

City of Kelowna
Regular Council Meeting
AGENDA



Monday, October 7, 2019
1:30 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

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

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

2. Confirmation of Minutes

5 - 9

Regular PM Meeting - September 30, 2019

3. Development Application Reports & Related Bylaws

3.1 KLO Road 2568, A19-0011 - Sukhjit Singh Sidhu and Bhupinder Kaur Sidhu

10 - 16

To consider support of an application to the Agricultural Land Commission for a Non-Adhering Residential Use to use an existing additional dwelling on the subject property as temporary farm worker housing to accommodate six (6) temporary farm workers.

3.2 Mayfair Rd 935, Z17-0076 (BL11561) - South Okanagan Construction Ltd.

17 - 18

To rescind all three readings given to Rezoning Bylaw No. 11561 and direct Staff to close the file.

3.3 Mayfair Rd 935, BL11561 (Z17-0076) - South Okanagan Construction Ltd.

19 - 19

To rescind first, second and third reading of Bylaw No. 11561 and direct staff to close the file.

3.4 Section 8 Parking & Loading Zoning Bylaw Text Amendment Application TA18-0009

20 - 78

To consider an update to Section 8 Parking & Loading Zoning Bylaw for various parking regulations.

3.5	Zoning Bylaw No. 8000 - Section 8 Parking & Loading Zoning Bylaw - Text Amendment Application BL11850 (TA18-0009)	79 - 105
	To give first reading to Bylaw No. 11850 to amend Zoning Bylaw No. 8000 Section 8 Parking & Loading.	
3.6	Eldorado Rd 509 - Z19-0069 (BL11938) - Judith Parsons	106 - 110
	To rezone the subject property from RU1 – Large Lot Housing to Ru2 – Medium Lot Housing to accommodate a three lot subdivision.	
3.7	Eldorado Rd 509 - BL11938 (Z19-0069) - Judith Parsons	111 - 111
	To give first reading to Bylaw No. 11938 in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU2 Medium Lot Housing zone.	
3.8	Kyndree Ct 1222 - LUC19-0002 (BL11940) - Hans and Krystyna Schubel	112 - 115
	To consider a Land Use Contract discharge to facilitate a proposed 2-lot subdivision.	
3.9	Kyndree Ct 1222 - BL11940 (LUC19-0002) - Hans and Krystyna Schubel	116 - 116
	Requires 2/3 of all members of Council present.	
	To give Bylaw No. 11940 first reading in order to discharge LUC77-1023 off the subject property.	
3.10	Underhill 1940 LUC18-0004 (BL11941), OCP18-0015 (BL11942), Z18-0071 (BL11943) - 1940 Underhill Developments Corp.	117 - 182
	To consider a Land Use Contract discharge, an OCP amendment from the existing OCP designations to the MXR – Mixed Use (Residential/Commercial) designation and to consider a rezoning application from the P2 – Education and Minor Institutional zone to the C4 – Urban Centre Commercial zone in order to facilitate a mixed-use development.	
3.11	Underhill 1940 BL11941 (LUC18-0004) - 1940 Underhill Developments Corp.	183 - 183
	Requires 2/3 of all members of Council present.	
	To give first reading to Bylaw No. 11941 to discharge Land Use Contract LUC76-1039.	
3.12	Underhill 1940, BL11942 (OCP18-0015) - 1940 Underhill Developments Corp.	184 - 184
	To give first reading to Bylaw No. 11942 to change the future land use designation from MRH - Multiple Unit Residential (High Density) & EDINST (Education/Major Institutional) to MXR - Mixed Use (Residential./Commercial).	

3.13	Underhill 1940, BL11943 (Z18-0071) - 1940 Underhill Developments Corp.	185 - 185
	To give first reading to Bylaw No. 11943 in order to rezone the subject property from the P2 - Education and Minor Institutional zone to the C4 - Urban Centre Commercial zone.	
3.14	Summit Dr 1932, TA19-0014 (BL11944), Z19-0070 (BL11945), Summit Real Estate Holdings Ltd., No. BC 1098449	186 - 191
	To amend the CD3 zone to allow for retail cannabis sales as a primary use and to rezone the subject property from CD3 - Comprehensive Development 3 zone to CD3rcs - Comprehensive Development 3 zone (Retail Cannabis Sales) to facilitate the development of a retail cannabis sales establishment.	
3.15	Summit Dr 1932, BL11944 (TA19-0014) - Summit Real Estate Holdings Ltd., No. BC 1098449	192 - 192
	To give first reading to Bylaw No. 11944 to amend the CD3 zone to allow for retail cannabis sales as a principle use.	
3.16	Summit Dr 1932, BL11945 (Z19-0070) - Summit Real Estate Holdings Ltd., No. BC 1098449	193 - 193
	To give first reading to Bylaw No. 11945 in order to rezone the subject property from the CD3 Comprehensive Development 3 zone to the CD3rcs - Comprehensive Development 3 (Retail Cannabis Sales) zone.	
3.17	Abbott St 1781, HD19-0002 (BL11946), HRA18-0001 (BL11923) - Davara Holdings Ltd., Inc. No. BC0797640	194 - 244
	To consider a Heritage Designation Bylaw to formally protect the Murchison House, and to consider a Heritage Revitalization Agreement to rehabilitate and reconfigure the heritage asset into office commercial space, and to allow two dwelling housing in a proposed new semi-detached house on the subject property.	
3.18	Abbott St 1781, BL11946 (HD19-0002) - Davara Holdings Ltd., Inc. No. BC0797640	245 - 247
	To give Bylaw No. 11946 first reading in order to designate 1781 Abbott Street (known as the Murchison House) and the building envelope as a heritage building.	
3.19	Abbott St 1781, BL11923 (HRA18-0001) - Davara Holdings Ltd., Inc. No. BC0797640	248 - 255
	To give Bylaw No. 11923 first reading in order to enter into a Heritage Revitalization Agreement on the subject property.	
3.20	Abbott Street 1884, Z19-0065 (BL11947) - William James Feist and Treena June Harley	256 - 261
	To consider rezoning the property from RU1 – Large Lot Housing to RU1c – Large Lot Housing with Carriage House to allow for the construction of a carriage house.	

- 3.21 Abbott Street 1884, BL11947 (Z19-0065) - William James Feist and Treena June Harley** 262 - 262

To give first reading to Bylaw No. 11947 in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1C - Large Lot Housing with Carriage House zone.

4. Bylaws for Adoption (Development Related)

- 4.1 Dehart Rd 894, BL11748 (Z18-0119) - Stephen Edward Sai-Wung Cheung** 263 - 263

To adopt Bylaw No. 11748 in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.

- 4.2 Pacific Ct 1912 & 1915, BL11884 (Z19-0088) - Multiple Owners** 264 - 268

To adopt Bylaw No. 11884 in order to rezone the subject property from the RM3 - Low Density Multiple Housing zone to the RM5 - Medium Density Multiple Housing zone.

- 4.3 Lawrence Ave 1110, BL11899 (Z19-0089) - 1110 Lawrence Holdings Ltd** 269 - 270

To adopt Bylaw No. 11899 in order to rezone the subject property from the RM3 - Low Density Multiple Housing zone to the C4 - Urban Centre Commercial zone.

