub-paragraph in its appropriate location that reads “short-term rental accommodation, subject to section 9.17 of this Bylaw”;
- p) deleting in the **CD18–McKinley Beach Comprehensive Resort Development**, sub-section 1.2 **PRINCIPAL AND SECONDARY USES, 1.2 (b) AREA 2 Winery and Resort Accommodation, Principal Uses**, sub-paragraph (a) **apartment hotels**;
- q) adding to the **CD18–McKinley Beach Comprehensive Resort Development**, sub-section 1.2 **PRINCIPAL AND SECONDARY USES, 1.2 (b) AREA 2 Winery and Resort Accommodation, Principal Uses**, a new sub-paragraph in its appropriate location that reads “multiple dwelling housing”;
- r) adding to the **CD18–McKinley Beach Comprehensive Resort Development**, sub-section 1.2 **PRINCIPAL AND SECONDARY USES, 1.2 (b) AREA 2 Winery and Resort Accommodation, Secondary Uses**, a new sub-paragraph in its appropriate location that reads “short-term rental accommodation, subject to section 9.17 of this Bylaw”;
- s) deleting in the **CD18–McKinley Beach Comprehensive Resort Development**, sub-section 1.2 **PRINCIPAL AND SECONDARY USES, 1.2 (c) AREA III Hillside Resort Accommodation, Principal Uses**, sub-paragraph (a) **apartment hotels**;
- t) adding to the **CD18–McKinley Beach Comprehensive Resort Development**, sub-section 1.2 **PRINCIPAL AND SECONDARY USES, 1.2 (c) AREA III Hillside Resort Accommodation, Secondary Uses**, a new sub-paragraph in its appropriate location that reads “short-term rental accommodation, subject to section 9.17 of this Bylaw”;
- u) deleting in the **CD18–McKinley Beach Comprehensive Resort Development**, sub-section 1.2 **PRINCIPAL AND SECONDARY USES, 1.2 (d) AREA IV Waterfront Resort Accommodation, Principal Uses**, sub-paragraph (a) **apartment hotels**;

- v) adding to the **CD18–McKinley Beach Comprehensive Resort Development**, sub-section 1.2 **PRINCIPAL AND SECONDARY USES, 1.2 (d) AREA IV Waterfront Resort Accommodation, Principal Uses**, a new sub-paragraph in its appropriate location that reads “multiple dwelling housing”;
- w) adding to the **CD18–McKinley Beach Comprehensive Resort Development**, sub-section 1.2 **PRINCIPAL AND SECONDARY USES, 1.2 (d) AREA IV Waterfront Resort Accommodation, Secondary Uses**, a new sub-paragraph in its appropriate location that reads “short-term rental accommodation, subject to section 9.17 of this Bylaw”;
- x) deleting **CD18–McKinley Beach Comprehensive Resort Development**, sub-section 1.3 **DEVELOPMENT REGULATIONS** sub-paragraph (g) that reads:

“(g) Resort accommodation which allows for short-term stays is made up of two types:

Type A:

Attached apartment hotel, hotel, congregate housing, motel units or row housing units (units in buildings exceeding 4 units with common amenities) – maximum area of 150m² per unit floor area net.

Type B:

Single detached housing with or without secondary suites, semi-detached housing, row housing with four units or less, with amenities that may be in separate buildings. The maximum gross floor area is 350m² per unit (excluding garages). The main floor footprint (excluding garage) may not exceed 175m² per unit (excluding garages). Type B units must be served by a common on-site or off-site reservation centre(s).”

And replacing it with:

“(g) Dwelling units or resort accommodation which allows for short-term stays is made up of two types:

Type A:

Attached apartment, hotel, congregate housing, motel units or row housing units (units in buildings exceeding 4 units with common amenities) – maximum area of 150m² per unit floor area net.

Type B:

Single detached housing with or without secondary suites, semi-detached housing, row housing with four units or less, with amenities that may be in separate buildings. The maximum gross floor area is 350m² per unit (excluding garages). The main floor footprint (excluding garage) may not exceed 175m² per unit (excluding garages).”

- y) deleting Section **CD22 – Central Green Comprehensive Development Zone**, sub-section 1.4 **Central Green General Regulations** sub-paragraph (c) that reads:

“(c) **Section 9 – Specific Use Regulations** of this bylaw does not apply with the exceptions for:
 Sub-Section **9.2 – Home Based Businesses, Minor**;
 Sub-Section **9.3 – Home Based Businesses, Major**; and
 Sub-Section **9.10 – Agriculture, Urban**”

And replace it with:

(c) **Section 9 – Specific Use Regulations** of this bylaw does not apply with the exceptions for:
 Sub-Section **9.2 – Home Based Businesses, Minor**;
 Sub-Section **9.3 – Home Based Businesses, Major**;

Sub-Section **9.10 – Agriculture, Urban; and**
Sub-Section **9.17 – Short-Term Rental Accommodation.”**

- z) deleting Section **CD22 – Central Green Comprehensive Development Zone, Schedule 7 – CD22 Sub-Areas A & B Zoning, 7.2 Principal Uses** sub-paragraph (e) **apartment hotels**;
- aa) adding to Section **CD22 – Central Green Comprehensive Development Zone, Schedule 7 – CD22 Sub-Areas A & B Zoning, 7.3 Secondary Uses** a new sub-paragraph in its appropriate location that reads **“short-term rental accommodation, subject to section 9.17 of this Bylaw”**;
- bb) adding to Section **CD22 – Central Green Comprehensive Development Zone, Schedule 8 – CD22 Sub-Areas C & G Zoning, 8.1 Permitted Uses, Secondary Uses** a new sub-paragraph in its appropriate location that reads **“short-term rental accommodation, subject to section 9.17 of this Bylaw”**;
- cc) adding to Section **CD22 – Central Green Comprehensive Development Zone, Schedule 9 – CD22 Sub-Area D Zoning, 9.1 Permitted Uses, Secondary Uses** a new sub-paragraph in its appropriate location that reads **“short-term rental accommodation, subject to section 9.17 of this Bylaw”**;
- dd) adding to Section **CD22 – Central Green Comprehensive Development Zone, Schedule 10 – CD22 Sub-Area E & F Zoning, 10.1 Permitted Uses, Secondary Uses** a new sub-paragraph in its appropriate location that reads **“short-term rental accommodation, subject to section 9.17 of this Bylaw”**;
- ee) adding to Section **CD22 – Central Green Comprehensive Development Zone, Schedule 11 – CD22 Sub-Area H Zoning, 11.1 Permitted Uses, Secondary Uses** a new sub-paragraph in its appropriate location that reads **“short-term rental accommodation, subject to section 9.17 of this Bylaw”**;
- ff) deleting Section **CD24 –Comprehensive Development Zone, sub-section 1.4 General Regulations of Comprehensive Site** sub-paragraph (c) that reads:

“c) **Section 9 – Specific Use Regulations** of this bylaw does not apply with the exception of:
Sub-Section **9.2 – Home Based Business, Minor**;
Sub-Section **9.3 – Home Based Business, Major**.

And replace it with:

(c) **Section 9 – Specific Use Regulations** of this bylaw does not apply with the exception of:
Sub-Section **9.2 – Home Based Business, Minor**;
Sub-Section **9.3 – Home Based Business, Major**; and
Sub-Section **9.17 – Short-Term Rental Accommodation.”**
- gg) deleting in Section **CD24 –Comprehensive Development Zone, Schedule 1 – CD24 Sub-Area A Zoning, 7.2.1 Principal Uses** sub-paragraph (a) **apartment hotels**;
- hh) adding to Section **CD24 –Comprehensive Development Zone, Schedule 1 – CD24 Sub-Area A Zoning, 7.2.1 Principal Uses**, a new sub-paragraph in its appropriate location that reads **“short-term rental accommodation, subject to section 9.17 of this Bylaw”**;
- ii) deleting in Section **CD24 –Comprehensive Development Zone, Schedule 1 – CD24 Sub-Area A Zoning, 7.6 Private Open Space**, the words **“apartment hotel unit”** and replacing it with the words **“short-term rental accommodation.”**;
- jj) deleting in Section **CD24 –Comprehensive Development Zone, Schedule 2 – CD24 Sub-Area B Zoning**, the title **“8.2.1 Secondary Uses”** and replacing it with **“8.2.2 Secondary Uses”**;

- kk) adding to Section **CD24 –Comprehensive Development Zone, Schedule 2 – CD24 Sub-Area B Zoning, 8.2.1 Secondary Uses** a new sub-paragraph in its appropriate location that reads “**short-term rental accommodation**, subject to section 9.17 of this Bylaw”;
- ll) deleting in Section **CD26 – Capri Centre Comprehensive Development Zone/CD26rcs – Capri Centre Comprehensive Development Zone (Retail Cannabis Sales), 1.4 Principal Uses** sub-paragraph (c) **apartment hotels**;
- mm) adding to Section **CD26 – Capri Centre Comprehensive Development Zone/CD26rcs – Capri Centre Comprehensive Development Zone (Retail Cannabis Sales), 1.5 Secondary Uses** a new sub-paragraph that reads “**short-term rental accommodation**, subject to section 9.17 of this Bylaw”; and
- nn) adding to the **CD27 – Valley Land Subdivision**, sub-section 1.3 **Secondary Uses** a new sub-paragraph in its appropriate location that reads “**short-term rental accommodation**, subject to section 9.17 of this Bylaw”.

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 time by the Municipal Council this 25th day February, 2019.

Considered at a Public Hearing on the 12th day of March, 2019.

Read a second and third time by the Municipal Council this 12th day of March, 2019.

Approved under the Transportation Act this 27th day of March, 2019.

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. 11720

Short-Term Rental Accommodation

Business Licence and Regulation Bylaw

WHEREAS under sections 8(6) and 15 of the *Community Charter*, S.B.C. 2003, c. 26, a municipal council may, by bylaw, regulate in relation to business;

AND WHEREAS under section 15 of the *Community Charter*, a municipal council may provide for a system of licences, permits or approvals;

AND WHEREAS the Council of the City of Kelowna considers it necessary and expedient to provide for the regulation of short-term rental accommodation businesses and to require that such businesses be licenced;

AND WHEREAS the Council of the City of Kelowna has provided notice of its intention to adopt this bylaw and an opportunity to make representations, and the Council of the City has done so in a form and manner and at times and as often as it considers reasonable;

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

SECTION 1 - INTRODUCTION

1.1 This Bylaw may be cited as the "Short-Term Rental Accommodation Business Licence and Regulation Bylaw No. 11720".

1.2 Definitions

1.2.1 In this Bylaw:

"Business Licence Bylaw" means the City of Kelowna Business Licence and Regulation Bylaw No. 7878, 1996; as amended or replaced from time to time.

"Licence Inspector" means the officials appointed by Council under Section 14 of the Business Licence and Regulation Bylaw No. 7878, and also includes Building Inspectors and Plumbing Inspectors and Fire Inspection Officers.

"marketing" means to offer for sale, promote, canvass, solicit, advertise, book, arrange or facilitate a rental, and includes placing, posting or erecting advertisements physically or online, but does not include the mere provision of a neutral space or location for such marketing activities in newspapers, bulletin boards or online.

“operator” means a person who rents out, or offers for rent, any **premises** for **short-term rental accommodation** but does not include a person who acts as an intermediary between the short-term rental tenant and the person who receives the rent.

“premises” means an area of land, including a lot or parcel of land with or without buildings.

“principal residence” means the usual place where an individual makes their home for the majority of a calendar year and lives within the residence a minimum 240 days per year and for these purposes a person cannot normally reside at more than one dwelling or location.

“responsible person” means a person designated by an **operator** as the primary contact for the **short-term rental accommodation**.

“short-term rental accommodation” has the same definition described within the **Zoning Bylaw**.

“short-term rental property” means **premises** in the City where accommodation of paying guests for 29 days or less is a permitted use pursuant to the **Zoning Bylaw** and other land use enactments.

“sleeping unit” has the same definition described within the **Zoning Bylaw**.

“strata corporation”, “strata council”, and “strata lot” have the same meaning as in the *Strata Property Act*.

“Zoning Bylaw” means the City of Kelowna Zoning Bylaw No. 8000, 1998; as amended or replaced from time to time.

SECTION 2 – LICENCING PERIOD

- 2.1 Each licence issued under this Bylaw shall commence on January 1 of the year in which it is issued and terminate on December 31 of the same year, unless earlier renewed for the following calendar year by submission of a complete licence renewal form and payment of the annual licence fee prior to January 15 of the following year.

SECTION 3 – PRO-RATING OF LICENCE FEE FIRST YEAR ONLY

- 3.1 The licence fees described in this Bylaw may be reduced pro-rata on a quarterly basis in respect of any **operator** who becomes liable to be licenced after January 15 in a year, during that **operator’s** first year of operation only.

SECTION 4 - LICENCE REQUIRED

- 4.1 A person must not carry on business as an **operator** unless the person holds a valid licence issued under the provisions of this Bylaw and the Business Licence and Regulation Bylaw No. 7878.

4.2 A person applying for the issuance or renewal of a licence to operate a **short-term rental accommodation** must, in addition to meeting the requirements of the **Zoning Bylaw** and the **Business Licence Bylaw**:

- (a) make an application to the **Licence Inspector** on the form provided for that purpose;
- (b) pay to the City the applicable licence fee prescribed under subsection 4.3;
- (c) provide, in the form satisfactory to the **Licence Inspector**, evidence that:
 - (i) the **operator** owns the **premises** where the **short-term rental accommodation** will be offered, or
 - (ii) the owner of the **premises** where the **short-term rental accommodation** will be offered has consented to this use of the **premises**;
- (d) when the **premises** where the **short-term rental accommodation** is offered is located within a **strata lot**, provide a letter from the **strata council** confirming that use of the **premises** for **short-term rental accommodation** does not contradict any bylaws of the **strata corporation** or applicable provisions of the *Strata Property Act*;
- (e) when the **premises** where the **short-term rental accommodation** is offered is located in a zone where **short-term rental accommodation** is only permitted as a secondary use, provide in the form satisfactory to the **Licence Inspector**, evidence that the **premises** where the **short-term rental accommodation** will be offered is occupied by the **operator** as their **principal residence**;
- (f) when the **short-term rental accommodation** is a principal use, provide the name and contact information for the **responsible person**;
- (g) submit a self-evaluation safety audit and attestation form provided for that purpose;
- (h) provide a floor plan of the **premises** upon which the **short-term rental accommodation** is to be conducted, identifying the location of smoke alarms and carbon monoxide alarms, fire extinguishers, fire exits, each **sleeping unit**, the types of bed in each **sleeping unit**, and the location of any sofa beds;
- (i) provide a parking plan which complies with the parking requirements of the **Zoning Bylaw**; and
- (j) provide any other information the **Licence Inspector** may require for the purposes of ensuring compliance with the City's bylaws and other enactments.

4.3 The licence fee is:

- (a) Minor **Short Term Rental Accommodation** Licence: (type code: 7316)
where the **short-term rental accommodation** is offered in the **operator's principal residence**: \$345.00, plus an amount reflecting the combined annual adjustment increase starting from 2017, based on the Consumer Price Index (CPI) published by Statistics Canada for Vancouver (2002=100) for the twelve-month period from January to December of the previous year.
- (b) Major **Short Term Rental Accommodation** Licence: (type code: 7317)
for all **short-term rental accommodations** that do not qualify under paragraph (a): \$750.00, plus an amount reflecting the combined annual adjustment increase starting from 2017, based on the Consumer Price Index (CPI) published by Statistics Canada for Vancouver (2002=100) for the twelve-month period from January to December of the previous year.

4.4 If a person submits a licence application for which additional information or documentation is required by the **Licence Inspector**, the person shall supply all required information and documentation within 30 days of the request made by the **Licence Inspector**, after which time the application may be refused and a new application for a licence required.

4.5 Where the **short-term rental accommodation** is a secondary use, the **operator** may not be a corporation or society.