5. Non-Development Reports & Related Bylaws

- 5.1 2020 Permissive Tax Exemption Bylaw 11936** 271 - 296

To consider a property tax exemption for those organizations that have met the qualifications as outlined in Permissive Tax Exemption Policy #327.

- 5.2 BL11936 - 2020 Permissive Tax Exemption Bylaw** 297 - 310

Requires a 2/3 majority of Council.

To give Bylaw No. 11936 first, second and third readings in order to exempt from taxation certain lands and improvements situated in the City of Kelowna.

- 5.3 Proposed Amendments to the RDCO Preparation for Emergencies Bylaw No. 489, 1991** 311 - 330

To update the bylaws supporting the Regional Emergency Program to be consistent both with current legislation as well as current operational practices.

6. Mayor and Councillor Items

7. Termination



City of Kelowna Regular Council Meeting Minutes

Date: Monday, September 30, 2019
 Location: Council Chamber
 City Hall, 1435 Water Street

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

Members Absent Councillor Brad Sieben

Staff Present Acting City Manager, Genelle Davidson; City Clerk, Stephen Fleming, Divisional Director, Planning & Development Services, Ryan Smith*; Development Planning Department Manager, Terry Barton*; Planner, Andrew Ferguson*; Planner, Trisa Atwood*; Planner, Jocelyn Black*; Divisional Director, Infrastructure, Alan Newcombe*; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

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

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

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 Wooldridge

R995/19/09/30 THAT the Minutes of the Regular Meetings of September 16, 2019 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Farris Rd 454, Z19-0048 (BL11937) - Scott Cramp and Lei Zhang

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Wooldridge/Seconded By Councillor Donn

R996/19/09/30 THAT Council rescinds first reading of Rezoning Bylaw No. 11812;

AND THAT Rezoning Application No. Z19-0048 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 Section 25 Township 28 SDYD Plan EPP89749, located at 454 Farris Road, Kelowna, BC from the RU1 Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council;

AND THAT the Rezoning Bylaw No. 11937 be forwarded to a Public Hearing for further consideration.

Carried

3.2 Farris Rd 454, BL11812 (Z19-0048) - Scott Cramp and Lei Zhang

Moved By Councillor Given/Seconded By Councillor Wooldridge

R997/19/09/30 THAT first reading of Bylaw No. 11812 be rescinded.

Carried

3.3 Farris Rd 454, BL11937 (Z19-0048) - Scott Cramp and Lei Zhang

Moved By Councillor Wooldridge/Seconded By Councillor Given

R998/19/09/30 THAT Bylaw No. 11937 be read a first time.

Carried

3.4 Speer St 2268, 2276, 2284, 2292 and Pandosy St 2269, OCP18-0017, Z18-0077 - Interior Health Authority- Extension Request

Moved By Councillor Donn/Seconded By Councillor Hodge

R999/19/09/30 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Official Community Plan Bylaw No. 11662 and Rezoning Amending Bylaw No. 11663, be extended from August 28, 2019 to August 28, 2020;

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

Carried

3.5 Francis Ave 615, Z18-0058 - John Hodges - Extension Request

Moved By Councillor Stack/Seconded By Councillor Donn

R1000/19/09/30 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Rezoning Amending Bylaw No. 11635, be extended from July 31, 2019 to July 31, 2020;

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

Carried

3.6 Lakeshore Rd 3786 and Truswell Rd 550, DP19-0115 - City of Kelowna

Staff:

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

Moved By Councillor Donn/Seconded By Councillor Given

R1001/19/09/30 THAT Council authorizes the issuance of Development Permit No. DP19-0115 for portions of Lot 5 Section 1 Township 25 and Section 6 Township 26 ODYD District Plan 2912 Except Plan 35979 and Plan KAP56428, located at 3786 Lakeshore Road, and Lot 17 Section 1 Township 25 and District Lot 134 ODYD Plan 2714 Except Plan KAP66263, located at 550 Truswell Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the works to be constructed on the land be in accordance with Schedule "A";
2. Landscaping to be provided on the land be in accordance with Schedule "B";
3. The applicant be required to provide the City with cash or an irrevocable and unconditional letter of credit in an amount equal to 130% of the estimated cost of the Works and Landscaping in accordance with the execution of a Servicing Agreement;

AND THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

3.7 Finns Road 820, BL11246 (OCP15-00016) - Raif Holdings Ltd. Inc. No. 129371

Moved By Councillor Given/Seconded By Councillor Wooldridge

R1002/19/09/30 THAT Bylaw No. 11246 be adopted.

Carried

3.8 Finns Road 820, BL11247 (Z15-0053) Raif Holdings Ltd. Inc. No. 129371

Moved By Councillor Wooldridge/Seconded By Councillor Given

R1003/19/09/30 THAT Bylaw No. 11247 be adopted.

Carried

3.9 Finns Road 820, DP18-0097 - Raif Holdings Ltd. Inc. No. 129371

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor DeHart/Seconded By Councillor Donn

R1004/19/09/30 THAT final adoption of OCP Amendment Bylaw No. 11246 (OCP15-0016) and Rezoning Bylaw No. 11247 (Z15-0053) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP18-0097 for Lot 1, Section 34, Township 26, ODYD, Plan 18592 except plan Epp52045 & EPP64798, located at 820 Finns Rd, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";

3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit application in order for the permit to be issued;

AND THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

4. Non-Development Reports & Related Bylaws

4.1 Night Construction - KLO Road

Staff:

- Provided an explanation for the request that work be undertaken outside of the construction duration stipulated in the Traffic Bylaw and responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R1005/19/09/30 THAT Council approve after hours, non-emergency work along KLO Road for construction work associated with watermain installation;

AND THAT the approval be limited up to and including October 10, 2019.

Carried

5. Bylaws for Adoption (Non-Development Related)

5.1 BL11917 - Rescindment of Kelowna Passenger Vehicles for Hire Bylaw No. 6466-89

Moved By Councillor Stack/Seconded By Councillor Donn

R1006/19/09/30 THAT Bylaw No. 11917 be adopted.

Carried

5.2 BL11924 - Amendment No. 10 to Water Regulation Bylaw No. 10480

Moved By Councillor Donn/Seconded By Councillor Stack

R1007/19/09/30 THAT Bylaw No. 11924 be adopted.

Carried

5.3 BL11926 - Repeal Bylaw for SEKID Bylaw Nos. 664, 669 and 693

Moved By Councillor Stack/Seconded By Councillor DeHart

R1008/19/09/30 THAT Bylaw No. 11926 be adopted.

Carried

5.4 BL11935 - Rescindment of Commercial Vehicle Licensing Bylaw no. 5869-87

Moved By Councillor DeHart/Seconded By Councillor Stack

R1009/19/09/30 THAT Bylaw No. 11935 be adopted.

Carried

6. Mayor and Councillor Items

Councillor Stack

- Spoke to activities as Deputy Mayor last week and the Grand Openings attended.

Councillor DeHart

- Spoke to their attendance at the Union of British Columbia Municipalities Conference.