SECTION 5 - LICENCE INSPECTOR POWERS

5.0 Council hereby authorizes the **Licence Inspector** to:

- (a) grant, refuse, suspend and cancel licences under this Bylaw;
- (b) suspend, cancel or refuse to issue licences in accordance with subsection 5.1;
- (c) impose conditions on a licence at the time of issuance, renewal, or suspension for the purposes of ensuring compliance with all applicable enactments pertaining to the business;
- (d) enter at all reasonable time, on any property that is subject to the regulation of this Bylaw in order to inspect and ascertain whether such regulations are being observed; and
- (e) prepare, from time to time, forms to be used for the purpose of making applications under this Bylaw, including, but not limited to a form of licence application, information sheet, and licence transfer application.

5.1 In addition to Council's powers under section 60 of the *Community Charter* and the **Licence Inspector's** powers under Section 12.1 of the **Business Licence Bylaw**, the **Licence Inspector** may refuse to grant, or suspend, cancel, or revoke a licence for a **short-term rental accommodation** if, in the opinion of the **Licence Inspector**:

- (a) the applicant for the licence has failed to comply with section 4;
 - (b) the **short-term rental accommodation** in question would or does contravene a City bylaw or another enactment;
 - (c) the applicant for the licence or the **operator** has provided false information to the **Licence Inspector**; or
 - (d) the **operator** of the **short-term rental accommodation** is not in compliance with the conditions of this Bylaw or of the licence.
- 5.2 When a **Licence Inspector** suspends, cancels or refuses to issue or renew a licence, the **Licence Inspector** will provide the applicant for the licence or the **operator** with a formal letter outlining the reason(s) for the refusal.
- 5.3 An applicant for a licence or an **operator** may request that Council reconsider a decision of the **Licence Inspector** under subsection 5.1 by delivering a request in writing to the City Clerk within 30 days of the **Licence Inspector's** decision being sent.
- 5.4 No person shall offer, or continue through **marketing** to advertise or provide any **short-term rental accommodation** pursuant to their licence during a period of suspension of that licence.

SECTION 6 - LICENCE NUMBER AND APPROVED SLEEPING UNIT COUNT TO BE INCLUDED IN MARKETING

- 6.1 The **operator** of a **short-term rental accommodation** must ensure that any **marketing**, publication, listing or promotional material offering for the **short-term rental accommodation** includes the licence number of a valid licence issued for that **premises** under this Bylaw and the approved **sleeping unit** count.

SECTION 7 - RESPONSIBLE PERSON

- 7.1 An **operator** who operates a **short-term rental accommodation** in their **principal residence** is the **responsible person** for that **short-term rental accommodation**.
- 7.2 An **operator** who operates a **short-term rental accommodation** in **premises** other than their **principal residence** must designate a **responsible person** as part of their licence application, and must ensure the **responsible person** has access to the licenced **premises** and authority to make decisions in relation to the **premises** and the rental agreement, at all times that the **short-term rental accommodation** is operated.
- 7.3 The **operator** must ensure that the name and contact information of the **responsible person** is prominently displayed in the **short-term rental property** at all times while the **short-term rental accommodation** is operated.

- 7.4 The **responsible person** must attend at the **short-term rental property** within two hours of being requested by the **Licence Inspector, operator** or a short-term rental tenant to do so.
- 7.5 Should an **operator** who operates a **short-term rental accommodation** in their **principal residence** be absent overnight from the **principal residence** at a time when the **short-term rental accommodation** is rented, the **operator** must appoint an agent to fulfill the obligations of a **responsible person** under this Section 7 during that time.

SECTION 8 - CONDITIONS OF LICENCE

8.1 An **operator** of a **short-term rental accommodation** must:

- (a) operate a **short-term rental accommodation** only on a licenced **premises**;
- (b) operate only on a **short-term rental property**;
- (c) notify neighboring property owners on all adjacent sides of the licenced **premises** that a **short-term rental accommodation** is being operated thereupon, and provide the contact information for the **operator** or **responsible person** to such neighbours;
- (d) display the licence inside the entry way to the **short-term rental property**;
- (e) display in each approved **sleeping unit**, and in the entryway of the of the **short-term rental accommodation**, a floor plan identifying the location of smoke alarms and carbon monoxide alarms, fire extinguishers, fire exits, each approved **sleeping unit**, the types of bed in each **sleeping unit**, and the location of any sofa beds;
- (f) display the **responsible person's** contact information inside the entry way of the **short-term rental property**;
- (g) ensure the **operator** or **responsible person** is available for contact 24 hours a day during periods when the **short-term rental property** is rented to short-term rental tenants, and responds to any nuisance complaint within 2 hours of notification;
- (h) notify the **Licence Inspector** within 24 hours of a change in contact information for an **operator** or **responsible person**;
- (i) hold a separate licence for each **premises** that it operates;
- (j) comply with all applicable requirements in the **Zoning Bylaw**, the Building Bylaw, the BC Building Code, the BC Fire Code, and related enactments;
- (k) cooperate and ensure cooperation of **responsible person** with City Licencing, RCMP or City Bylaw Services during investigation of any complaint associated with the **short-term rental accommodation**;
- (l) facilitate periodic inspections of the **short-term rental property** as requested and conducted by the **Licence Inspector** and other City staff;

- (m) ensure that the **short-term rental property** is in compliance with the City's bylaws regarding signage;
- (n) keep a written registry of all guests that are staying or have stayed on the **premises** and make this registry readily available to the **Licence Inspector** upon request; and
- (o) submit an annual self-evaluation safety audit and attestation in the form provided for that purpose by the **Licence Inspector**; and
- (p) ensure no more than one booking is permitted within the **short-term rental accommodation** at one time.

8.2 An **operator** of a **short-term rental accommodation** must not:

- (a) rent out any **sleeping units** or provide any sleeping accommodation within any secondary suite, carriage house, vehicle, tent, or accessory building; or
- (b) allow to be used as **sleeping units**, any rooms that are not approved and identified on the licence application for that **premises** as **sleeping units**.

SECTION 9 - OFFENCES AND PENALTIES

- 9.1 Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw or who does any act which violates any of the provisions of this Bylaw, shall be guilty of an offence against this Bylaw.
- 9.2 Every person who commits an offence against this Bylaw shall be liable upon summary conviction to a fine not exceeding \$10,000.00 for every instance that an offence occurs or each day that it continues. Any penalty imposed pursuant to this Bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law or legislation.
- 9.3 Each day that a violation is of this Bylaw is caused or allowed to continue constitutes a separate offence.

SECTION 10 - SEVERABILITY

- 10.1 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.

SECTION 11 - TRANSITION PROVISIONS

- 11.1 Any **operator** who, at the time of adoption of this Bylaw, holds a valid licence for a vacation rental under the **Business Licence Bylaw** shall be credited with amount paid for that licence towards the fee payable under subsection 4.3

SECTION 12 - EFFECTIVE DATE

- 12.1 This Bylaw comes into full force and effect and is binding on all persons as from the date of adoption.

Read a first, second and third time by the Municipal Council this 4th day of March, 2019.

Adopted by the Municipal Council this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11771

Amendment No. 23 to Bylaw Notice Enforcement Bylaw No. 10475

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

1. THAT **Schedule "A"** be amended by adding in its appropriate location a new section pertaining to the **Short-Term Accommodation Business Licence and Regulation Bylaw No. 11720** that reads as follows:

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available (*Maximum 50% Reduction in Penalty Amount Where Compliance Agreement is Shown as "Yes")
Short-Term Rental Accommodation Business Licence and Regulation Bylaw No. 11720						
11720	4.1	Carry on business without a licence	\$500.00	\$450.00	\$500.00	Yes
11720	5.4	Carry on or market business while licence suspended	\$500.00	\$450.00	\$500.00	No
11720	6.1	Marketing without Licence No. or sleeping unit count	\$250.00	\$225.00	\$275.00	Yes
11720	7.2	Fail to designate responsible person with access and authority	\$250.00	\$225.00	\$275.00	Yes

11720	7.3	Fail to display responsible person information	\$100.00	\$90.00	\$110.00	Yes
11720	7.4	Fail to attend premises within required time period	\$250.00	\$225.00	\$275.00	Yes
11720	8.1 (a)	Operate on unlicensed premises	\$500.00	\$450.00	\$500.00	Yes
11720	8.1 (c)	Fail to notify property owners	\$100.00	\$90.00	\$110.00	Yes
11720	8.1 (d)	Fail to display licence	\$50.00	\$45.00	\$55.00	No
11720	8.1 (e)	Fail to display fire evacuation plan	\$100.00	\$90.00	\$110.00	Yes
11720	8.1 (h)	Fail to update change in contact for operator/responsible person	\$250.00	\$225.00	\$275.00	No
11720	8.1 (k)	Obstruct Licence Inspector	\$500.00	\$450.00	\$500.00	No
11720	8.1(l)	Prohibit entry of License Inspector	\$500.00	\$450.00	\$500.00	No
11720	8.1 (n)	Fail to keep or provide registry records	\$100.00	\$90.00	\$110.00	Yes
11720	8.1 (o)	Fail to submit safety audit documentation	\$250.00	\$225.00	\$275.00	Yes
11720	8.2 (a)	Operate contrary to licence conditions	\$500.00	\$450.00	\$500.00	No
11720	8.2 (b)	Use unauthorized sleeping unit	\$500.00	\$450.00	\$500.00	No
11720	8.2 (c)	Permit multiple booking	\$500.00	\$450.00	\$500.00	No

2. This bylaw may be cited for all purposes as "Bylaw No. 11771 being Amendment No. 23 to Bylaw Notice Enforcement Bylaw No. 10475."
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 4th day of March, 2019.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: April 8, 2019
File: 5040-00
To: City Manager
From: Lance Kayfish, Acting Director of Community Safety
Subject: Public Safety Liaison Report – Update & Action Plan

Recommendation:

THAT council receive for information the report of the Acting Director of Community Safety dated April 8, 2019 regarding the Update & Action Plan in response to the recommendations within the Public Safety Report.

AND THAT Council direct staff to report back by November 30, 2019 to provide an update regarding community safety and well-being initiatives;

AND THAT Council direct staff to meet with representatives from other municipalities in the region and the Regional District to convene discussions about working together to address the opioid crisis, homelessness and complex social issues;

AND THAT Council authorize the Mayor to send a letter to the BC Attorney General outlining Council's support for an Integrated Court to operate in Kelowna.

Purpose:

To provide council an update regarding the Community Safety Report received on November 26, 2018 and report on progress, actions and plans arising from the recommendations in that report.

Background:

On November 26 2018 Bill McKinnon provided a report to Council, the Community Safety Report, outlining his findings and recommendations after a six-month assignment working for the City as Community Safety Liaison. Mr. McKinnon was charged with providing leadership on quick actions to

improve the community's sense of safety, assess current circumstances and provide guidance to the City on strategies to improve both real and perceived concerns with safety in general, particularly in the downtown. His assessment and recommendations were his independent professional opinions. Council did not formally endorse or adopt the recommendations in the report but provided positive feedback with the understanding that staff would report back with an action plan and response to the information received.

There were 21 recommendations that ranged from actions and strategies, to areas of further investigation and lobbying senior levels of government. Several of Mr. McKinnon's recommendations related to initiatives already underway that were supported by the report and this update highlights the progress on many of those fronts.

The acting Director of Community Safety has worked with City staff, government partners and community organizations to provide this update and outline a plan for further action based on the insight provided by Mr. McKinnon.

Format & Approach:

The original Public Safety Report is attached to this document for reference. This Council Report addresses each recommendation, all of which have a response or recommended action. Not all of the 21 recommendations have been forwarded for immediate implementation or to be implemented exactly as indicated by Mr. McKinnon, but each recommendation was found to have merit and accordingly a strategy for addressing the associated issues is included.

Detailed program and work plan information is not provided in this report; it is an overview. As already noted some actions are already underway, others are currently part of staff work plans, or within the work plans of other organizations, and some will require reporting back to Council to obtain approval and resources to proceed.

In addition to the resolution that Council receive this report for information and that staff report back to council on community safety and well-being initiatives, there are two other resolutions included in this report. First, that Kelowna City Council resolve to initiate a call to action to embark on meaningful dialogue between all local governments in the region to seek ways to work together and share strategies with respect to community safety. This type of collaboration will need political support to be successful. Second, that Council resolve to reaffirm its support for a Community Court to be established in Kelowna that will serve the region. This initiative is at a critical juncture and decision makers need to know the importance City Council and our community put on this progressive approach to justice that seeks to address underlying causes of crime.

TAKING THE LEAD

The Public Safety Report had five recommendations related to leadership (pages 8 &9):

1. That the City of Kelowna lead a committee involving stakeholders (Interior Health, RCMP, City Policy & Planning, Bylaws, BC Housing, Uptown Rutland Business Association (URBA), Downtown Kelowna Association (DKA), Chamber of Commerce) to work collaboratively to come up with actions to deal with the social impact of the opioid and homelessness crisis.
2. The Committee build criteria for the location of shelters and supportive housing in the city.
3. BC Housing, Interior Health, the RCMP and the City of Kelowna share relevant data so that decision makers from all agencies and levels of government can make informed and accurate decisions on social impacts related to opioid and homelessness issues.
4. The City develop performance measures to gage our progress in reducing the impact of social issues and perceptions of public safety. This will also allow the City to make adjustments if the measurements demonstrate we are not moving in the right direction.
5. The City, working with the committee, identify and address public information gaps.

Taking the Lead - Recommendations 1 & 2: is that a committee or task force of community stakeholders be tasked with developing solutions to address the opioid and housing crisis locally and build criteria for the location of shelters and supportive housing; staff advise a multifaceted approach to these complex problems rather than assigning the work to a single group. Several actions to this end are complete, underway or being planned:

- The City Manager has restructured to create a new position, the Director of Community Safety. It provides a significant expansion of available staff time at a senior level to work with community organizations both responding to acute issues and participating in, or leading, upstream planning. This position will provide sustained leadership and accountability for the City's role in working with other City staff, the Interior Health Authority, RCMP, BC Housing, URBA, DKA, URBA Chamber of Commerce and others to collaboratively address the social impact of the opioid crisis and homelessness, among other responsibilities related to enforcement and safety.
- The Central Okanagan Journey Home Society is operating now as an independent community service organization, the Executive Director was hired in February and a Board appointed as of March 2019. The Society and City are actively working together on a number of initiatives to improve circumstances for people without homes. A formal partnership agreement with the City is currently under development and an update from the Society to Council is planned for the near future.
- The Central Okanagan Journey Home Society, in partnership with the City, is planning a design lab for the purpose of developing advice and feedback regarding emergency shelters and what the current and future community needs for emergency shelters are. The design lab will engage the community-at-large, human service sector, people with lived experience, local leaders, businesses, the Chamber of Commerce, the DKA, URBA and others. Design labs are an approach

that was used successfully during the development of the Journey Home Strategy to bring a diversity of people together to work on complex issues.

- The Kelowna Outreach and Support Table (KOaST) was made operational in February. This team is a key component that acts as a task force in responding to the opioid crisis, homelessness and at-risk persons here in our City today. More detail is included later in this report.
- A Community Well-being Leadership Table has been initiated with partners, including: the City, RCMP, Interior Health Authority, BC Housing and the Central Okanagan Journey Home Society. Each of these organization is involved in public policy and delivers programs. Several of the organizations at this table are large and may require multiple staff to cover the breadth of their mandate related to community well-being. Although this table is still forming and a terms of reference not yet established, the concept is that it could facilitate sharing information about current needs, long-term priorities and serve an advisory function to the participating organizations. This group may eventually serve as a Community Systems Integration Leadership Committee.
- There are over 40 community based committees and working groups operating in Kelowna that deal with issues ranging from health, enforcement, safety, human services, shelter operations, outreach and more. At the various tables nearly all areas and interests are represented including: institutions, services providers, business community, faith community, government and others. These groups add value and do a lot of good work. However, as new tables and organizations are formed, like KOaST and Central Okanagan Journey Home Society, it only makes sense the system of community committees is reviewed to ensure ongoing relevance, efficiency and to avoid duplication. Work has been completed to map the current committee system.
- Development of a Social Policy Framework would assist to determine roles and responsibilities of community groups and allow focus to be placed on priorities that are data driven and research based. Staff have a plan to develop a Social Policy Framework, phase one is the development of a 'Learning Paper', a proposal for which will be presented to council as part of the 2019 final budget process.
- The Director of Community Safety will convene periodic meetings with community stakeholder groups including: Uptown Rutland Business Association, Downtown Kelowna Association, the Chamber of Commerce and others to share information and ideas about community perceptions of safety, enforcement needs and upstream solutions to respond to the opioid crisis, homelessness and other issues. The first of these meetings will be scheduled for May 2019.