Councillor Hodge

- Spoke to their attendance at the Union of British Columbia Municipalities Conference.

Councillor Wooldridge

- Spoke to their attendance at the Union of British Columbia Municipalities Conference.
- Wearing an orange shirt to raise awareness of Orange Shirt Day which recognizes the experience of residential school survivors.

Councillor Given

- Spoke to their attendance at the Union of British Columbia Municipalities Conference.

Councillor Donn

- Spoke to their attendance at the Union of British Columbia Municipalities Conference.

Mayor Basran

- Spoke to their attendance at the Union of British Columbia Municipalities Conference and the meetings held with three different Ministers.
- Congratulated Chief-elect Chris Derickson and the new Westbank First Nation Council and looks forward to continuing the good working relationship between the two Councils.

7. Termination

This meeting was declared terminated at 2:27 p.m.

Mayor Basran

/acm

A. McCall
for

City Clerk

REPORT TO COUNCIL



Date: October 7, 2019

To: Council

From: City Manager

Department: Development Planning

Application: A19-0011

Owner: Sukhjit Singh Sidhu and
Bhupinder Kaur Sidhu

Address: 2568 KLO Road

Applicant: Benson Law LLP

Subject: ALR Application

1.0 Recommendation

THAT Agricultural Land Reserve Appeal No. A19-0011 for Lot B Section 9 Township 26 ODYD Plan 26528, located at 2568 KLO Road, Kelowna for a Non-Adhering Residential Use on agricultural land in the Agricultural Land Reserve pursuant to Section 25 of the *Agricultural Land Commission Act* be supported by Council;

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

2.0 Purpose

To support an application to the Agricultural Land Commission for a Non-Adhering Residential Use to use an existing additional dwelling on the subject property as temporary farm worker housing to accommodate six (6) temporary farm workers.

3.0 Development Planning

Development planning staff are supportive of forwarding this Non-Adhering Residential Use application to the Agricultural Land Commission for consideration. This application is to use an existing secondary dwelling for temporary farm worker housing (TFWH) and is in general accordance with municipal regulations related to TFWH as outlined in Zoning Bylaw No. 8000. Specifically, the parcel is classified as a farm, the farm unit size meets size requirements to qualify for TFWH, and the property owners have demonstrated the need for temporary farm workers by completing a Labour Market Impact Assessment and by providing employment contracts for six temporary foreign workers. Additionally, the TFWH proposed in this application meets TFWH footprint regulations. Furthermore, the Zoning Bylaw states that an existing structure may be used for TFWH if a Building Permit was approved for that structure at least two years prior to the TFWH application.

The application is also consistent with the OCP. On properties with existing dwellings, preference is given to using the existing dwellings for TFWH rather than building new TFWH. Agriculture is the principal use on

the parcel and the buildings and structures on the subject property are located within 50m of KLO Road in a somewhat contiguous layout.

4.0 Proposal

4.1 Background

The proposal aims to legitimize the use of an existing dwelling on the subject property as temporary farm worker housing (TFWH). This proposal requires two approvals:

1. Non-Adhering Residential Use Permit (A19-0011) – Owners of land within the Agricultural Land Reserve (ALR) are required to obtain approval from the Agricultural Land Commission for dwellings to be used for TFWH.
2. Farm Worker Housing Permit (FH18-0002) – A Farm Worker Housing permit must be approved by Development Planning to confirm that the proposal meets City of Kelowna regulations related to TFWH. In keeping with the Ministry of Agriculture’s Guide to Bylaw Development in Farming Areas and the City’s regulations for TFWH, the property owner would be required to register Section 219 restrictive covenants on title that generally state:
 - The TFWH will be used for temporary farm workers only;
 - The owner will remove the TFWH if the farm operation changes such that it is no longer required; and
 - The TFWH will only be used for farm workers for a specified number of months of the year (typically a maximum of eight, though may be increased to ten).

The Sidhus purchased the subject property in 2016, and at the time of purchase the subject property had three dwellings on it (Map 1): dwelling 1 built in 1979, dwelling 2 built in 2001, and dwelling 3 built in 1970. There is also a large shed for farm use on the property east of dwelling 3. Historically, dwelling 1 was permitted to be built on the condition that one dwelling would be used for farm help or family only as per an affidavit signed in 1979 by a previous owner. Affidavits do not run with the land, and therefore the affidavit that was signed in 1979 is no longer applicable to this property. In 2001, dwelling 2 was permitted to be built on the condition that either dwelling 1 or dwelling 3 be demolished or decommissioned. Neither dwelling 1 nor dwelling 3 was decommissioned as per the conditions outlined in these past building permits, bringing dwelling 1 and dwelling 3 into a state of non-compliance. Overall, the property has a history of Bylaw investigations.

Development Planning staff and the Sidhus were in contact regarding the subject property prior to the Sidhus’ purchase of the property. The Sidhus were made aware that only the newest dwelling is permitted, and that the other two dwellings on the property are unpermitted, non-conforming. After meeting with Development Planning staff to discuss options for bringing the subject property into compliance with City Bylaws, the Sidhus applied for a farm help permit for dwelling 2. The decommissioning of dwelling 3 was a requirement of this farm help permit application and was completed in 2018 as per BP 59188. Dwelling 1 is currently being rented out to long-term tenants who help with the farm on a contract, part-time basis. The Sidhus reside at 1605 Geen Road, which is also within the farm unit. As per Agricultural Land Commission (ALC) regulations that have come into place since the Sidhus’ original application, the TFWH proposed in this application is considered a non-adhering residential use and therefore must seek ALC approval.

Map 1: Subject Property Overview

As per Table 1, the total farm unit area¹ owned and/or operated by Sukhjot and Bhupinder Sidhu (the Sidhus) is approximately 31 hectares. One property within the farm unit, located at 1605 Geen Road, was previously approved for TFWH.

Table 1: Farm Unit Parcels

Address	Farmed Hectares	Summary	City Sector
1605 Geen Rd	3.88	Sidhus are joint owners; TFWH granted (FH09-0003)	Belgo-Black Mountain
1865 Belgo Rd	4.17	Sidhus are joint owners	Belgo-Black Mountain
2568 KLO Rd	2.55	Subject property	Southeast Kelowna
1591 Saucier Rd	3.40	Sidhus manage farming as per an orchard agreement expiring in 2019	Southeast Kelowna – covenant restricting TFWH required
3288 Reid Rd	6.68	Sidhus manage farming as per an orchard agreement expiring in 2035	Southeast Kelowna – covenant restricting TFWH required
4201 Spiers Rd	3.12	Sidhus manage farming as per an orchard agreement expiring in 2022	Southeast Kelowna – covenant restricting TFWH required
2190 Gulley Rd	3.52	Sidhus manage farming as per an orchard agreement expiring in 2025	Southeast Kelowna – covenant restricting TFWH required
1390 Geen Rd	2.99	Sidhus manage farming as per an orchard agreement expiring in 2033	Belgo-Black Mountain
1601 Saucier Rd	1.00	Sidhus manage farming as per an orchard agreement expiring in 2019	Southeast Kelowna – covenant restricting TFWH required
	Total: 31.31 ha		