Taking the Lead - Recommendation 3: states that agencies should share relevant data. Staff support this recommendation and work is underway to improve information sharing. It should be noted that privacy considerations and legislation can restrict the sharing of data held by organizations such as BC Housing, Interior Health, the RCMP and the City of Kelowna, even amongst other government agencies, therefore data sharing requires a due diligence process that can be resource intensive. To stay within the law and be efficient information sharing must be strategic. A number of efforts are underway in this regard:

- Data sharing and awareness between BC Housing, Interior Health, the RCMP and the City of Kelowna continues to improve as we build upon strong working relationships and grow our collective awareness of the information each other utilizes.
- The RCMP are currently working on a mechanism to facilitate the sharing of crime data with the City in such a way privacy and confidential information is respected. Once complete, the ability to overlay crime data with other metrics and City data will be greatly enhanced.
- The Downtown Kelowna Association, the Uptown Rutland Business Association and contract security services all share information with the City regarding sharps. The City has undertaken analytical modeling and has built a clear picture of inappropriately discarded sharps throughout the City allowing for more targeted response and clean-up.
- BC Housing has introduced a common data sharing platform for all funded agencies Homeless Individuals & Families Information System (HIFIS), in the Journey Home Strategy actions include exploring leveraging the BC Housing information system across the entire sector to enhance coordinated access.

Taking the Lead - Recommendation 4: provides direction to develop performance measures to gauge our progress in reducing the impact of social issues and perceptions of public safety:

- The City recently completed our first citizen survey on perceptions of public safety, the results will be reported to Council April 15, 2019. This will provide a good benchmark going forward, we expect to repeat this survey at least every two years.
- The Central Okanagan Journey Home Society will develop measures to monitor and respond to housing needs for people experiencing homelessness.
- The current Community Crime Prevention Strategy 2015-2019 is set to be revised for 2020-2024. The current strategy contains performance measures that will be revisited and updated as part of the process. The updated strategy is expected to be broader in scope and encompass Community Safety & Well-Being. The City and RCMP will continue to seek out and adopt innovative community policing methods that enhance well-being and address underlying causes of crime and nuisance behaviors, such as: KOaST, the PACT team and Tiered policing, which are all addressed in more detail later in this report.

- Staff are currently working with Council to establish updated Council Priorities and associated performance measures, community safety, well-being and social development are all expected to be represented.

Taking the Lead - Recommendation 5 that speaks to the need to identify and address public information gaps:

- The City has taken the lead in hiring a consultant and bringing together key staff from the RCMP, BC Housing, Journey Home Society, Interior Health and the City (Bylaw Services, Community Safety, Social Development & Communications) to form a collaborative working group to help address gaps in communication around social issues such as homelessness and the opioid crisis. The team is tasked with developing a shared communication approach to community messaging around homelessness and the social issues related to it. Messages will be adaptive and flexible to address different audiences while working within various organizational processes. The goal is to produce a strategy that builds awareness about issues and challenges at the same time as erasing stigma and creating support. Council will receive a detailed report when this work is complete.
- The action above is also relevant to recommendation number four regarding information sharing. In the process of working together to develop shared messaging the team is sharing information and evidence to support the communications plan and appeal to various audiences. This is a good example of how working together toward shared goals results in information sharing and improved awareness among agencies.

Taking the Lead - Additional Recommendations and Comments:

- The City can play significant leadership role in creating and maintaining a safe, inclusive, and healthy community. Through embracing this role, we can assist in strengthening the community's ability to build comprehensive and strategic plans, coordinate and integrate efforts as well as advocate services and systems changes to meet our community's needs. In order to support such a role, a framework is needed that clearly defines the City's role, measures ongoing community health to identify trends and guides the prioritization for allocation of resources.
- It is recommended Council explore options and opportunities to collaborate with regional local government partners to develop joint advocacy and solutions for addressing social issues. A resolution to support this direction has been included as part of this report.
- Some of the best examples of leadership are demonstrated through Council policy decisions; recent Council support for the Journey Home, supportive housing applications, partnerships and zoning bylaw conditions that are inclusive are all examples of taking the lead.

ENFORCEMENT

The enforcement section of the Public Safety Report, pages 10-15, is divided into 7 headings: RCMP Resources, Operational Plan, The Auxiliary Constable Program, HUB Model, PACT – Police & Crisis Team, Bike Patrol – RCMP / Bylaw Services and Private Security. Actions and programs that relate to each section are outlined below:

Enforcement Recommendations – RCMP Resourcing:

1. That the City of Kelowna lobby the Federal Government and RCMP to fill all vacant positions and develop a resourcing strategy to promptly fill temporary vacancies for members.
2. Add additional members on an ongoing basis to meet the needs to this growing community and deal with the increased calls for service.
 - The City and Kelowna continues to make our resourcing needs known to the RCMP. Senior City staff and senior RCMP have met recently to discuss the impact vacancies have on our community and the need to more quickly get resources to Kelowna.
 - In the 2019 Provisional Budget, 6 additional RCMP officers were approved to be added to the Kelowna detachment. An additional officer to focus on community policing work and the KOaST table will be presented for consideration at the 2019 final budget.
 - The City is reviewing police resourcing levels based on calls for service and current needs. The scope of work will be an update to the previous RCMP resourcing study (Prosser Report completed in 2012). In addition, this review will include an assessment of not only RCMP policing resourcing requirements but also support functions provided by Police Services. A report on this study was presented to Council on April 1, 2019.

Enforcement Recommendation – Operational Plan:

1. By April 2019, the RCMP should present to Council a report outlining the 2019 summer Operational Plan for policing of the downtown and city parks.
 - The Kelowna RCMP Detachment Superintendent will present the Spring / Summer Operational Plan to Council in the near future.

Enforcement Recommendations– The Auxiliary Constable Program:

1. The City of Kelowna ask the Provincial Government, Ministry of Public Safety, the Solicitor General and the Commanding Officer of “E” Division to reinstitute the RCMP Auxiliary Program and to have the volunteers trained prior to May 2019 so that they can be in service for next summer.

- City Council and the Union of British Columbia Municipalities (UBCM) have asked the RCMP Commanding Officer of “E” Division, to reinstitute the RCMP Auxiliary Program in BC and requested the uniform design for Auxiliary RCMP reflect traditional policing uniform standards. “E” Division has not yet provided details of how the Auxiliary Constable program will be implemented in BC. Early indications are that uniforms will not be consistent with past practices for all tiers of Auxiliary Constables.

Enforcement Recommendation– Hub Model:

1. That the Kelowna RCMP Detachment implement the Hub model and engage with key partners in its development: Interior Health, City of Kelowna, Ministry of Children & Family Development, Westbank First Nation, School District 23, Downtown Kelowna Association, Prosecution Service of BC, BC Probation Services, BC Corrections, and BC Housing. Further, that an application for grant funding through the Province be made to fund the initial costs and training required.
- Following a community information session on January 22nd and practitioner training February 19th- 21st the Kelowna HUB model, called Kelowna Outreach and Situation Table (KOaST) went live February 21, 2019. KOaST is a strategic alliance of community based agencies, guided by common principles and processes in order to mitigate risk situations in a timely manner, usually within 24-48 hours. The term “table” highlights that it is a meeting, which convenes regularly, with police, and other human service professionals from a variety of organizations. During a situation table, practitioners work together to review situations of acutely-elevated risk (AER) and determine if an individual is at imminent risk of harm and victimization and then coordinate interventions to reduce the risks. By addressing situations of AER, the table works collaboratively to reduce multiple risk factors that increase the likelihood that someone within a community will experience harm and victimization. To date 8 KOaST situation tables have been held with the result of supporting more the 14 individuals.

Enforcement Recommendation – PACT, Police & Crisis Team:

1. That City Council dedicate additional RCMP officers to further enhance the PACT teams.
 2. That City Council lobby Interior Health to provide matching nurse resources.
- The PACT continues to be a successful initiative and warrants consideration for expansion.
 - The RCMP will seek to provide additional resources to the PACT and work with IHA to assign matching support. Both agencies are working toward this goal that will result in 2 person teams working 7 days per week, up from 4 days currently.

Enforcement Recommended Options - Bike Patrol – RCMP / Bylaw Services:

Option 1: The RCMP form a dedicated bike patrol consisting of four members working May 1 – October 15 each year and an additional four officers during July 1- September 1. If for any reason a member is absent for duty, an Auxiliary Constable (tier 3) or another RCMP member would fill this void.

Option 2: Explore the viability of enhancing Bylaw Officers' authorities in a tiered policing approach (Special Provincial Constable status) which would give Bylaw Officer's Peace Officer status. This would give them the ability and authority to enforce provincial and criminal behaviours. The upgrade would require significant training for Bylaw Officers and increased liability for the City of Kelowna. Bylaw officers could then partner with RCMP on a combined Bike Patrol or form their own bike squad to patrol the parks and downtown Kelowna.

- The Kelowna RCMP Detachment Superintendent will present the Spring / Summer Operational Plan, including bike patrol details on April 15, 2019.
- The RCMP and Bylaw Services will operate independently but will coordinate bike patrols in 2019.
- Significant work has been done on assessing the viability of developing tiered policing within the City of Kelowna. A business case and policy analysis has been completed in-house, including identifying a potential mechanism for developing an officer training program in partnership with the Justice Institute of BC.
- The next phase of feasibility and option analysis for tiered policing in Kelowna will be performed by a qualified independent consultant. Council provided for this work to be completed within the 2019 provisional budget. A consultant has been identified and work is expected to start in May 2019. A council update will be provided once complete.

Enforcement Recommendation – Private Security:

1. That the City of Kelowna hire a full time Security Manager to oversee private security needs for the community as well as the organization.
 - A Security & Business Continuity Manager position is approved in the 2019 Budget, once recruited in June or thereabouts, this position will provide dedicated oversight of security services and increase outreach to the community regarding security concerns.
 - The City has expanded the use of contract security services to include increased patrols of streets and lanes in some areas, a 2019 final budget item will be presented for consideration with respect to this initiative.

COMMUNITY COURT (INTEGRATED COURT)

A Community Court brings together the resources and necessary background information from the justice, health and social services sectors in a coordinated manner to comprehensively address underlying issues. This allows the court to impose responsive, timely, and focused bail and sentencing orders for these offenders experiencing homelessness, and/or suffering from mental health and substance use issues. The evolving practices in this field have resulted in amending the reference of Community Court to Integrated Court, meaning a means of integrating the justice system and human service systems together.

Individuals experiencing homelessness, substance use or living with mental health illness appear before the Provincial Court every day in Kelowna. Frequently their offences (such as petty theft, open drug use) are not as serious or as complicated as the issues that underlie the offence (substance use, mental health illness, etc.).

As an alternative to traditional prosecution of crimes, a Community Court offers a different approach where sentencing is deferred when offenders pre-agree to attend tailored solutions that meet the individual's needs and support community needs.

The Community Court section of the Public Safety Report (page 16) has one recommendation:

Community Court - Recommendation: That a Community Court be re-instated in Kelowna, and that the City of Kelowna lobby local MLA's and the Ministry of Justice to support and provide the appropriate provincial resources for a Community Court in Kelowna as soon as possible.

- Kelowna had a Community Court from 2010-2012, but its operation relied on the availability of Provincial Judges and the Crown Prosecutor's Office to participate in this system and was not sustainable at the time. In 2018, a great deal of work was conducted by the Kelowna Integrated Court Steering Committee, made up of broad representation from human service organizations, RCMP and the City, to re-introduce an Integrated Court to Kelowna. A business case was forwarded in June 2018 to the BC Ministry of Justice and further updated with additional information in December 2018. Council provided a letter of support for the Integrated Court proposal.
- The John Howard Society of Central & South Okanagan is leading the Integrated Court initiative, with the stewardship of retired judge the Honorable Geoffrey Barrow, and has committed to funding a Court Liaison position will help people navigate the Community Court system and ensure their specific circumstances and vulnerabilities, such as losing housing, mental health and substance use are considered in the sentencing process.
- Positive communication with the Ministry of Justice has taken place in the first quarter of 2019, however the biggest obstacle remains concerns from the local Crown Prosecutor's Office regarding resourcing and scheduling impacts.
- The Steering Committee will continue to work with the Ministry of Justice to advance the proposal. Staff will continue to report to Council on the progress of this initiative.

- It is recommended the Mayor send a letter on behalf of Council to the BC Attorney General reaffirming support for this initiative and requesting appropriate resources be provided to the Kelowna Court to successfully re-introduce an Integrated Court to Kelowna.

MENTAL HEALTH & SUBSTANCE USE

Mental Health & Substance Use section of the Public Safety Report, page 17, has two recommendations related to Treatment and one for Education & Stigma.

An excerpt from the report summarizes the issue: “treatment of those individuals with addictions is extremely complex. It’s an oversimplification to say, there are not enough detox or treatment beds, as substance use rehabilitation requires different strategies. No two individuals are the same in terms of use, type of substance, time they have been using the substance, daily intake. Other factors to consider are psychological characteristics of each individual and elements of their lifestyle.”

“Even during the crisis, there is the need to support individuals with substance use issues and encourage them towards harm reduction and then into treatment services. Looking at the numbers for the mobile safe consumption service, this facility is well attended and is delivering a service that is valued by the clients. However, referrals from the mobile to other services have been low, potentially due to the lack of space and time available to engage clients in confidential discussions about treatment options and harm reduction.”

Mental Health & Substance Use – Treatment Recommendations:

1. That the City of Kelowna continue to lobby both the federal and provincial government for new and additional funding for substance use treatment within our community.
 2. That the City work, through the committee, with Interior Health to find a location for a permanent safe consumption site. This would allow services from the mobile unit to be maximized as a secondary location.
- Expanded funding for substance use treatment in Kelowna and the region is occurring, in the past year Interior Health has expanded programs and services, including:
 - Enhancing existing services and increasing the range of Opioid Agonist Treatment (OAT), the Kelowna clinic has successfully reduced wait time to within 24 hours;
 - The Mobile Supervised consumption service is continuing operation, the one-year evaluation supports the continued need for this service in our community currently;
 - Intensive Substance use Day Treatment program established in Kelowna;
 - Substance Use Connection Team follows up with individuals who present in the healthcare system that are at high risk of overdose, the team supports transition to follow up services and community programs, this program is expanding;
 - Overdose Prevention Nurse is in place, engaging with and supporting community agencies that provide services to people engaged in substance use.

- The Journey Home Strategy gathered data and outlined the current community need for mental health and substance use related services. Staff will continue to monitor opportunities to advocate for additional health services in our community, including those identified within the Journey Home Strategy, and recommend to Council advocacy options.
- Implementing a fixed location safe injection site, with other support services and outreach, is under consideration as part of the long-term strategy for Interior Health to respond to the opioid crisis. Staff will update Council regarding this as details become available.

Mental Health & Substance Use – Education & Stigma Recommendation:

3. That City Council and appropriate city staff further build their understanding and awareness of Mental Health and Addictions best practices and continue to support those in our community struggling with these medical issues through the use of non-stigmatizing language.
 - City staff are working together with Interior Health staff to provide Council an update presentation regarding current community health challenges, services provided and addressing stigma.
 - The Ministry of Health has excellent resources and training material to educate their staff and promote the use of non-stigmatizing language. Staff are exploring how to implement similar practices at the City of Kelowna.
 - As noted in the ‘Taking the Lead’ section, The City, RCMP, BC Housing, Journey Home Society, Interior Health are working together to help address gaps in communication around social issues such as homelessness and the opioid crisis. The result will be a shared communication approach to and flexible to address different audiences. The goal is to produce a strategy that builds awareness about issues and challenges at the same time as addressing and reducing stigma and creating support.
 - The “Homeless Simulator” is designed as a creative and meaningful way to inform the greater community about the experience of homelessness, in order to reduce stigma. The LECOH (Lived Experience Circle on Homelessness), Journey Home and other partners, including: Central Okanagan John Howard Society, United Way, Okanagan Boys & Girls Club and the City of Kelowna, with support from the Central Okanagan Foundation Impact Grant came together to design a business friendly, portable, experiential program that will help to dispel misperceptions. The goal of the Homeless Simulator is to address the discrimination and stigma that contribute to people’s paths into homelessness. A key focus of the Journey Home Strategy is to create a new community conversation by providing opportunities for citizens to have an emotional experience that builds understanding of what it is like to be homeless. The premise is that it will take the entire community to end homelessness, and providing meaningful opportunities to change perspectives is a good place to start.

BASIC NEEDS

The Public Safety Report section on basic needs included shelters, washrooms, transportation, water and peer empowerment & employment (pages 18-20). Some of these recommendations are the most challenging issues raised by Mr. McKinnon's report and staff are not yet able to point to specific actions and next steps for each one but will continue work in all these areas.

Basic Needs Recommendation - Shelters: Low barrier shelters should be strategically located in the City of Kelowna: close to services, but separated from other shelters. Through the proposed committee, the City of Kelowna needs to engage with BC Housing, Interior Health, RCMP, Bylaw Services, Chamber of Commerce and the community to identify appropriate locations for emergency shelters in the city. Ultimately, the location of supportive housing and shelters need to be part of the long-term planning process in collaboration with all stakeholders.

- As noted in the 'Taking the Lead' section, the Central Okanagan Journey Home Society, in partnership with the City, is planning a design lab for the purpose of developing advice and feedback regarding emergency shelters and what the current and future community needs for emergency shelters are in our community.
- When BC Housing announced the goal of closing the Cornerstone shelter located at 425 Leon Avenue at the end of June 2019, in cooperation with the City, the Central Okanagan Journey Home Society and the John Howard Society, it was done with the understanding that sufficient housing will not be available by that time to accommodate the all people displaced. At the same time a goal was set to find alternate housing or shelter space to bridge the need until sufficient permanent housing can be built. Several community stakeholders including the Chamber of Commerce and Downtown Kelowna Association have been invited to provide suggestions for further investigation of locations to place bridge housing space until sufficient permanent housing can be built.
- Staff and others agree that low barrier shelters should be strategically located in the City of Kelowna: close to services, but separated from other shelters.
- The City has hired a consultant to work with stakeholders and the community at large to assist in identifying temporary locations for bridge housing space to meet current demand until sufficient permanent housing can be built.
- There is a need for the community to work toward the development of extreme weather protocols and plans for both hot and cold seasonal conditions.

Basic Needs Recommendation - Washrooms: The City of Kelowna needs to have additional public washrooms in high traffic areas, that are accessible year-round, in other areas of the downtown core. Possible examples include the Portland Loo and the Winnipeg pop-up public toilet.

- There is not an immediate action attached to this recommendation. The Infrastructure Division is assessing the need for additional bathrooms in the Downtown and City Park in conjunction with other work.
- Two portable washrooms were provided downtown last year; staff will continue to monitor this installation.
- Staff will consider additional washroom facility options for the downtown and may include an associated request for the 2020 budget.
- One of the challenges with providing washroom facilities can be that the amenity is misused and access problem behaviors, which can be mitigated using attendants to monitor and manage the space. The creates an opportunity for peer employment that is being explored as an option to address this recommendation.

Basic Needs Recommendation - Transportation: The City of Kelowna explore supplying transportation options to people experiencing homelessness in order to provide the means to deal with normal necessities of life.

- An immediate action is not attached to this recommendation at this time.
- BC Housing and their operators do provide transit passes to people using supportive housing and shelters.

Basic Needs Recommendation - Water: the City of Kelowna explore the installation of drinking water fountains in additional areas of downtown Kelowna.

- Staff do not have an immediate action attached to this recommendation. The Infrastructure Division is assessing the need for additional water fountains in the Downtown and City Park in conjunction with other work.
- The City will continue to encourage service organizations to provide water.
- Staff are preparing to work with community partners to distribute water in the case of an extreme heat event.
- Using peer outreach workers to help provide water is being explored and may be implemented in 2019.

Basic Needs Recommendations – Peer Empowerment & Employment:

1. City to support and contribute to the development of the Peer Empowerment and Employment program;

2. Through the HUB table, at-risk individuals interacting with businesses and community, would be supported through connection with trained peer support workers.
 3. Support and contribute to Journey Home Society's work in developing peer employment opportunities including developing social enterprises to contribute to: addressing stigma, community beautification (including sharps clean-up); and public facility attendance (i.e. downtown public washroom/shower facilities).
- Through the Community Action Team and Lived Experience Circle on Homelessness, a new organization has been created in Kelowna: 'PEOPLE Employment Services' that seeks to transform the experiences of individual experiencing vulnerable circumstances who are seeking help. They are developing a curriculum and training program and expect the first cohort to enter into work placements in July 2019. Council will receive an update report on this initiative and the future meeting.
 - The City is planning to hire peers to conduct outreach and other activities this Summer, a final budget request will be presented to council for 2019 to expand the use of peers with lived experience.

Internal Circulation:

Deputy City Manager
 Divisional Director, Human Resources and Community Safety
 Divisional Director, Active Living & Culture
 Divisional Director, Corporate Strategic Services
 Superintendent, RCMP, Kelowna Detachment
 Manager, Social Development
 Manager, Bylaw Services
 Supervisor, Crime Prevention
 Communications Advisor

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Submitted by: L. Kayfish, acting Director of Community Safety

Approved for inclusion:



Public Safety Report

Review and recommendations from the Public Safety Liaison

October 2018

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INTRO

The mandate of this review is to address the social issues related to the impacts of homelessness, poverty, addictions, mental health and criminal behaviour on the City of Kelowna at this point in time. The review looked at the coordination of all levels of government to identify the services required and gaps in essential services required before there is a need for law enforcement.

TABLE OF CONTENTS

INTRO	2	COMMUNITY COURT	16
TABLE OF CONTENTS.....	2	HEALTH: MENTAL HEALTH & SUBSTANCE USE	17
LETTER FROM THE AUTHOR	3	Treatment	17
BACKGROUND/ CURRENT STATE	4	Education & stigma	17
HOUSING FIRST	6	BASIC NEEDS.....	18
QUICK FIXES.....	6	Shelters	18
TAKING THE LEAD	8	Washrooms	18
ENFORCEMENT	10	Transportation.....	19
RCMP resources	10	Water.....	19
Operational Plan	11	Peer empowerment & employment	19
The Auxiliary Constable Program.....	11	APPENDIX 1 – ENGAGEMENT.....	21
HUB model.....	12	APPENDIX 2 – REFERENCES	23
PACT - Police & Crisis Team	13		
Bike Patrol – RCMP / Bylaw Services	13		
Private Security.....	14		

LETTER FROM THE AUTHOR

After working 40 years in law enforcement and security, I can honestly say that reviewing the issues around homelessness and opioid crisis in Kelowna has been one of the most complex tasks that I have ever been asked to investigate or provide guidance to.

As a former RCMP officer and Superintendent of the Kelowna Detachment, my knowledge of the criminal justice system and the factors contributing to public safety have been assets in developing this report. But as any maturing individual acknowledges, there is always more to learn and apply to our practices.

Situations and conditions change and we must adapt and work together to ensure the safety of all Kelowna residents, businesses and visitors – and this includes our most vulnerable citizens. A number of large systemic changes have altered our environment – particularly in the downtown core. These include the opioid crisis, a change in approach from the Courts and the sheer number of individuals living in Kelowna without homes.

The formal mandate of my research and recommendations is to address public safety concerns related to the impacts of homelessness, mental illness, addictions and criminal behaviour in the City of Kelowna. My research includes interviews and discussions with more than 60 individuals and agencies including the RCMP, Interior Health, City of Kelowna Bylaw Services, Downtown Kelowna Association, Chamber of Commerce, local business owners, health and housing representatives, shelter operators, treatment agencies, complainants and advocacy groups.

This report contains a brief situational analysis and a number of recommendations that generally fall into four categories: further study, education, lobbying partners (including other governments) and actions. There were also a number a quick wins that I am pleased to report have already improved the situation downtown and beyond.

The one thing I know for sure: we can't arrest our way out of this crisis. Enforcement plays an important role in dealing with the issues our community now faces, but this is only one part of the equation. Enforcement only deals with the symptoms and not the causes. The *Journey Home* strategy is correct: housing and treatment are the key to long-term success. Until we get there, the City should take a leadership role in a collaborative and coordinated intergovernmental approach to the issues we see on the ground today.

As a member of this incredible community it is my pleasure to be part of efforts that will continue to build a safe and welcoming community for all residents, businesses and guests.

Bill McKinnon,
Public Safety Liaison

BACKGROUND/ CURRENT STATE

The City of Kelowna is a growing city, facing many of the same issues being experienced by other municipalities – big or small – around the province. During the summer of 2018, the public and local businesses expressed growing concerns about safety and cleanliness in Kelowna stemming from homelessness, due to mental health and drug use in the community.

The City has dedicated resources and time to facilitate the Journey Home engagement and the development of a Housing-First solution, yet the issues on the ground today will continue to affect local residents, tourists and business owners until the results of these efforts are realized.

Public safety is a big, subjective subject and has to be viewed from a variety of perspectives and lenses. In the City's 2017 Citizens Survey, mentions of social issues grew by 24 per cent over the previous survey (2015) and residents were more likely to cite issues around homelessness/poverty behind perceptions of deteriorating community safety. Nonetheless, Kelowna continues to be seen as a safe community overall, with 90 per cent of respondents describing the city as 'very/somewhat safe' (on par with 2015). Perceptions of downtown safety in particular, were slightly lower but still high overall, with 80 per cent of respondents describing this sub-area as 'very/somewhat safe.'ⁱ

Increasing calls for service

Calls for service, both to the City and the RCMP have risen over the past year. As of September 2018, RCMP calls increased by more than 1,600 calls (four per cent over last year) and the Detachment is facing growing overtime costs due to growing call volume and staffing shortages.

The City of Kelowna is also seeing growing service requests for cleaning, sharps pick-up and bylaw infractions. One specific example: in 2017 Bylaw Services received 375 requests concerning homeless individuals; this year to date they have received more than 445.ⁱⁱ Sharps collection continues to increase around the city, up 21 per cent (as of September 2018) over the total annual collection count in 2016.

Council has also received correspondence from residents, businesses and tourists and weekly media coverage has led to heightened awareness around issues downtown and beyond.

Number of homeless individuals

Kelowna experienced heightened problems with homelessness in 2005. Since that time, there continues to be significant growth in the number of people experiencing homelessness. In the most recent Point in Time Count, 286 individuals were experiencing homelessness with an additional 319 individuals living in temporary housing – an increase of 26 per cent over the previous count.ⁱⁱⁱ

This rise in the number of individuals frequenting the streets or living rough has led the City and other service agencies to take emergent actions to reduce harm and create temporary shelter space during extreme weather events.

The Red Zone

The Red Zone was developed in 2005 to respond to the criminally transient population in downtown Kelowna at that time. The Red Zone was initially used in prosecution as a recommendation to the courts to move people outside of the downtown corridor where they had committed their offense. The boundaries were the

waterfront in the west, Doyle and Stockwell Avenues to the north, Ethel Street to the east, and Lake and Rowcliffe Avenues to the south.

It was previously thought that moving people along, ticketing for multiple offences and constant police interaction would reduce incidents downtown. But in reality all it did was displace problems to other areas, for instance, like the issues currently seen around the Capri Mall area.

The Court also found that individuals were violating probation orders when attempting to access services within the Red Zone, so Judiciaries now use what is referred to as go/no-go zones in probation orders. For example, if you were convicted of trafficking in City Park, you are no longer allowed access to that specific area.

Opioid Crisis

In 2016, the Provincial Medical Health Officer declared a public health emergency over the growing epidemic of overdoses and overdose deaths in the province.^{iv} Kelowna is no exception to this province-wide problem.

By August this year, Kelowna had already experienced 40 overdose deaths and is likely to surpass last year's total of 76 overdose deaths.^v Most overdose deaths are occurring in private residences as the risk of overdose death is reduced in the vulnerable population when they are housed and supported. Interior Health is taking a strong multi-faceted approach to this issue in Kelowna, using a continuum of harm reduction and substance use services to support those vulnerable to this growing issue.

The state of emergency gives BC Health Services the authorization to introduce new services (without following traditional approval channels). Examples of this include inhalation and injection sites in low-barrier facilities.^{vi} Inhalation sites allow users to smoke substances in a tent or properly vented area and are typically located outdoors at supportive sites. Injection sites are typically located indoors. Both are dedicated consumption areas. Staff in the vicinity are trained and equipped in case of an overdose.

Safe consumption sites are where use is supervised by an outreach worker. These sites are authorized by Health Canada. In Kelowna, a mobile safe injection site was approved in 2017 to operate in downtown Kelowna (12:30-5:30 pm) and Rutland (7-11:30 pm) daily.

Housing crunch

Kelowna continues to experience a record low vacancy rate and increasing housing prices. Housing affordably continues to be a pressing issue in Kelowna as both direct housing costs, such as utilities and taxes, and indirect costs, such as transportation, are all increasing. In particular, nearly half of tenant households in Kelowna spend more than 30 per cent of their income on housing. From 2016 to 2017, rent costs grew by seven per cent to \$1,047/month. Many of these households are vulnerable to rent increases due to low vacancy rates.^{vii}

Local shelters are also at or near capacity. A simple comparison of the most recent numbers of those living rough to shelter beds shows there is a significant deficit of shelter beds – especially in the event of extreme weather events. Of the three primary facilities in Kelowna, two are facing closure within six months if suitable new locations are not found.

The next step of the housing spectrum is supportive housing; moving people from homelessness or at risk of homelessness into housing. Kelowna currently has more than 3,000 supportive units around the city, under high demand. BC Housing is set to open 88 long-term supportive housing units this winter, but more units will be needed to meet the current and growing demand.

HOUSING FIRST

The Journey Home Strategy is Kelowna's long-term solution for housing and homeless in our community. Every agency or person interviewed during this process highly endorsed the Housing First model and the work that City of Kelowna and the Journey Home team have put into a Kelowna-specific solution.

The Housing First model is a person-centered approach rooted in the belief that all people deserve housing and that anyone, even those with the most complex needs, can move successfully from homelessness to housing with the appropriate supports. This approach has been used in several cities across Canada and proven effective in reducing the cost of homelessness to health, justice and the community.

Among a number of actions, Journey Home calls for 300 units of supportive housing. In addition to the 88 coming on-stream this year, 120 more units are in progress. Journey Home is working to secure commitments for the remaining units the strategy calls for.

The end result in a perfect world would be for everyone to have a roof over their head and for all persons with addictions or mental illness to have the supports in place that would allow them to have a sense of purpose in life. However, there are short term efforts that will help ensure public safety and security until the milestones of the Journey Home strategy are achieved. Recommendations in this report will address those gaps and align with the work of Journey Home.

QUICK FIXES

Early on in the information gathering phase of this report, it became apparent that there were a number of efforts that the City could implement around cleanliness and security efforts to quickly affect change to public perception of safety.

1. ROAD AND SIDEWALK CLEANING

Leon Avenue roadways and sidewalks both required extra attention due to high pedestrian use.

Result: Leon is now included in scheduled street cleaning and power washing. This has helped to keep this area cleaner and support local business owners.

2. GARBAGE CANS

Over the years, growing numbers of people in the downtown has increased the need for more garbage pick up and the number of garbage bins. Along Leon, bins had been damaged and removed over time, but never replaced. As a result, garbage was much more visible and not collected at the same level of service as other areas.

Result: Civic Operations has ordered new garbage bins which will be installed upon delivery to reduce the amount of litter found on the sidewalks and street on Leon Avenue.