4.2 Site Context

The subject property is 3.86 ha (9.57 acres) in size and is located between Hall Road and East Kelowna Road in the Southeast City Sector of Kelowna. As per Maps 2 – 4 below, the subject property is zoned A1 –

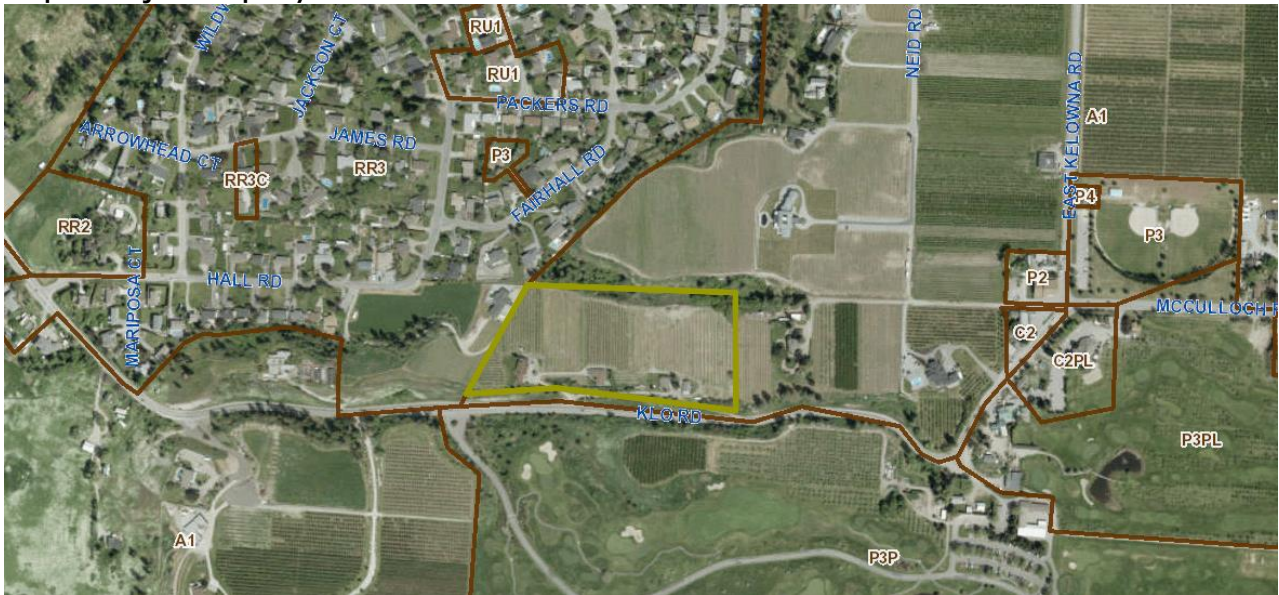
¹ One or more contiguous or non-contiguous parcels, that may be owned, rented or leased, within City limits, which forms and is managed as a single farm.

Agriculture, is located within the Agricultural Land Reserve (ALR), is located outside of the Permanent Growth Boundary, and has a Future Land Use Designation of REP – Resource Protection Area. The area surrounding the subject property is predominantly agricultural, with single dwelling housing and outdoor participant recreation services also in proximity. Adjacent land uses are listed in Table 2.

Table 2: Zoning and Land Use of Adjacent Properties

Direction	Zoning	ALR	OCP Designation	Land Use
North	A1	Yes	REP	Agriculture, Single Dwelling Housing
East	A1	Yes	REP	Agriculture
South	A1, P3LP	Yes	REC, REP	Participant Recreation Services, Outdoor
West	RR3	No	REP, S2RES	Single Dwelling Housing

Map 2: Subject Property Context



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.33 Protect and enhance local agriculture

Policy 5.33.1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Objective 5.34 Preserve productive agricultural land

Policy 5.34.2 Farm Help Housing. Accommodation for farm help on the same agricultural parcel will be considered only where:

- Agriculture is the principal use on the parcel, and
- The applicant demonstrates that the additional housing is necessary to accommodate farm employee(s) whose residence on the farm property is considered critical to the overall

operation of the farm. The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary.

Temporary farm worker housing (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified.

Policy 5.34.3 Homeplating. Locate buildings and structures, including farm help housing and farm retail sales area and structures, on agricultural parcels in close proximity to one another and where appropriate, near the existing road frontage. The goal should be to maximize use of existing infrastructure and reduce impacts on productive agricultural land.

Chapter 15: Farm Protection Development Permit Guidelines

Guideline 1.2. On agricultural lands, where appropriate, locate all buildings and structures, including farm help housing and farm retail sales, within a contiguous area (i.e. homeplate). Exceptions may be permitted where the buildings or structures are for farm use only.

Guideline 1.8. Design temporary farm working housing such that:

- Temporary farm worker housing should use all existing dwellings within the farm unit, prior to building new temporary farm worker housing, unless the existing dwellings are used for a use consistent with the Agriculture Land Commission Act. Alternatively, the existing dwellings on the farm unit must be removed, decommissioned to an approved use or demolished including decommissioning the existing septic system, prior to the authorization of a new temporary farm worker housing structure.
- Temporary farm worker housing footprint should be contiguous with the residential footprint (i.e. homeplate) and / or within 50 metres of the road and / or located to maximize agricultural potential and limit negative impacts on the farm parcel.
- Temporary farm worker housing should have a minimum 3-metre-wide vegetated buffer for screening to adjacent property lines and between the temporary farm worker housing and active farming areas.

6.o Application Chronology

Date of Application Received: June 27, 2019

Agricultural Advisory Committee August 8, 2019

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on August 8, 2019 and the following recommendations were passed but have not yet been adopted:

THAT the Agricultural Advisory Committee recommends that Council support Agricultural Land Reserve Application No. A19-0011 for the property located at 2568 KLO Road to allow for an existing secondary dwelling on the subject property as temporary farm worker housing to accommodate six (6) temporary farm workers.

The following anecdotal comments from the Agricultural Advisory Committee were provided:

- *The Committee recommends that part of the process when being required to decommission a property needs to include the demolition of the building and planting of the area.*
- *The Committee recommends that enforcement oversight of the property conforming with the regulations be followed through when a building is being decommissioned. Specifically, to ensure the dwelling use be enforced as per the regulations to only be used 10 months of the year.*

- *The Committee recognizes that in supporting this application, there is a risk of setting a precedent with future applications with regards to allowing rental housing and farm worker housing to exist on the same site.*

Report prepared by: Arlene Janousek, Planner

Reviewed by: Dean Strachan, Community Planning & Development Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Site Plan

2568 K.L.O Road

Main Dwelling (Dwelling 1)

nd
Dwelling 2

^{3rd}
Dwelling 3

Shed for Farm Use



ATTACHMENT

A

This forms part of application
A19-0011

Planner Initials
AJ



Report to Council



Date: October 7, 2019
To: Council
From: City Manager
Subject: Z17-0076 - Rescind Bylaw No. 11561
Department: Development Planning Department

Recommendation:

THAT Council receives, for information, the Report from the Development Planning Department dated October 7, 2019 with respect to Rezoning Application No. Z17-0076 for the property located at Lot 6, DL43, Twp 26 Sec 27 Plan KAP22014, 935 Mayfair Road;

AND THAT Bylaw No. 11561 be forwarded for the rescindment consideration and the file to be closed.