3. CAPRI AREA

Increasing issues were being reported in the Gordon Drive & Sutherland area caused in part to the displacement of people from inside the Red Zone. Complaints included ongoing noise at night, people

sleeping in business doorways and ongoing need to clean up needles and human waste. After an assessment was made of the area, and interviews were completed with local business owners, the City hired private security to patrol the area during the evening when most of the complaints were being issued.

Result: The patrols began in late July and, since that time, businesses are no longer finding as many people sleeping on the steps or in alcoves and disturbances have been greatly reduced.

4. ACCESS TO PUBLIC FACILITIES

Public urination and defecation was a reoccurring problem around the Cornerstone shelter on Leon Avenue. As only registered occupants of the shelter are entitled to access their facilities for safety, a lack of public facilities in the area led to the issue.

Result: Porta Potties were installed behind the Cornerstone shelter for public use in early August. After installation, there were reports of these facilities being used for criminal behaviour and shelter, however, they were effective in reducing the incidences of public urination/defecation in the nearby area.

5. SHARPS COLLECTION

In 2016, the City of Kelowna and partners including Interior Health worked to address sharps inappropriately discarded in the community. Unfortunately, despite the rising number of needles being found in the community and need for protocol, no decisive action was taken and the group had not met since 2016.

Result: A review of the Kelowna Sharps strategy was undertaken and since that time the following procedures have been implemented:

- The introduction of a single phone number for residents to report improperly discarded needles on public or private property: 250-469-8801 (needle collection option)
- Updated information about sharps collection on the city website: kelowna.ca/safety
- A proactive, multi-agency approach in areas with a higher incidence of discarded needles:
 - o Parks checked daily during summer months and kept clear and free of debris
 - o Beach sweeps completed each morning during summer months to keep beaches clean of debris
 - o Increased patrols by park staff, bylaw and RCMP officers
 - o Education of other partners, including the DKA, Uptown Rutland Business Association, SD 23 and other services, on how to look for needles and pick up as needed
 - o New sharps collection bins added where needed
 - o Plans for three new community sharps collection boxes in strategic areas around the city, allowing members of the public to safely dispose of found needles (should they feel comfortable doing so)
 - o Replaced absent/damaged needle disposal boxes as needed

The Police Services Crime Prevention Unit has been tasked with leading and managing the sharps collection program going forward

TAKING THE LEAD

Collaboration is the key to developing and implementing solutions that will work for Kelowna. During interviews, key stakeholders all indicated that they want to be part of a collaborative approach to reduce the social impact to the community during this Opioid/Homelessness crisis. To have successful collaboration, the City needs to: take a leadership role in facilitating this collaboration between partners, become more involved in the decisions of partners that affect the quality of life for residents and business owners around the city, and understand and measure the issue through shared data.

Over the past number of years, partners have met at critical times to discuss and solve specific issues. However, successful collaboration was not achieved or sustained due to a lack of leadership and accountability. The City of Kelowna was an active partner, but to date has not taken on the leadership role that others are looking to it for. Due to the complex nature of the issues, traditional jurisdictional boundaries and unknown costs, that was probably the best, most logical, approach at the time.

However, given the crisis this community finds itself in today and the outcry of the business community and citizens of this city, a different approach is now required: a sustained, collaborative approach that includes BC Housing, RCMP, Bylaw Services, Interior Health, social service agencies – including the Journey Home Society, business leaders, and the City of Kelowna working together.

This type of initiative requires leadership from the City of Kelowna because, at the end of the day, the City owns the community outcomes (safety, cleanliness, security, damaged infrastructure, economic viability, enforcement costs etc.). From the public's perspective, the current issues are not well understood and the causes and solutions are often oversimplified.

Having the City lead this group will establish and maintain commitment and accountability of all parties. This doesn't let other partners off the hook: those representing the various stakeholders and partners also need to have an appropriate level of system awareness and decision making ability to represent their organizations and take action from the committee's direction. Each partner has a responsibility to communicate and engage with the public on decisions that affect the community as well as work together to support community needs.

This committee will provide the necessary expertise and understanding to make strong decisions that work best for the community as a whole. The outcomes and results of collaborative decisions will directly benefit and impact both the residents and business community of Kelowna.

A good place for this committee to start is to develop mutual guidelines around the placement of shelters and supportive housing in Kelowna, ensuring that the needs of clients, service agencies and the community are all balanced to mitigate and reduce unnecessary impacts.

Lastly, as we navigate these challenging social issues, create growth strategies, and implement services – there will be greater public awareness and expectation to measure change and effectiveness of a collaborative approach. Shared data from participating agencies is vitally important to understanding: the current state of affairs, identify emerging patterns, and to measure if change is occurring – whether it is positive or negative. The City of Kelowna could play an important role in the collection and analysis of this data. By combining all data, we can understand the past and present, measure progress and strategically plan for the future.

Recommendation:

1. That the City of Kelowna lead a committee involving stakeholders (Interior Health, RCMP, City Policy & Planning, Bylaws, BC Housing, URBA, DKA, Chamber of Commerce) to work collaboratively to come up with actions to deal with the social impact of the opioid and homelessness crisis.
2. The Committee build criteria for the location of shelters and supportive housing in the city.
3. BC Housing, Interior Health, the RCMP and the City of Kelowna share relevant data so that decision makers from all agencies and levels of government can make informed and accurate decisions on social impacts related to opioid and homelessness issues.
4. The City develop performance measures to gage our progress in reducing the impact of social issues and perceptions of public safety. This will also allow the City to make adjustments if the measurements demonstrate we are not moving in the right direction.
5. The City, working with the committee, identify and address public information gaps.

ENFORCEMENT

An incorrect — but prevalent — perception exists that many of the social and behavioural issues associated with homelessness and drug use can be solved with increased enforcement by the RCMP and City of Kelowna Bylaw Services. The City and RCMP have used a number of enforcement-based initiatives to combat crime and deter nuisance behaviours, including:

- Downtown Enforcement Unit
- PACT team (RCMP & Mental Health Nurse)
- Joint bike patrols (RCMP & Bylaw Officers)
- Gator patrols (RCMP)
- use of RCMP auxiliary officers

Yet, despite these efforts, issues have continued to grow. Based on interviews, discussions and observations, the following recommendations detail how current and potential enforcement-based services could be expanded, altered or refined to make best use of these resources and complement other services in the community.

RCMP resources

The Kelowna City RCMP detachment has 188 RCMP officers' positions. However, at any given time, there are not 188 "boots on the ground." In 2018, the RCMP began the summer 24 officers short due to both position vacancies and temporary vacancies. (Members who are on temporary vacancies are not able to perform normal duties at all due to illness, parental leave, suspension or they are restricted to desk duties due to a medical condition. Parental leave, for example, can create up to a two-year vacancy for a position.)

In 2018, City Council approved four new RCMP positions, but to date these have not been filled. By the end of the summer the Detachment was 30 officers short.

As per the City's contract with the Province, Kelowna detachment assigned three officers to the District's Emergency Response Team (ERT). These officers have one week a month of mandatory training in addition to incident call-outs throughout the Southeast District. Kelowna RCMP members were also called to assist with emergency evacuations due to wildfires in other regions of the province. Combined, these staffing shortfalls are seriously impacting the ability of the Kelowna Detachment to respond to the growing incidents in Kelowna reported during the summer months.

Additional police officers are required to keep up with the continued growth of Kelowna and the ongoing opioid crisis that the community is experiencing. The Prosser report (RCMP resourcing study) was completed in January 2012 and stated the city required 20.5 RCMP FTEs by 2018 to effectively execute a crime reduction strategy. Between 2013-2018 the detachment added 18 officers.

Recommendation:

1. That the City of Kelowna lobby the Federal Government and RCMP to fill all vacant positions and develop a resourcing strategy to promptly fill temporary vacancies for members.
2. Add additional members on an ongoing basis to meet the needs to this growing community and deal with the increased calls for service.

Operational Plan

Over the past few months, numerous service requests, letters to City Hall and media reports have highlighted issues in the downtown core and parks. Criminal behaviour (drug trafficking, prostitution, theft, assaults) is ongoing in the downtown core and offences are happening daily.

Over the past summer, incidents of public drug use and sex were reported in downtown city parks. For the most part, criminal activity is not occurring in downtown city parks. Most incidents involve breaches of City bylaws, i.e. smoking, drug use, open liquor, operating a bicycle without a helmet, or possession of drug paraphernalia. The public need to feel safe when using and enjoying our parks, and this can be accomplished by using a collaborative approach by the RCMP, bylaws, and the use of private security.

The RCMP recognize that they play a significant role in providing presence and safety in our parks, but given resourcing pressures and the lack of criminality in our parks, this presence can be accomplished by a coordinated effort of other agencies, including private security and Bylaw Services. The RCMP should take the lead role in creating an annual operational plan and coordinating shifts between all agencies to ensure daily coverage between all three enforcement parties. This plan should cover May 1- October 1 annually and could be updated or re-assessed if earlier or later patrols are required.

Recommendation: The RCMP should present to Council a report outlining an operational plan for policing of the downtown and city parks next summer by April 2019.

The Auxiliary Constable Program

The Auxiliary Constable program was introduced across Canada in 1963 to enhance community policing and crime prevention initiatives. Auxiliary Officers volunteer their time to support programs that help keep communities safe. The RCMP suspended the program over safety concerns in January 2016 following the deadly shootings on Parliament Hill in 2014 and in a St. Albert casino in 2015.

Prior to 2016, the City of Kelowna relied on the Auxiliary Constable program particularly during the summer months, when hundreds of thousands of visitors come to Kelowna and the City hosts 30 special events that require additional police presence. In 2010, Kelowna had 65 volunteers who provided volunteer service of more than 11,000 hours to the City of Kelowna. This program bolstered the RCMP's ability to provide public safety to our community.

Following extensive consultation with former auxiliaries, provincial, territorial and municipal partners and other stakeholders, in January the RCMP announced that Provinces and Territories will be able to implement a new Auxiliary Constable model that includes three tiers of officers – two tiers of which include auxiliaries with Peace Officers status. Provinces and Territories will be able to choose one or a combination of the tiers based on local needs and circumstances.

Peace Officer status means individuals have the authority to enforce (including making arrests when appropriate) all federal and provincial statutes as well as municipal bylaws.

TIER 1, 2, 3

- **Tier 1:** provides RCMP Auxiliaries an opportunity to participate in community policing services, such as watch programs, public education initiatives, non-enforcement support to operations, community fundraising events and participation in parades and public ceremonies. Tier 1 Auxiliaries will perform

these activities under the general supervisions of an RCMP employee and will not have Peace Officer status.

- **Tier 2:** includes all the activities listed in Tier 1 with the addition community presence via foot and bicycle, access and traffic control, and disaster assistance. Tier 2 does not include general duty activities (operational patrols). These Auxiliaries will be under the close supervision of an RCMP officer, and will have Peace Officer status.
- **Tier 3:** includes all activities from Tier 1 and Tier 2 with the addition a general duty patrol, attending calls, check stops, scene security and searches of persons. Tier 3 Auxiliaries will be under the direct supervision of an RCMP police officer, and will have Peace Officer status.

All three tiers of Auxiliary constables could be used effectively in Kelowna to augment Detachment resources.

Recommendation: the City of Kelowna ask the Provincial Government, Ministry of Public Safety, the Solicitor General and the Commanding Officer of "E" division to reinstitute the RCMP Auxiliary Program and to have the volunteers trained prior to May 2019 so that they can be in service for next summer.

HUB model

Traditional policing and law enforcement strategy models have not proven fully effective in dealing with the issues Kelowna is currently experiencing. A collaborative, proactive response is needed to address the diverse issues that result in calls to the police.

The HUB community safety model is a multiple sector collaboration – a twice weekly conversation – that enables front-line workers in public safety, health, and social service agencies to proactively identify and mitigate risks that are associated with criminal offending, victimization and personal crisis (e.g. overdose). It is designed to improve a much broader set of social outcomes, including reducing crime, violence and victimization. It is a proactive tool to help reduce a life of crime.

The HUB is unique as it stems from its carefully defined and distinct point of entry – it's aimed at connecting those at risk to the services they need most. Initial intervention contacts typically occur within 24-48 hours and research shows that 53 per cent of situations brought to HUB are resolved within one week, and 79 per cent are resolved within two weeks.

Over the last few years, this approach to proactive and preventative policing has been established in communities across Canada, including the *Surrey Mobilization and Resilience Table (SMART)* and *Mission Active Support Table (MAST)* and most recently in Penticton, the *Community Active Support Table (CAST)*.

The HUB model would seek to reduce the incidence of emergencies to persons, groups or places in Kelowna. The primary focus of HUB is situations where circumstances, as reviewed by multiple human service perspectives, indicate that a person or group is of an elevated risk of harm.

Acutely elevated risk as occurs when four conditions are present:

- A significant community interest is at stake;
- Clear possibility of harm occurring;
- Severe intensity of harm is predicted; and
- There is a multi-disciplinary nature to the elevated risk factors.

Examples of risks include addictions and mental health issues, criminality and victimization, poor physical health or self-care, lack of social and family support, poor parenting, frequent truancy, inadequate housing, poverty, negative peer and family associations, unemployment and/or anti-social behaviour.

The HUB itself operates entirely within existing staff resources of all participating agencies. Agencies using the model report a positive return on the investment they make in staff time and significant improvements in collaboration in general, more efficient information flows, and more cooperative working relationships. Most agencies report gaining important new insights into the realities and challenges facing their counterparts, and new opportunities for shared effectiveness and efficiency.

Kelowna Detachment has done extensive work researching the HUB model and is ready to implement this model. Funding is also available from the Province to build community situation tables like the HUB.

Recommendation:

1. That the Kelowna RCMP Detachment implement the HUB model and engage with key partners in its development: Interior Health, City of Kelowna, Ministry of Children & Family Development, Westbank First Nation, School District 23, Downtown Kelowna Association, Prosecution Service of BC, BC Probation Services, BC Corrections, and BC Housing.
2. Apply for grant funding through the Province.

PACT - Police & Crisis Team

The Police and Crisis Team, which pairs an RCMP member and a Mental Health Nurse, has been very successful in diverting people from hospital emergency visits and directly connecting them to appropriate services in a timely manner. Over the past year, 53 clients were connected with services specific to their health needs and avoided a trip to the emergency room. All those referred for emergency treatment by PACT were admitted to hospital for further care, which attests to the success of PACT assessments.

Recommendation:

1. that City Council dedicate additional RCMP officers (requested in an earlier recommendation above) to further enhance the PACT teams.
2. that City Council lobby Interior Health to provide matching nurse resources.

Bike Patrol – RCMP / Bylaw Services

In 2018, City Council approved the addition of four bylaw officers with the intent to have teams of police and bylaw officers patrolling city parks and downtown Kelowna on bikes.

This collaborative/joint initiative is a good idea in theory, however, there are number of systemic issues that limited the success of this program over the summer.

1. **Authority** - Bylaw Officers are appointed by the municipality, under the authority of section 36 of the BC Police Act, to deliver enforcement of Kelowna's bylaws through the provision of the BC Community Charter. Historically, it's been an effective authority in addressing non-compliance to municipal bylaws relative to parking, zoning, business licencing, property nuisance and the like, but falls short of the appropriate authority and training required to address public safety issues. Bylaw Officers in Kelowna have no authority under provincial legislation or the criminal code and thus,

beyond enforcement of civic bylaws, they have no more authority than a common citizen under section 494 of the Criminal Code.

This creates significant safety issues to both the public and the officers themselves when dealing with public safety issues. The public have an expectation when they see a uniformed presence that these individuals have the authority and training to deal with public behavioural issues. Bylaw officers themselves are highly frustrated that they are not able to deal with blatant anti-social behaviours and offences they encounter.

Additionally, the following challenges also surfaced for members of the bike patrol:

2. **Communications** – RCMP and Bylaw Officers use different radio frequencies, teams were unable to communicate when split up.
3. **Privacy & shared information** – RCMP unable to store information about person stopped or checked due to privacy act rules.
4. **RCMP resources** - RCMP members were frequently unable to fill shifts due to court, training, court briefing preparations, holidays, secondment to fires evacuation and security efforts, and ERT training.
5. **Training** – Bylaw Officers have limited training and experience in the use of force. RCMP members are concerned for their own safety as members of a combined unit and expect that their partners know what to do when confronted with a resistant individual and have training in the use of force continuum.