Purpose:

To rescind all three readings given to Rezoning Bylaw No. 11561 and direct Staff to close the file.

Development Planning:

An application to rezone the subject property was made on July 22, 2017 to rezone from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to facilitate the development of two single detached dwellings.

Bylaw No. 11561 received second and third readings at a Regular Meeting of Council on March 6, 2018 following the Public Hearing held on the same date; however, the application has remained dormant since. Staff have contacted the applicant several times over the past year without any response.

Given the above, staff are recommending that Council rescind first, second and third readings of Bylaw no. 11561, and direct staff to close the file.

An aerial photograph of a residential neighborhood with several streets labeled: MAYFAIR RD, FRANKLYN RD, and MCCURDY RD. Individual lots are outlined in orange, and many have their addresses printed on them. The lot at 935 Mayfair Rd is highlighted with a thick green border. Other visible addresses include 865, 901, 984, 980, 940, 930, 912, 910, 902, 900, 888, 890, 975, 785, 775, 955, 960, 935, 940, 915, 905, 920, 900, 973, 863, 945, 935, 915, 905, and 906.

Date of First Reading: February 19, 2018

Approved for inclusion: Terry Barton, Development Planning Manager

18

CITY OF KELOWNA
BYLAW NO. 11561
Z17-0076 – 935 Mayfair 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 6 District Lot 143 ODYD Plan 22014 located on Mayfair Road, Kelowna, B.C., 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 February, 2018.

Considered at a Public Hearing on the 6th day of March, 2018.

Read a second and third time by the Municipal Council this 6th day of March, 2018.

First, second and third readings rescinded by the Municipal Council this

Mayor

City Clerk

REPORT TO COUNCIL



Date: October 7th, 2019

RIM No. 1250-30

To: City Manager

From: Development Planning Department (AC)

Application: TA18-0009 **Owner:** n/a

Address: n/a **Applicant:** City of Kelowna

Subject: Section 8 Parking & Loading Zoning Bylaw Text Amendment Application

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA18-0009 to amend the City of Kelowna Zoning Bylaw No. 8000 by the replacing Section 8 Parking and Loading with a new Section 8 Parking and Loading as identified in Schedule "B" and outlined in the Report from the Development Planning Department dated October 7th, 2019, be considered by Council;

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

2.0 Purpose

To consider an update to Section 8 Parking & Loading Zoning Bylaw for various parking regulations.

3.0 Development Planning

As the City of Kelowna continues to evolve into an increasingly urban environment with enhanced public transportation options, urban infill, and complete urban centres, Staff has recognized the need to review the City's parking standards as directed by numerous policy initiatives including Imagine Kelowna and the Pedestrian and Bicycle Master Plan. This report proposes new parking standards for the Zoning Bylaw regulating the supply and design of private off-street parking and the provision of active transportation facilities.

Many of the existing parking requirements contained within Zoning Bylaw No. 8000 were 'carry overs' from the previous Zoning Bylaw No. 4500 which was created decades ago. Those parking regulations focused on an auto-oriented approach which ensured that each destination could accommodate peak parking demand on-site, thereby minimizing the potential for off-site impacts. The existing requirements, with the exception of mixed-use residential / commercial land uses within the urban centres, have little consideration for the availability of alternative forms of transportation, urban context, or development forms. The combination of high minimum vehicular parking requirements and few alternative transportation solutions have contributed to:

- an over-supply of parking;
- inefficient use of land;
- negative impact on form and character with vehicle-oriented solutions (e.g. parking lots, garages, parkades, driveways, etc.);
- creating barriers for redevelopment due to the high cost of parkades or limited space on-site on small properties to achieve a feasible parking area;
- dispersed development patterns, which in turn strengthen automobile dependence and discourages alternative forms of transportation such as transit and walking; and
- more vehicle use, which in turn increases pressure for new roads and widening existing roads (e.g. six laning of Hwy 97 from Hwy 33 to Edwards).

The proposed amendments are meant to incorporate several outstanding actions that were directed to Staff as part of higher-level policy documents including: The Official Community Plan, Healthy Housing Strategy, Council adopted Car-sharing strategy, previously adopted 2012 Kelowna Housing Strategy, Community Climate Action Plan, Imagine Kelowna, and the Pedestrian and Bicycle Master Plan. The proposed changes are intended to modernize parking regulations, minimize spill-over into sensitive areas, alter minimum and maximum parking requirements, and consider alternative transportations options like car-sharing and increased cycling infrastructure in order to promote more sustainable forms of development. This includes supporting more cost-efficient and land-efficient forms of development, supporting the envisioned urban structure and public transit investments, encouraging transportation alternatives to the automobile, and mitigating the environmental impacts of parking facilities.

3.1 Project Description – Overview of Major Changes

For a comprehensive review of the proposed changes, see Attachment 'A' (Summary of Changes) and Attachment 'B' (Proposed Text Amendments to Zoning Bylaw No. 8000). Staff reviewed many other municipalities' parking regulations and they vary widely across the province depending on the particular situation and context. The proposed changes are informed from this research, Staff's experience with development applications, and consultation with the Urban Development Industry (UDI). Staff have consulted with UDI and met with them to review the proposed regulations with adjustments made to reflect industry trends.

Adjust Parking Rates:

The existing parking requirements are high for some commercial and industrial land uses. Many overlapping commercial and industrial uses are not justified in having their own parking requirement (e.g., video store versus convenience store versus retail store). To simplify the standards and improve their accuracy, the proposed standards consolidate uses particularly for retail, restaurant, and industrial/employment uses. Revised parking requirements have been developed to better reflect modern levels of parking, allow for shared-use of parking where appropriate, decrease inefficient land use patterns, and balance the need to require appropriate levels of parking without contributing to extensive oversupply.

The proposed changes also adjust the parking rates within the Urban Centres and Village Centres. The general reduction in required parking is meant to better reflect the actual parking demand for different dwelling types and to align with the City's Transportation Demand Management goals for residential units within Urban Centres and Village Centres.

Rental Housing Incentive:

Staff are recommending a 20% parking reduction within Urban Centres or 10% parking reduction outside Urban Centres be applied to purpose-built rental housing developments. The parking for rental housing developments can be managed more efficiently with a rental pool of parking and when located in an Urban Centre with associated services, amenities, and alternate transportation options. The rental land use will need to be guaranteed through the new Local Government Act zoning powers for rental apartments.

Car-Sharing:

New car-sharing regulations will be introduced into the Zoning Bylaw in order to encourage diversity and choice in transportation alternatives. The proposed changes add definitions and incentives surrounding car-sharing. The proposal introduces a reduction in the amount of required off-street parking subject to the provision of a car-share vehicle up to a 20% maximum reduction. The proposed rate is a five-stall reduction for every car sharing vehicle provided. The parking rate reduction was based on Staff's recommendation that would lead to the viability of car sharing as a community amenity. The specific recommended numbers are based on research from other BC municipalities, current market conditions for a car-sharing fleet, memberships, and cash-in-lieu of parking.

Active Transportation (End-of-Trip Facilities, Bicycle Parking, & Bicycle Incentives):

Staff are recommending end-of-trip facilities regulations be added to the Zoning Bylaw. End-of-trip facilities means the suite of complementary common facilities such as clothing lockers, change rooms, washrooms, shower access, bike repair spaces, and bike wash stations that are necessary to support cyclists, runners, walkers and other active commuters where these amenities are needed at the end of their trip. Requiring these amenities, targeted towards employees, be incorporated into commercial and industrial developments will support the City of Kelowna's desired alternate transportation modal split and encourage vehicular trip reductions.

The bicycle parking standards are proposing to change. The number of short-term bicycle parking spaces is proposed to be based on the number of building entrances not the gross floor area. This change is to better reflect the actual need and location of these stalls. The main change in the long-term bicycle parking stalls is increasing the number of bicycle parking stalls from 0.5 stalls per dwelling unit to 0.75 stalls per dwelling unit. The proposal is to require at least 50% of long-term bicycle stalls to be anchored to the ground rather than in a vertical fashion. Secure horizontal bicycle parking allows easier access to bicycles, increasing the likelihood of commuter use.

Staff are recommending bicycle incentives be added to parking regulations. If a development was to provide additional long-term bicycle parking on top of the increased minimum requirements, then a reduction in vehicular parking would be applied as a bonus incentive.

Downtown Parking Exemptions

Staff are recommending a further reduction in the minimum parking regulations for commercial parking in the downtown core. This area was chosen as it is the only area in Kelowna that is designated as a 'walkers paradise' by the website WalkScore. The lower required parking rate will facilitate Kelowna's urbanization and contribute to the live, work, play neighbourhood goals for the downtown. Staff contemplated eliminating parking requirements for commercial development but concluded an interim step should be pursued. This step would still require reduced off-street parking and the City will reconsider eliminating minimum parking requirements as part of a larger long-term policy decision. This review would likely happen subsequent to the implementation of a new OCP and along with a broader shift toward relying less on vehicles for daily routines.

Tandem Parking

Staff initially proposed to eliminate tandem parking in multi-family developments including townhouses due to the impracticality of a two-vehicle household using tandem parking. After discussion with UDI, Staff are proposing to restrict tandem parking outside the urban core. UDI's preference is to keep the existing tandem parking rules in order to maximize the number of townhouse units that could be developed on any lot within the City of Kelowna. Staff are recommending permitting tandem parking within the urban core as there is increased probability of alternate transportation is more viable and a household is less likely to rely upon two vehicles.

Size of Vehicular and Universal Accessible Parking

The introduction of compact car size into the Zoning Bylaw occurred in 2011. The assumption was compact cars such as smart cars would proliferate throughout the ownership market. That widespread adoption of compact vehicles has not occurred, and compact stalls have created numerous challenges in developments throughout Kelowna. Staff are recommending eliminating the provision that allows compact cars. Further, the BC Building Code has eliminated the requirements for Universal Accessible parking stalls and assigned each municipality to set Universal Accessibility standards within their Zoning Bylaws. After review of the previous regulations and review of best practice Staff have recommended new standards for Universal Accessible parking.

Short-Term Rental Accommodation Parking

The short-term rental accommodation regulations introduced in spring 2019 include parking requirements for that use. While operators in single or two dwelling housing can often accommodate some additional parking for this use on-site, this is not feasible for those in existing townhouse and apartment developments. Several business license applications have been turned down because parking requirements cannot be met. Staff do not want to encourage an oversupply of parking in new developments simply to allow for short-term rental accommodation. As such, staff recommend removing the parking requirement for multiple dwelling housing. The requirement for one parking space per two sleeping units for single and two dwelling housing would remain.

3.2 Summary

In conclusion, these amendments are meant to implement the policy directions approved in the OCP, various policy documents, and directed by Council resolutions. Staff realize there may be implications to on-street parking management strategies in both an urban and suburban context. In the urban context, the best pedestrian, most successful, and most desirable public spaces all have high demand for parking and limited supply. Municipalities best tools are the introduction of progressive parking management techniques. In the suburban context, there are usually limited opportunities to utilize active transportation methods, such as walking, to necessary destinations. As a result, the suburban reliance on private vehicles is increased. This is why the recommendation is to minimize on-street parking issues in suburban areas but efficiently utilize all parking spaces in urban areas.

The proposed regulations will influence the City's Cash-in-lieu of parking program. In general, the various parking incentives and the overall reduction of parking may result in less money received into this program. However, in the long-term, lower parking requirements encourage urban centre development, promote alternate transportation options, and reflect the actual usability rate.

3.3 Consultation Summary

Staff held meetings and engaged in formal correspondence with the UDI while developing these regulations. Internal departments that were consulted and coordinated with were: Policy & Planning, Real Estate, Parking Services, Development Engineering, Building, & Parks Planning.

4.0 **Current Development Policies**

4.1 Kelowna - Official Community Plan (OCP)

- Support parking management programs that promote reduced vehicle ownerships, reduced vehicle trips, and increased use of active modes of transportation.
- The City of Kelowna's efforts will be focused on creating more mixed-use neighbourhoods (as identified on the OCP Future Land Use map) and on ensuring that residents can conveniently and safely travel by bus or by foot, bicycle and other forms of active transportation to get to major community destinations while ensuring the efficient movement of goods and services.
- Place increased emphasis on sustainable modes of transportation (walking, cycling, transit) while maintaining automobile, commercial goods, and emergency vehicle mobility.
- Reduce peak hour trips and the percentage of trips undertaken by single occupant vehicles, particularly in Urban Centres, in order to reduce or eliminate the expansion of the transportation network and capacity.
- Parking Initiatives. Implement parking management programs that promote reduced car ownership, reduced car trips, and increased use of active modes of transportation.
- Promote the use of alternative modes of transportation in site design (e.g. prominent bicycle racks for convenience and security, orient building entrances to pedestrian areas).

4.2 Kelowna - Pedestrian and Bicycle Master Plan

Recommendations for Zoning Bylaw amendments from Pedestrian and Bicycle Master Plan identified in Table 7.1.

Table 7.1: Zoning bylaw recommended updates

Section	Topic	Recommendation
8.4	Off-Street Bicycle Parking	Update section 8.4 to increase the number of Class I (long-term) and Class II (short-term) bicycle parking spaces required in educational institutions as outlined in Table 7.1(a). Review table 8.3 of Zoning Bylaw and update bicycle parking requirements for commercial and industrial zones based on best practices.
8.1.11	Parking space size requirements	Amend section 8.1.11 to include a provision enabling the conversion or substitution of bicycle parking for Full Size Vehicle Parking, at a ratio of five bicycle spaces per Full Size Vehicle Parking space.
13, 14, 15, 16, 17, 18	End of Trip Facilities	Create an end-of-trip facility regulation for commercial, industrial, institutional, or other developments, with a requirement for change rooms. Updates to the Development Permit guidelines (OCP) and the corresponding requirements in the Building Bylaw may also be required to be consistent with and align to the Zoning Bylaw updates.