Recommendation:

Option 1: the RCMP form a dedicated bike patrol consisting of four members working May 1 – October 15 each year and an additional four officers during July 1- September 1. If for any reason a member is absent for duty, an Auxiliary Constable (tier 3) or another RCMP member would fill this void.

Option 2: explore the viability of enhancing Bylaw Officers' authorities in a tiered policing approach (Special Provincial Constable status) and which would give Bylaw Officer's Peace Officer status. This would give them the ability and authority to enforce provincial and criminal behaviours. The upgrade would require significant training for Bylaw Officers and increased liability for the City of Kelowna. Bylaw officers could then partner with RCMP on a combined Bike patrol or form their own bike squad to patrol the parks and downtown Kelowna.

Private Security

The City spends \$1.4 million annually on private security and another \$1.6 million for security at the Airport. Private security plays an important role in community safety, reducing, deterring and reporting incidents. Traditionally, private security was used for the protection of public assets – checking parks, buildings, gates etc. at night, but in the past couple years, the city has increased services to include daytime patrols and security presence in specific areas.

A number of gaps exist in the current system and considering the large amount of funding going towards the hiring of private security, much more accountability is needed. For example, a private security firm hired by the City was unable to staff crucial positions this summer, resulting in a gap in service during the City's busiest time. Also, last minute request for additional security personnel/hours is difficult as demand for these service is high throughout the city.

The City of Kelowna also has a number of security-related activities that are currently unmet. A need exists for someone to:

- investigate incidents
- Liaise to RCMP and others
- Security contract administrator
- CPTED Resource
- Threat assessment and violence prevention
- Bullying and harassment lead
- RCMP video requests
- Theft from the City Works Yard.

Recommendation: that the City of Kelowna hire a full time Security Manager to oversee private security needs for the community as well as the organization.

COMMUNITY COURT

Individuals experiencing homelessness, addiction or living with mental illness appear before the Provincial Court every day in Kelowna. Frequently their offences (such as petty theft, open drug use) are not as serious or as complicated as the issues that underlie the offence (substance use, mental illness, etc.).

The current sentencing model typically deals with the criminal issue at hand and does not necessarily mitigate underlying issues that might help avoid future issues for a variety of reasons.

1. Individuals living homeless or with mental illness live in unstable circumstances that can change quickly and often.
2. Further, the court's motivation to address these underlying issues depends on the willingness of the individual being sentenced (i.e. you can sentence someone to rehabilitation, but can't force them to go). In many cases, the best the court can do is manage the underlying issues through some form of community supervision.
3. Effective management of these underlying issues requires a detailed understanding of the individual and their unique needs and, just as importantly, which resources may not be appropriate for that person. As it stands, the court is often left to deal with these individuals without the benefit of anything other than relatively superficial information. Typically, these offences do not warrant the preparation of a pre-sentence report.

For example, in Kelowna, one individual has been charged 83 times for possession of open liquor and 10 times for obstruction of a sidewalk/smoking since 2012: total fines equaling \$23,015. This individual's behavioral issues stem from underlying substance use. In this case, these fines and all the court costs and time will never be recovered and this person is no better off today, either. This set of circumstances causes great frustration for RCMP and City Bylaw officers who frankly don't know what to do next.

Alternatively, a Community Court offers a different approach. To be sentenced through Community Court, sentencing is deferred when offenders pre-agree to attend tailored solutions that meet the individual's needs and support community needs.

A community court brings together the resources and necessary background information from the justice, health and social services sectors in a coordinated manner to comprehensively address underlying issues. This allows the court to impose responsive, timely, and focused bail and sentencing orders for these offenders experiencing homelessness, and/or suffering from mental health and addiction issues.

A community court only works if the individual is placed in housing after successful completion of treatment.

Kelowna had a community court from 2010-2012, but its operation relies on the availability of Provincial Judges to participate in this system. In Kelowna, a great deal of work was conducted earlier this year by the Kelowna Integrated Court Steering Committee to re-introduce and resource a functioning Community Court. A business case was forwarded in June 2018 to the BC Ministry of Justice. To date a response has not been received.

Recommendation: that a Community Court be re-instated in Kelowna, and that the City of Kelowna lobby local MLA's and the Ministry of Justice to support and provide the appropriate provincial resources for a Community Court in Kelowna as soon as possible.

HEALTH: MENTAL HEALTH & SUBSTANCE USE

Treatment

The treatment of those individual with addictions is extremely complex. It's an oversimplification to say, there are not enough detox or treatment beds, as substance use rehabilitation requires different strategies. No two individuals are the same in terms of use, type of substance, time they have been using the substance, daily intake. Other factors to consider are psychological characteristics of each individual and elements of their lifestyle.

However, even during the crisis, there is need to support individuals with addictions move into increased harm reduction and then into treatment services. Looking at the numbers for the mobile safe consumption service, this facility is well attended and is delivering a service that is valued by the clients. However, referrals from the mobile to other services have been low, potentially due to the lack of space and time available to engage clients in confidential discussions about treatment options and harm reduction.

Additionally, the spectrum of mental health and substance use services in Kelowna is not optimized. There are gaps in service, sometimes wait times, and other areas of opportunity that need improvement. Additional funding would assist Interior Health to develop and expand the programs and range of services to improve outcomes for patients and service recipients. This is the key to the overall issue: unless you deal with the roots of the problem, increasing health, housing and safety costs will continue to burden all levels of government.

Recommendation:

1. That the City of Kelowna continue to lobby both the federal and provincial government for new and additional funding for substance use treatment within our community.
2. That the City work, through the committee, with Interior Health to find a location for a permanent safe consumption site. This would allow services from the mobile unit to be maximized as a secondary location.

Education & stigma

Stigma exists around those suffering in our community with medical issues around mental health and addictions and this can translate into negative perceptions around public safety. Substance use isn't a "choice," and for many it isn't easy to access local services and find success in overcoming addictions.

The systemic challenges surrounding substance use are complex, compounding and constantly changing. Council and Senior Management at City Hall can increase their understanding of the continuum of substance use services, mental health supports and the latest methodology in addiction recovery to support some of the most vulnerable in our community and make informed community decisions.

Recommendation: that City Council and appropriate city staff further build their understanding and awareness of Mental Health and Addictions best practices and continue to support those in our community struggling with these medical issues through the use of non-stigmatizing language.

BASIC NEEDS

Shelters

Kelowna currently has three shelters: The Gospel Mission, Inn from the Cold and Cornerstone.

Shelters are on the housing continuum, but unique from supportive housing. Shelters are always going to be needed in Kelowna. The Journey Home Strategy should reduce the number of individuals requiring shelters when the 300 supportive housing units are completed. The strategy also calls for 500 new support program spaces to provide community treatment, case management, rapid rehousing and housing-loss prevention.

In November 2017, the Cornerstone shelter opened at 425 Leon Avenue and will remain open until March 31, 2019. Cornerstone is a temporary, low-barrier shelter that opened quickly to respond to a critical bed shortage as the temperatures dropped well below freezing and both the Gospel Mission and Inn from the Cold were filled to capacity. Cornerstone is funded by BC Housing and operated by the John Howard Society. The site shelters 80 people. Without this shelter, people would have frozen to death.

From my review, the placement of a low-barrier shelter (Cornerstone) at this location was less than ideal for the following reasons:

1. The population of residents in this shelter is too large for a low-barrier facility
2. The site was not purpose-built to safely house 80 individuals who have addiction issues, mental illness or brain injury.
3. The proximity to another shelter. The Gospel Mission, located within three blocks of Cornerstone, houses 90 persons.
4. The immediate proximity to Interior Health's outreach centre and the mobile safe consumption service. These additional services & the shelter nearby bring additional people into the area creating a high density of people within the first three blocks of Leon. The lack of other basic services (public washrooms) for all these people also led to an increase in loitering in the area and public urination/defecation in the surrounding area.
5. Certainly not all, but many of the residents have serious addictions that result in criminal behaviours to support these addictions.

Recommendation: Low barrier shelters should be strategically located in the City of Kelowna: close to services, but separated from other shelters. Through the proposed committee, the City of Kelowna needs to engage with BC Housing, Interior Health, RCMP, Bylaw Services, Chamber of Commerce and the community to identify appropriate locations for emergency shelters in the city. Ultimately, the location of supportive housing and shelters need to be part of the long-term planning process in collaboration with all stakeholders.

Washrooms

In July, business owners along Leon Avenue were burdened with reoccurring public urination and defecation in alcoves and alleys, on the street and from the tops of buildings. As a temporary measure, Porta Potties were placed in the alley behind the Cornerstone shelter, reducing the issue somewhat in that area.

After meeting with members of the Journey Home Lived Experience Circle on Homelessness, access to convenient public washrooms and showers, transportation to access services and drinking water were identified as basic needs for those living on the streets.

The only public washrooms are in the parks five blocks away and only registered occupants of both shelters are entitled to access their facilities. Most businesses in the downtown core will not allow the general public to use private washrooms.

The bathroom in Stuart Park, Kerry Park and Hot Sands beach appear to be able to meet the needs of citizens and tourists that use the parks daily. Public washrooms/showers are needed in the downtown core and could even be operated by a peer support model.

Recommendation: the City of Kelowna needs to have additional public washrooms in high traffic areas, that are accessible year-round, in other areas of the downtown core. Possible examples include the Portland Loo and the Winnipeg pop-up public toilet.

Transportation

Kelowna is fortunate to have a variety of services for those experiencing homelessness, addictions or mental health issue. However, lack of transportation is often a barrier to accessing to these services. One of the main reasons for loitering in parks or sidewalks is the fact that many have no way to transport themselves from one area of the city to another. For instance, access is provided to public recreation facilities and laundry services, but there is no way to get there and get back downtown to access shelters and other critical services.

Recommendation: the City of Kelowna explore supplying transportation options to people experiencing homelessness in order to provide the means to deal with normal necessities of life.

Water

Another basic necessity is access to fresh, potable water. When temperatures are very hot, our most vulnerable people are much more likely to suffer from heat exhaustion and heat stroke. Further warming, as we are expecting to see with the impacts of climate change, will bring higher health risks. Other than those outside of the public washrooms in city parks, there is little or no public access to clean drinking water near to services – especially during hot summer months. Consequently, many service providers in the downtown, including Interior Health, provide bottled water.

Recommendation: the City of Kelowna explore the installation of drinking water fountains in additional areas of downtown Kelowna.

Peer empowerment & employment

Peer support is an important contributor to recovery for individuals that have experienced homelessness, or mental health or addiction challenges. Peer support provides a supportive relationship between people who have a lived experience in common including emotional and social support. Evidence demonstrates this benefits both individuals and families, as well as the overall community.

There is no "one-size-fits-all" approach to peer support. It can take many different forms and be offered wherever people need it, whether in peer-run organizations, workplaces, schools, or healthcare settings. Peer support is intended to complement traditional programs. However, despite effectiveness, peer support programs receive very little funding.

The Journey Home Strategy highlighted the need to introduce peer support models as a strategy that is critical to generating impact and helping to break down stigma. As such, they are working in collaboration

with the Community Action Team to develop a Peer Empowerment and Employment approach by creating a Peer Support Network. This initiative includes creating a sustainable program by:

- designing and implementing training for peer support workers;
- providing a focus on ongoing community education to combat stigma and discrimination;
- forming partnerships to ensure sustainability of the initiative;
- forming community partnerships to contribute to the overall health and safety of the community.

Recommendations:

1. City to support and contribute to the development of the Peer Empowerment and Employment program;
2. Through the HUB table, at-risk individuals interacting with businesses and community, would be supported through connection with trained peer support workers.
3. Support and contribute to Journey Home Society's work in developing peer employment opportunities including developing social enterprises to contribute to: addressing stigma, community beautification (including sharps clean-up); and public facility attendance (i.e. downtown public washroom/shower facilities).

APPENDIX 1 – ENGAGEMENT

BC Housing	Matthew Camirand, Coordinated Access & Assessment Manager Ann Howard, Regional Director
Canadian Mental Health Association	Shelagh Turner, Executive Director Mike Gawliuk, Director of Service Delivery & Program Innovation
Chamber of Commerce	Dan Rogers, Executive Director Tom Dyas, Past President
City of Kelowna	Stephen Bryans, Roadways Operations Supervisor Glenda Cooper, Community Development Coordinator Kevin England, Bylaw Enforcement Officer Stephen Fleming, City Clerk David Gazley, Bylaw Services Manager Morgan Heighes, Bylaw Enforcement Officer Ken Hunter, Bylaw Services Supervisor Lance Kayfish, Risk Manager Kurt Szalla, Bylaw Enforcement Officer Sue Wheeler, Social Development Manager
Downtown Kelowna Association	Nikki Csek, Vice-President Layla Miller, Operations Manager Ron Beahun, On-street Services Manager
Inn from the Cold	Jan Schulz, Executive Director
Interior Health	Dr. Silvina Mema, Medical Health Officer Deborah Preston, Community Health Services Administrator – Central Okanagan Heather Deegan, Director, Healthy Communities Nadine Rigby, Social Program Officer Lorena Hiscoe, Corporate Director - Clinical Operations, Population Health Danielle Cameron, Mental Health and Substance Use (MHSU) Health Services Administrator Tannis Andersen, Promotion, Prevention and Primary Care Services Manager Lesley Coates, Regional Harm Reduction Coordinator
John Howard Society	Gaelene Askeland, Executive Director Andrea Sage, Manager of Employment Services
Journey Home	Martin Bell, Co-chair Erin Welk, Community Action Team

Kelowna's Gospel Mission	Randy Benson, Executive Director
Ki-Low-Na Friendship Centre	Tina Larouche, Program Director
Metro Church	Jeff Simla, Executive Pastor
Now Canada	Liz Talbot, Executive Director
Paladin Security	Jason Davis, BC Interior Operations Manager
Provincial Court of British Columbia	Marguerite (Meg) Shaw, Regional Administrative Judge
RCMP	Brent Mundle, Superintendent - Officer in Charge Rob Thorarinson, Inspector – Operations Officer Carrie Seale
Resident & former John Howard Society CEO	Shelley Cook
Resident & former Mayor	Walter Gray
The Bridge	Celine Thompson, Executive Director Gerard Joyal, Residence Supervisor John Yarschenko, Director of Recovery & Addiction Services
Uptown Rutland Business Association	Laurel D'Andrea, Executive Director
Westbank First Nations	Diane Roy, Life Skills Coordinator

In addition, the Public Safety Liaison met with numerous business owners, stratas and members of the Lived Experience Circle.

APPENDIX 2 – REFERENCES

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- ⁱ *Citizen Survey*. City of Kelowna, 29 Oct. 2018, www.kelowna.ca/our-community/about/citizen-survey.
- ⁱⁱ City of Kelowna Service request system: Jan.-Sept. 2018, Jan.-Dec. 2017 & Jan.-Dec. 2016
- ⁱⁱⁱ *Kelowna's Journey Home Strategy*. City of Kelowna, 2018. kelowna.ca/journeyhome.
- ^{iv} "Provincial Health Officer Declares Public Health Emergency." *BC Gov News*, Province of British Columbia. 14 Apr. 2016, news.gov.bc.ca/releases/2016HLTH0026-000568.
- ^v "Illicit Drug Overdose Deaths in BC January 1, 2008 – August 31, 2018." *BC Coroners Service*.
<https://www2.gov.bc.ca/assets/gov/birth-adoption-death-marriage-and-divorce/deaths/coroners-service/statistical/illicit-drug.pdf>
- ^{vi} "Harm reduction innovation during and overdose emergency." Mark Lysyshyn & Jane Buxton, UBCMJ 2018.
- ^{vii} *Kelowna's Journey Home Strategy*. City of Kelowna, 2018. kelowna.ca/journeyhome.