4.3 Kelowna – Community Climate Action Plan

The actions recommended to reduce transportation emissions reflect the community's draft goal "to embrace diverse transportation options to shift away from our car-centric culture" as heard during *Imagine Kelowna* engagement. Further, the actions build on participants' suggestions heard during the *Imagine Kelowna* On Point discussions on climate and transportation:

- Increase parking costs / reduce parking
- Build more bike paths and bike lanes
- Increase dedicated bike / multi-use paths by allocating more resources in the annual budget and making active transportation a priority
- Improve transit systems by establishing consistent schedules and affordable rates
- Embrace autonomous vehicles
- Support car share and car-pooling.

The Cost of Roads

Roads are much more expensive to maintain than active transportation pathways. In Kelowna, the approximate cost of maintaining 1 km of roadway is \$2,700 per lane km and \$1,074 for 1 lane km of multi-use pathway.

(Source: City of Kelowna, Road improvements enroute News Release – May 16, 2017)

4.4 Kelowna – Healthy Housing Strategy

Action: Reduce parking requirements for infill and affordable housing.

Negative effects of off-street parking requirements, and particularly ones that are high, include:

- Affordability: the cost of constructing parking is passed on to the end user, and structured parking can cost up to \$70,000 per stall;
- Land use: off-street parking regulations demand that each project dedicate valuable land to parking vehicles, and estimates for urban areas are that 30% of land is for vehicle parking; and
- Transportation choice: parking restrictions are the greatest driver of transportation mode changes, and creating cities where driving and parking are easy will only create greater demand for driving and parking.

Report prepared by: Adam Cseke, Planner Specialist
Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager
Reviewed by: Terry Barton, Development Planning Department Manager
Approved by: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment 'A' Summary of Changes

Attachment 'B' Proposed Text Amendments to Zoning Bylaw No.8000



TA18-0009

Parking Regulations

Zoning Bylaw Update



Purpose

- ▶ To consider an update to Section 8 Parking & Loading of the Zoning Bylaw for various parking regulations.

Context

imagineKelowna



Kelowna On the Move
Pedestrian and Bicycle Master Plan
April 2016



Our Kelowna as We Take Action
Kelowna's Community Climate Action Plan

June 2018

Healthy Housing Strategy
kelowna.ca

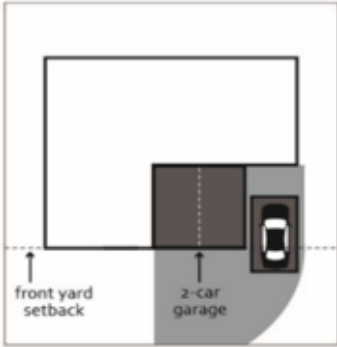
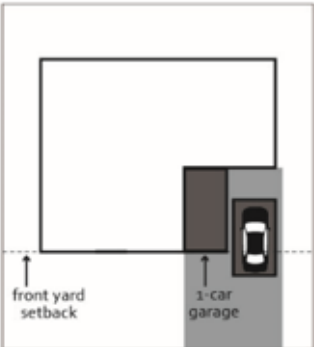
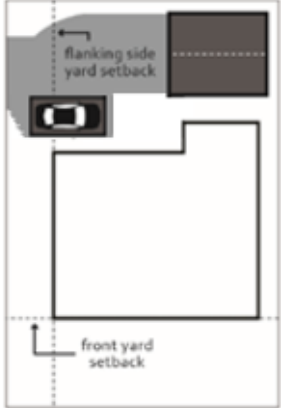
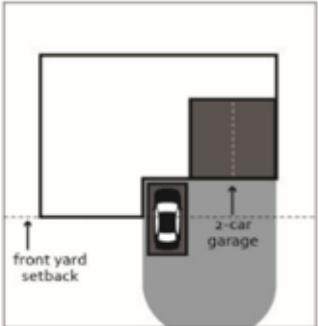
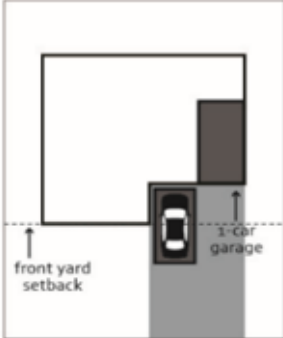
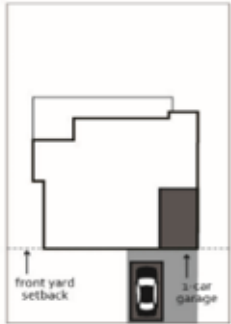
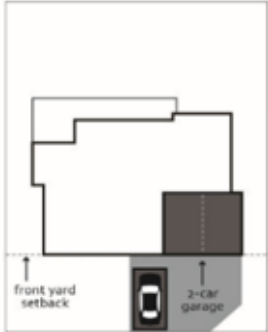
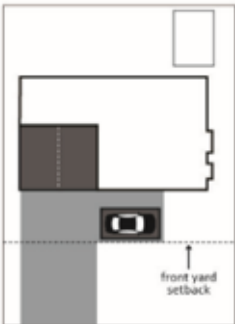
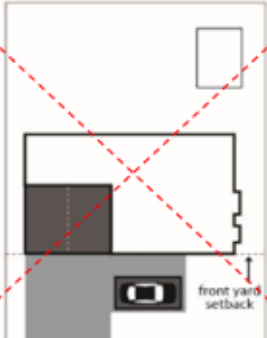
Outline

- ▶ Secondary Suite Parking
- ▶ Universal Accessible Parking Stalls
- ▶ Parking Incentives
- ▶ Off-site parking Covenants
- ▶ Landscape Islands
- ▶ Tandem Parking
- ▶ Residential Parking Rates
- ▶ Commercial & Industrial Parking Rates
- ▶ Downtown Commercial Parking
- ▶ Bike Parking Rates and Standards
- ▶ End-of-Trip Facilities

Secondary Suite Parking

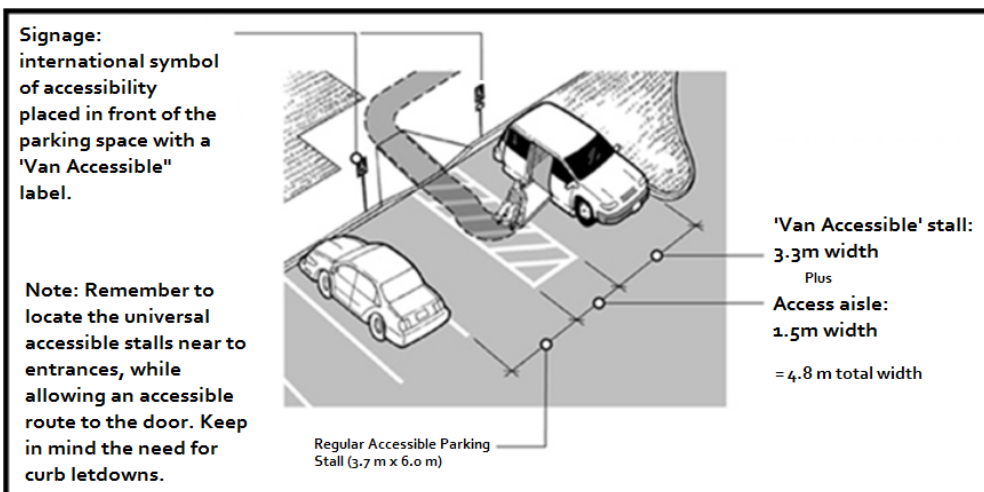
- ▶ Secondary Suite Parking Configuration Update