Public Safety Report: Update & Action Plan

APRIL 8, 2019



Overview

I CAN BE ONE WITH GODLINESS.
I CAN RELIEVE PAIN
WITHOUT OBLIVION.
I CAN BE HAPPY
WITH WHAT I NEED.
I CAN BE IN COMMUNITY.
I CAN BE LOVED.
I CAN BE OPEN TO A WAY.
I CAN BE
A BEAUTIFUL

A person with a red backpack and a cap stands on a grassy hill, looking out over a city and a large body of water. The city features several tall apartment buildings, a marina with many sailboats, and industrial areas with warehouses. A long bridge spans the water in the background. The scene is captured from a high vantage point, looking down at the city and across the water.

Taking the lead

Taking the Lead – **Complete**

- ▶ Director of Community Safety position created
- ▶ Central Okanagan Journey Home Society - council presentation, April
- ▶ Public Safety Citizen Survey - council presentation, April

Taking the Lead – **Complete**

- ▶ Community Well-being Leadership Table
- ▶ Homeless Individuals and families Information System
- ▶ Council Policy, example: Zoning Bylaw

Taking the Lead – In Progress

- ▶ Emergency Shelter (Navigation Centre) Design Lab
- ▶ Social Policy Framework – Key Learning Paper - final budget item
- ▶ Reviewing Community Committee Framework

Taking the Lead – **In Progress**

- ▶ Developing Shared Communications & Key Message Project
- ▶ Stakeholder and Business Community Roundtable Meetings
- ▶ Improved Data Sharing & Awareness – RCMP & Others

Taking the Lead – **Future Activity**

- ▶ Regional Engagement & Partnership – **resolution recommended**
- ▶ 2020 – 2024 Community Safety Well-Being Strategy



Enforcement

Enforcement – **Complete**

- ▶ Kelowna Outreach & Situation Table - **KOaST**
- ▶ 6 officers added to 2019 Budget, 1 more proposed – final budget item
- ▶ Operational Plans – RCMP & Bylaw - council presentation, April
- ▶ Security & Business Continuity Manager
- ▶ Expanded contract security use – final budget item

Enforcement – **In Progress**

- ▶ RCMP & Police Service Resource Study
- ▶ Review of Tiered Policing Model options
- ▶ PACT Team expansion, 4 to 7 days per week
- ▶ Community Court - **resolution recommended**

Enforcement – **Future Activity**

- ▶ RCMP Auxiliary Program

A photograph of a woman with blonde hair, wearing a red shirt, smiling warmly and hugging a person with long brown hair from behind. The person being hugged is wearing a blue and white patterned shirt. They are in a brightly lit indoor space, possibly a community center or office, with other people blurred in the background. A dark grey banner with white text is overlaid across the middle of the image.

Mental Health & Substance Use

Mental Health & Substance Use – **Complete**

- ▶ Homelessness Simulator pilot - Combats Stigma
- ▶ PEOPLE Employment Services – Peer Engagement Program
- ▶ Mental Health and Substance Use Community Service needs identified in the Journey Home Strategy
- ▶ Recent Expanded Substance Use Services in Kelowna

Mental Health & Substance Use – **In Progress**

- ▶ Interior Health Update – Council Presentation, TBD
- ▶ Interior Health is continuing to expand local services and program
- ▶ Development of shared messages and coordinated communications planning: City, COJHS, IHA, BCH & RCMP

Mental Health & Substance Use – **Future Activity**

- ▶ Investigate training and practices to reduce stigma and promote non-stigmatizing language



Basic needs

LIVED EXPERIENCE

Basic Needs – **Complete**

- ▶ New Supportive Housing being built
- ▶ Peer Employment capacity nearly in place to provide local organizations the ability to make use of PEOPLE Employment Services in 2019

Basic Needs – In Progress

- ▶ Emergency Shelter (Navigation Center) Design Lab
- ▶ Agencies Working in Partnership to seek 'bridge' housing solutions

Basic Needs – **Future Activity**

- ▶ Purpose built, right size, balanced location, best practice operated, community supported emergency shelter and navigation center
- ▶ Washrooms, Water & Transportation
- ▶ Extreme Weather Plans – Hot & Cold



Questions?

For more information, visit kelowna.ca.

CITY OF KELOWNA

BYLAW NO. 11745

South Okanagan Mission Agricultural Water Establishment Bylaw

A bylaw of the City of Kelowna to establish the Local Area Service for upgrading of a local irrigation watering system servicing the South Okanagan Mission agricultural customers

WHEREAS pursuant to the provisions of Section 210 of the Community Charter, and amendments thereto, empowers the Council of the City of Kelowna with the authority to adopt a local area service bylaw to recover costs from property owner's pursuant to Section 216 of the Community Charter and amendments thereto, who derive a benefit from the service provided from local improvement works;

AND WHEREAS pursuant to the provisions of Section 211 of the *Community Charter*, and amendments thereto, states that the Council of the City of Kelowna must adopt a bylaw to establish a local area service;

AND WHEREAS pursuant to the provisions of Section 211 of the *Community Charter*, and amendments thereto, the local area service works proposed by this bylaw include all things necessary in providing the upgrading of a local irrigation watering system servicing South Okanagan Mission agricultural customers;

AND WHEREAS pursuant to the provisions of Section 148 and 212 of the Community Charter, and amendments thereto, the Corporate Officer assigned responsibility has certified the sufficiency of the petition and the petitions received in favor of the proposed work was sufficient therefore unable to prevent Council from proceeding with the work within the LAS;

AND WHEREAS the Council of the City of Kelowna has been advised through a report prepared by the Corporate Officer that the elector responses submitted by the affected property owners of the LAS, requesting that Council to proceed with upgrading of a local irrigation watering system servicing South Okanagan Mission agricultural customers project, are sufficient;

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

1. There shall be and is hereby established a Local Area Service (LAS) under the provision of the Community Charter, and amendments thereto, to be known as the "South Okanagan Mission Agricultural Customer User Local Area Service";
2. The boundaries of the City of Kelowna South Okanagan Mission Agricultural Customer User Local Area Service project is outlined in Schedule "A" attached to and forming part of this bylaw;
3. The City of Kelowna is hereby authorized to provide, operate, maintain and to undertake and carry out, or cause to be carried out, the construction upgrading of a local distribution system servicing existing South Okanagan Mission agricultural customers consisting of installing new water mains, redirecting existing water mains, installing new PRV, seven new Water Meter Pits and Chambers with Backflow Prevention, disconnect old services where required and tie-in to distribution of watermains in the LAS as outline in Schedule "A" attached to and forming part of this bylaw;
4. The entire capital costs of the work shall be borne by the benefiting area, as identified in Schedule A, and shall be raised by way of a local service parcel tax under Section 216 of the Community Charter, levied in 20 annual instalments commencing after completion of construction;

5. Upon completion of the local area service works, the actual construction cost will be specially charged against the parcels benefiting from, being the parcels shown on Schedule A as attached to and forming part of this bylaw;
6. Should the sums recovered through the levy of the local service parcel tax at any time be insufficient to meet the costs of repayment of the debt, the Council may levy and impose within the benefiting area an additional rate on land and improvements over and above all other rates sufficient to meet such deficit in the same manner and time as other general municipal levies.
7. Any person whose parcel is subject to being specially charged under Section 4 of this bylaw, may elect to make a one-time payment of the portion of the cost of construction assessed upon their parcel within sixty days of receipt of written instructions from the Collector.
8. This bylaw may be cited for all purposes as being "South Okanagan Mission Agricultural Water Establishment Bylaw No. 11745."
9. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

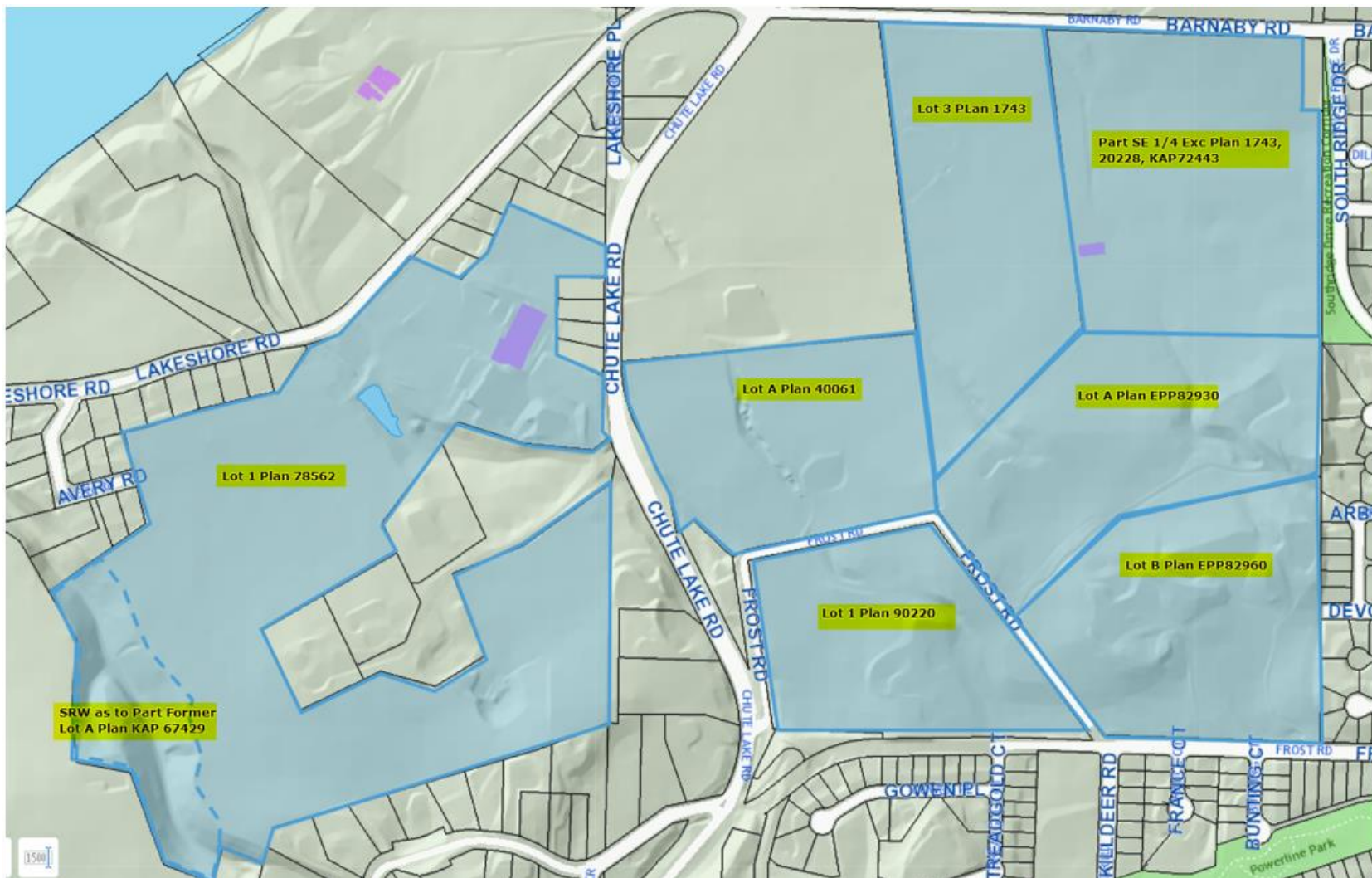
Read a first, second and third time by the Municipal Council this 25th day of February, 2019.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule A



CITY OF KELOWNA

BYLAW NO. 11746

South Okanagan Mission Agricultural Users Local Area Service Loan Authorization Bylaw

A bylaw of the City of Kelowna to authorize the borrowing of funds for the Local Area Service for upgrading of a local water irrigation system servicing South Okanagan Mission Agricultural Local Area Service

WHEREAS Section 179 of the Community Charter authorizes the Council of the City of Kelowna to borrow for a local area service by means of a loan authorization bylaw adopted with the approval of the Inspector of Municipalities;

AND WHEREAS pursuant to the provisions of Section 210 of the Community Charter, and amendments thereto, empowers the Council of the City of Kelowna with the authority to adopt a local area service bylaw to recover costs from property owner's pursuant to Section 216 of the Community Charter and amendments thereto, who derive a benefit from the service provided from local improvement works;

AND WHEREAS pursuant to the provisions of Section 212 of the Community Charter, and amendments thereto, the Council of the City of Kelowna has been advised through a report prepared by the Corporate Officer that the elector responses submitted by the affected property owners of the Local Area Service, requesting that Council to proceed with the borrowing to undertake the upgrading of a local water irrigation system servicing South Okanagan Mission Agricultural Users, are sufficient;

AND WHEREAS the Council of the City of Kelowna may borrow sums of money, not exceeding the total cost of the work that may be necessary, pursuant to Section 217 of the Community Charter and amendments thereto;

AND WHEREAS the estimated cost of the Local Area Service for upgrading of a local water irrigation system servicing South Okanagan Mission Agricultural Users is in the sum of Four Hundred and Forty-One Thousand Dollars (\$441,000.00) and is the amount of debt intended to be borrowed under this bylaw;

AND WHEREAS the maximum term for the debentures to be issued to secure the monies authorized to be borrowed hereunder is twenty (20) years;

AND WHEREAS Council has established, by the "South Okanagan Mission Agricultural Users Local Area Service Establishment Bylaw No. 11745" a local area service for the upgrading of a water irrigation system servicing the South Okanagan Mission Agricultural Users;

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

1. The City of Kelowna is hereby authorized to provide, operate, maintain and to undertake and carry out, or cause to be carried out, the construction for the upgrading of a water irrigation system servicing South Okanagan Mission Improvement Agricultural User Local Area Service, established under the "South Okanagan Mission Agricultural Users Local Area Service Establishment Bylaw No. 11745", generally in accordance with plans on file in the municipal office and to do all things necessary in connection therewith and without limiting the generality of the foregoing;

- a. The City of Kelowna is hereby authorized to borrow, upon the credit of the City of Kelowna, a sum not exceeding Four Hundred and Forty-One Thousand Dollars (\$441, 000.00) for constructing the works more particularly described in Section 1.
 - b. To acquire all such real property, easements, rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the construction of the South Okanagan Mission Agricultural User local water irrigation system.
2. The entire capital costs of the work paid for out of money borrowed, pursuant to the authorization of this bylaw shall be borne by borne by the South Okanagan Mission Agricultural Users local service area.
 3. The maximum term for which debentures may be issued to secure the debt created by this bylaw is 20 years.
 4. This bylaw may be cited for all purposes as " South Okanagan Mission Agricultural User Loan Authorization Bylaw No. 11746."
 5. 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 February, 2019.

Approved by the Inspector of Municipalities this 28th day of March, 2019.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11755

Amendment No. 4 to Development Cost Charge Bylaw No. 10515

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Development Cost Charge Bylaw No. 10515 be amended as follows:

1. THAT Schedule A be deleted in its entirety and replaced with a new Schedule A as attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as "Bylaw No. 11755, being Amendment No. 4 to Development Cost Charge Bylaw No. 10515."
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 25th day of February, 2019.

Approved by the Inspector of Municipalities this 28th day of March, 2019.