Figure 8.2.5 - Permitted and Not Permitted Parking Configurations

		
Side Yard Parking – Double Garage	Side Yard Parking – Single Garage	Corner Lot Parking
		
Front Yard Parking 1 – Double Garage	Front Yard Parking 1 – Single Garage	Front Yard Parking 2 – Single Garage
		
Front Yard Parking 2 – Double Garage	Perpendicular Parking – Permitted	Perpendicular Parking – NOT Permitted

Universal Accessible Stalls

Table 8.2.19 Amount of Accessible Parking Spaces		
Total Number of Parking Spaces Onsite.	Minimum Number of Required Accessible Parking Spaces	Minimum Number of Required Van-Accessible Parking Spaces
1 – 4 spaces	0 spaces	0 spaces
5 – 36 spaces	1 space	1 space
37 – 68 spaces	2 spaces	1 space
69 – 100 spaces	3 spaces	1 space
101-150 spaces	4 spaces	1 space
151-200 spaces	5 spaces	1 space
201-300 spaces	6 spaces	2 spaces
301-400 spaces	7 spaces	2 spaces
401-500 spaces	8 spaces	2 spaces
Over 500 spaces	2% of total	2 spaces



Parking Incentives

▶ Car-share:

- ▶ For every car-share provided, 5 stall reduction in minimum parking amount
 - ▶ Maximum reduction of 20%

▶ Bicycle:

- ▶ If a development provides additional bicycle parking over and above the expanded minimums then up to 5 vehicle parking reduction is applied
 - ▶ Maximum reduction of 20%

▶ Rental Housing:

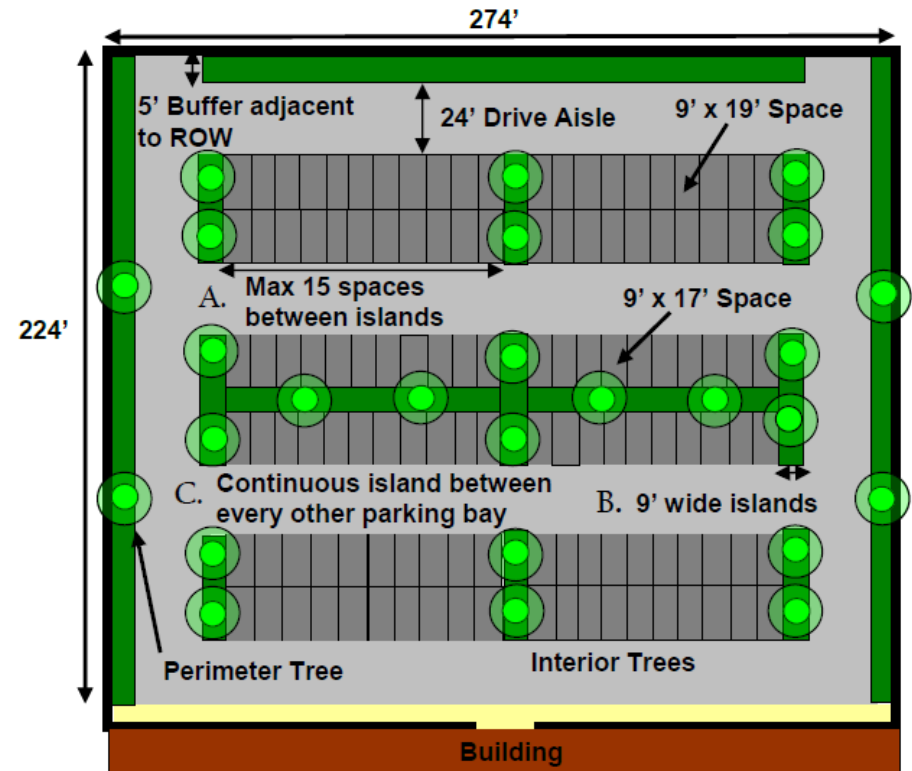
- ▶ If rental housing guaranteed 20% reduction can apply within an urban centre and a 10% reduction can apply outside an urban centre

Off-site Parking Covenants

- ▶ Propose to delete
- ▶ Better to handle as a parking variance to Council and have a private agreement between property owners
 - ▶ Example: “The Shore”

Landscape Islands

- ▶ Delete existing language 2.0m² per required parking stalls
- ▶ For Parking Lots over 50 stalls:
 - ▶ Landscape island at the end of each aisle
 - ▶ Max 15 stalls before landscape island



Tandem Parking

Tandem parking spaces is permitted only for the following land **uses** (not between land uses):

- ▶ **single dwelling housing** (which may be in tandem with a secondary suite or carriage house);
- ▶ **short-term rental accommodations;**
- ▶ **two dwelling housing;** and
- ▶ **townhouses** where the lot is located within the Urban Core as defined in the Official Community Plan. Visitor parking stalls cannot be configured in tandem.

Residential Parking Rates

- ▶ Amend residential parking rates
- ▶ Clarify visitor parking is in addition to the base requirement
- ▶ Add definition for lock-off units (count as a dwelling unit for the purpose of visitor stalls)

Table 8.3 – Required Off-Street Parking Requirements

Table 8.3.1 Residential Parking

Land Use / Type of Development	Base Parking Requirement (number of spaces)			Minimum Visitor Parking Requirement 1 2 3
	C4 & C7 Zones	All other non-single family zones within Urban or Village Centres 2	All other non-single family zones not within an Urban or Village Centre 2	
Multiple Dwelling Housing: Apartment Housing Townhouses Row Housing Stacked Row Housing Three Dwelling Housing Four Dwelling Housing	Min 0.8 spaces & Max 1.25 spaces per bachelor dwelling unit (includes micro-suite housing);	Min 0.9 spaces & Max 1.25 spaces per bachelor dwelling unit (includes micro-suite housing);	Min 1.0 space & Max 1.25 spaces per bachelor dwelling unit (includes micro-suite housing);	Min 0.14 spaces & Max 0.2 spaces per dwelling unit
	Min 0.9 spaces & Max 1.25 spaces per <u>1 bedroom</u> dwelling unit;	Min 1.0 space & Max 1.25 spaces per <u>1 bedroom</u> dwelling unit;	Min 1.25 spaces & Max 1.6 spaces per <u>1 bedroom</u> dwelling unit;	
	Min 1.0 space & Max 1.5 spaces per <u>2 or more bedroom</u> dwelling unit;	Min 1.25 spaces & Max 1.6 spaces per <u>2 bedroom</u> dwelling unit;	Min 1.5 spaces & Max 2.0 spaces per <u>2 bedroom</u> dwelling unit	
		Min 1.5 spaces & Max 2.0 spaces per <u>3 bedroom</u> dwelling unit	Min 2