Adopted by the Municipal Council this

Mayor

City Clerk

Schedule 'A'

SERVICE AREA	Sector	Residential 1 To 15 Units/Hectare (Each Lot or Unit)	Residential 2 >15-35 Units/Hectare (Each Lot or Unit)	Residential 3 >35-65 Units/Hectare (Each Lot or Unit)	Residential 4 Greater Than 65 Units/Hectare (Each Lot or Unit)	Residential 5 Maximum applied to 56 sq. mtrs. unit	Residential 5 Per Square Meter of habitable floor space applied to units 56 sq. mtrs. or less	Secondary Suites Per Unit	Commercial For 1st 93 sq. mtrs. of floor area or portion; 1/93rd the rate for per sq. mtr over 93	Commercial Per Square Meter	Seasonal Agricultural Commercial (See Commercial)	Institutional "A" For 1st 93 sq. mtrs. of floor area or portion; 1/93rd the rate for per sq. mtr over 93	Institutional "B" For 1st 93 sq. mtrs. of floor area or portion; 1/93rd the rate for per sq. mtr over 93	Industrial/ Campground Minimums	Industrial/ Campground Per Hectare over minimum Developable Land	Seasonal Agricult. Industrial See Industrial Minimums	Seasonal Agricult. Industrial Per Hectare over minimum
ALL SERVICES							2,500										
ROADS																	
SE Kelowna	R-A	11,068	10,404	7,415	6,973	5,423	97.3		3,405	36.6	1,702	3,405		11,068 - 1st .405 hctr/prtn	27,338	5,534	13,669
South Mission	R-B	27,666	26,006	18,536	17,430	13,556	243.3		8,511	91.6	4,255	8,511		27,666 - 1st .405 hctr/prtn	68,337	13,833	34,168
NE of Inner City	R-C	16,758	15,753	11,228	10,558	8,211	147.4		5,155	55.5	2,578	5,155		16,758 - 1st .405 hctr/prtn	41,393	8,379	20,697
North of Hwy 33	R-D	15,054	14,151	10,086	9,484	7,377	132.4		4,631	49.8	2,315	4,631		15,054 - 1st .405 hctr/prtn	37,184	7,527	18,592
North of Inner City	R-E	13,244	12,449	8,873	8,344	6,489	116.5		4,074	43.9	2,037	4,074		13,244 - 1st .405 hctr/prtn	32,713	6,622	16,356
Inner City	R-I	9,583	9,008	6,421	6,037	4,696	84.3		2,948	31.7	1,474	2,948		9,583 - 1st .405 hctr/prtn	23,671	4,792	11,835
WATER																	
Inner City	W-A	1,503	1,007	721	511	421	7.6		577	6.2	288	577	577	1,503 - 1st .15 hctr/prtn	10,398	751	5,199
South Mission	W-B	995	666	477	338	279	5.0		382	4.1	191	382	382	995 - 1st .15 hctr/prtn	6,883	497	3,442
Clifton/Glenmore	W-D	3,729	2,498	1,790	1,268	1,045	18.7		1,432	15.4	716	1,432	1,432	3,729 - 1st .15 hctr/prtn	25,805	1,865	12,902
TRUNKS																	
Inner City	S-A	1,687	1,401	945	911	743	13.3		648	7.0	324	648	648	1,687 - 1st .15 hctr/prtn	11,677	844	5,838
South Mission	S-B	1,631	1,354	914	881	719	12.9		626	6.7	313	626	626	1,631 - 1st .15 hctr/prtn	11,289	816	5,644
TREATMENT																	
Inner City & South Mission	T-A	3,691	3,063	2,067	1,993	1,626	29.2		1,417	15.3	708	1,417	1,417	3,691 - 1st .15 hctr/prtn	25,540	1,845	12,770
PARKS	P-A	7,142	7,142	7,142	7,142	7,142	128.2		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt

NOTES

- Roads - Charges are Net of "Assist Factor" of 15%

- Wastewater Trunks/Treatment - Charges are Net of "Assist Factor" of 1%

- Water - Charges are Net of "Assist Factor" of 1%

- Areas not noted above are provided water by suppliers other than the City

- Parks - Charges are Net of "Assist Factor" of 8%

- General - 1,000 square feet is considered to be the equivalent of 92.9 meters

- sector designations denote geographical areas as designated on attached Sector maps A1 to A5

- Commercial or Institutional Calculation

The measurement unit for Commercial and Institutional development is square meters of floor area. The calculation of floor area of a commercial or institutional building is based on the gross floor area which is measured from the outside edge of all exterior walls, less the area used for parking of motor vehicles and bicycles in the building permit application.

- Industrial Calculation

The measurement unit for Industrial development is hectares of site area. The calculation of industrial site area is based on the gross area of the site that is proposed for development in a building permit application, including access, parking and loading and excludes landscaped areas and the undeveloped portion of the site that is being held in it's pre-developed state for future additional development (0.405 hectares minimum).

CITY OF KELOWNA

BYLAW NO. 11800

A Bylaw to Repeal Housing Agreement Authorization Bylaw No. 11610

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

1. THAT City of Kelowna Housing Agreement Authorization Bylaw 0984342 BC Ltd., Inc. No. BC0984342 - 3477-3499 Lakeshore Road Bylaw No. 11610, be repealed.
2. This bylaw may be cited for all purposes as "Bylaw No. 11800, being Repeal Bylaw to Housing Agreement Authorization Bylaw for 3477-3499 Lakeshore Road Bylaw No. 11610."
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 1st day of April, 2019.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11774

Amendment No. 9 to Water Regulation Bylaw No. 10480

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Water Regulation Bylaw No. 10480 be amended as follows:

1. THAT **PART 1 – INTRODUCTION, 1.2 Interpretation** be amended by:
 - a) deleting the definition for “Manager” that reads:

“Manager” means the person to manage and oversee the day-to-day operation of the City Water Utility, to represent the City on the Kelowna Joint Water Committee and along with other City staff to administer this bylaw.”

And replacing it with:

“Manager” means the person to manage and oversee the day-to-day operation of the City Water Utility along with other City staff to administer this bylaw.”; and
 - b) deleting in the definition for “Multi-Family Residential” the word “attached”;
2. AND THAT **PART 4 – WATER QUALITY PROTECTION and Water Conservation, 4.1 Cross Connections** be amended by adding a new sub-paragraph 4.1.5 in its appropriate location that reads:

“4.1.5 Any Property with an alternate water source, other than supplied by the City, and is connected to the City water supply shall require an Approved Backflow Preventer to be installed at the expense of the Property owner.”
3. AND THAT **SCHEDULE “A” Water Rates and Charges**, be deleted in its entirety and replaced with a new **SCHEDULE “A” Water Rates and Charges** as attached to and forming part of this bylaw;
4. AND THAT **SCHEDULE “B” Water Meter Fees and Service Charges**, be deleted in its entirety and replaced with a new **SCHEDULE “B” Water Meter Fees and Service Charges** as attached to and forming part of this bylaw;

5. This bylaw may be cited for all purposes as "Bylaw No.11774, being Amendment No. 9 to Water Regulation Bylaw No. 10480."
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 1st day of April, 2019.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

SCHEDULE "A"

Water Rates and Charges

Water Utility billing for **Customers** with a water **meter** shall consist of two charges, a flat rate charge based on **meter** size and a consumption charge based on water consumed in the bi-monthly billing period. **Customers** shall pay the following **rates** and charges for water service with 2019 rates effective on May 6, 2019 and the 2020 rates effective on May 6, 2020:

1. **All metered properties, except those Customers in the Beaver Lake Industrial Area, and Agricultural Properties, shall pay the following bi-monthly flat rate charge based on Water Meter size as follows:**

Meter Size	Bi-Monthly Flat Charge	
	In 2019	In 2020
5/8" (15 mm)	\$26.59	\$27.66
3/4" (20 mm)	\$31.82	\$33.10
1" (25 mm)	\$41.77	\$43.44
1½" (37 mm)	\$62.55	\$65.05
2" (50 mm)	\$100.80	\$104.83
3" (75 mm)	\$330.19	\$343.40
4" (100 mm)	\$450.55	\$468.57
6" (150 mm)	\$761.09	\$791.53
8" (200 mm)	\$1002.71	\$1042.81

Plus a consumption charge per cubic metre consumed bi-monthly according to the following table:

Customer type - Metered	May 6, 2019	May 6, 2020
Single Family and Single-Family Strata		
First 60 cubic metres	\$0.454	\$0.473
Next 100 cubic metres	\$0.612	\$0.636
Next 90 cubic metres	\$0.927	\$0.964
Balance of cubic metres	\$1.855	\$1.930
All other Customer types		
Multi-Family Residential Properties – 3 or more dwelling units on a single property	\$0.454	\$0.473
Mixed Use properties	\$0.516	\$0.536
Commercial, Industrial and Institutional	\$0.525	\$0.546
Park and Non-ALR Farm Use	\$0.396	\$0.412

2. Beaver Lake Industrial Area Properties

A combined bi-monthly flat rate charge plus a consumption charge for all properties within the Beaver Lake Industrial Area as follows:

Meter Size Bi-Monthly Flat Charge

	In 2019	In 2020
5/8" (15 mm)	\$21.52	\$22.38
¾" (20 mm)	\$31.38	\$32.63
1" (25 mm)	\$41.68	\$43.35
1½" (37 mm)	\$87.86	\$91.37

2" (50 mm)	\$141.72	\$147.39
3" (75 mm)	\$335.10	\$348.50
4" (100 mm)	\$544.06	\$565.82
6" (150 mm)	\$1146.79	\$1192.66
8" (200 mm)	\$1396.19	\$1452.04

Plus a consumption charge of \$0.318 per cubic metre for 2019 and \$0.331 per cubic metre for 2020.

3. Agricultural Properties

A consumption charge of \$0.116 for 2019 and 2020 per cubic metre.

4. Temporary Use

For Temporary Use of water during construction. The following rates and charges will apply beginning two months after approval of each New Construction Building Permit and end upon the first of either the installation of the Water Meter or the project is deemed complete as defined by the British Columbia Builder's Lien Act on:

Single Family residential properties a flat charge of \$42.90 bi-monthly for the years 2019 and 2020.

For non-residential properties and Multi-Family Residential properties a bi-monthly flat charge of \$114.40 for 2019 and 2020.

For Projects deemed to be complete as defined above and that do not have a Water Meter then rates will be twenty (20) times the applicable Temporary Use rate.

5. Fire Protection Use

For **Fire Protection Use** a bi-monthly flat **rate** charge of \$56.54 for 2019, \$58.81 for 2020.

6. Bulk Water Filling Station Use

The cost of a card for use of the **Bulk Water Filling Stations** is \$20.00, non- refundable.

For **Bulk Water Filling Stations**, a consumption charge of \$0.93for 2019 and \$0.96 for 2020 per cubic metre of water used.

7. Water Quality Enhancement Reserve Fund Contribution

All **Customers**, except those **Customers** in the **Beaver Lake Industrial Area**, or in the **Park and Non ALR Farm Use**, or **Agricultural Property** rate classes, shall pay an additional bi-monthly flat charge, as follows:

Meter Size	Bi-Monthly Flat Change	
	In 2019	In 2020
5/8" (15 mm)	\$16.56	\$17.06
3/4" (20 mm)	\$16.56	\$17.06
1" (25 mm)	\$34.04	\$35.06
1½" (37 mm)	\$75.10	\$77.35
2" (50 mm)	\$121.56	\$125.21
3" (75 mm)	\$284.73	\$293.28
4" (100 mm)	\$388.80	\$400.47
6" (150 mm)	\$656.69	\$676.39
8" (200 mm)	\$865.17	\$891.12

SCHEDULE "B"

Water Meter Fees and Service Charges

1. Water Meter Fees

Customers shall pay a **Water Meter Fee** at the time of application for water service as follows:

METER TYPE			
Meter Size	Standard	Turbine	Compound
5/8" x 3/4" (residential)	\$ 308.10		
3/4" (commercial)	\$ 308.10		
1" (commercial)	\$ 398.59		
1.5" (commercial)		\$ 1,518.95	\$2,156.69
2" (commercial)		\$ 1,809.81	\$ 2,980.80
3" (commercial)		\$ 2,712.57	\$ 3,669.18
4" (commercial)		\$ 4,488.98	\$ 5,652.38
6" (commercial)		\$ 7,330.82	\$ 9,183.72
8" (commercial)		\$ 11,375.96	
4" Fire line	\$ 11,283.32		
6" Fire line	\$ 14,424.64		
8" Fire line	\$ 21,200.66		

The **Water Meter Fee** for commercial meters includes the following components as applicable to each meter setting: specified meter, companion flanges, strainer, gaskets, bolts, remote reading device and connecting cable all supplied and owned by the **City**.

The **Water Meter Fee** for commercial meters does not include the following: master control valve on service inlet and meter isolation valve downstream of meter, pressure reducing valve(s) (PRV's), pressure gauges, back flow prevention device and bypass piping and bypass valve all to be supplied and owned by the **Property** owner.

The **Water Meter Fee** for residential meters includes the following: **Water Meter**, meter setting fittings, installation of **Water Meter** within a 325 mm copper pipe run, supply of a remote reading device and connecting cable all of which will be supplied and owned by the **City**.

2. Service Fees

Customers will pay and will be invoiced on their **City Water Utility** bills for the following service fees:

Service	Fees
Water disconnect (shut-off) or connect (turn-on) during regular office hours	\$ 25.00
Emergency water disconnect (shut-off) or connect (turn-on) during off-hours	\$160.00
Meter Testing Fee	\$50.00

Both the transfer and water turn-on charge will apply if water is turned on and a new account is established.

Regular office hours shall mean the regular operating hours of the **City's** Water Utility Services Branch.

3. Hydrant Use Permit Fee

The fee for each **Hydrant Use Permit** shall be \$60.00 plus \$25.00 per day for each day of Hydrant Permit. The fee for a **Hydrant Use Permit** shall include the costs of providing, installing and removing **Approved Backflow Preventer**.

CITY OF KELOWNA

BYLAW NO. 11788

Amendment No. 36 to Sewerage System User Bylaw No. 3480

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Sewerage System User Bylaw No. 3480 be amended as follows:

1. THAT Section 4 be amended by deleting the following:

- "4. Residential users shall pay a monthly or bi-monthly flat rate charge for each residential unit for the use of the sewerage system as follows:

	2017	2018
Flat Rate per Month	\$20.38	\$20.79
Bi-Monthly Rate	\$40.76	\$41.58

Replacing it with:

- "4. Residential users shall pay a monthly or bi-monthly flat rate charge for each residential unit for the use of the sewerage system as follows:

	Effective May 6, 2019
Flat Rate per Month	\$21.41
Bi-Monthly Rate	\$42.82

2. AND THAT Section 5 (1) be amended by deleting the following table:

	Effective May 2017	Effective May 2018
Metered base rate per month	\$11.14	\$11.36
Bi-Monthly	\$22.28	\$22.72
Consumption charge	\$0.92/m ³	\$0.94/m ³

And replacing it with:

	Effective May 6, 2019
Metered base rate per month	\$11.70
Bi-Monthly	\$23.40
Consumption charge	\$0.97/m ³

3. AND THAT Section 5 (2) be amended by:

a) deleting the following table:

	Effective October 2017	Effective May 2018
Metered base rate per month	\$261.14	\$261.36
Bi-Monthly	\$522.28	\$522.72
Consumption charge	\$0.92/m ³	\$0.94/m ³

And replace it with:

	Effective May 6, 2019
Metered base rate per month	\$269.20
Bi-Monthly	\$538.40
Consumption charge	\$0.97/m ³

b) deleting the following "Base Costs" that reads:

Base Costs

- (1) Biochemical Oxygen Demand (BOD) -
for each kilogram discharged 41 cents
- (2) Total Suspended Solids (TSS) - for each
kilogram discharged 41 cents
- (3) Fats, Oil & Grease (FOG) – for each
kilogram discharged 18 cents
- (4) Volume (V) – In addition to the amounts listed above, under (1), (2)
and (3) the discharger shall also pay for the liquid Volume at the
current rate per cubic meter as specified in the first paragraph of
Section 5 (1) this bylaw.

And replace it with:

Base Costs

- (2) Biochemical Oxygen Demand (BOD) -
for each kilogram discharged 42 cents
- (2) Total Suspended Solids (TSS) - for each
kilogram discharged 42 cents
- (3) Fats, Oil & Grease (FOG) – for each
kilogram discharged 19 cents
- (4) Volume (V) – In addition to the amounts listed above, under (1), (2)
and (3) the discharger shall also pay for the liquid Volume at the
current rate per cubic meter as specified in the first paragraph of
Section 5 (1) this bylaw.

4. AND THAT Section 13 be deleted that reads:

"13. For each Sewer Credit Meter Users shall pay a flat rate charge as follows:

	2017	2018
Flat Rate per Month	\$5.00	\$5.08
Bi-Monthly Rate	\$10.00	\$10.16

And replace it with:

"13. For each Sewer Credit Meter Users shall pay a flat rate charge as follows:

	2019
Flat Rate per Month	\$5.23
Bi-Monthly Rate	\$10.46

3. This bylaw may be cited for all purposes as "Bylaw No.11788, being Amendment No. 36 to Sewerage System User to Bylaw No. 3480."
4. This bylaw shall come into full force and effect as of the date of adoption.

Read a first, second and third time by the Municipal Council this 1st day of April, 2019.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk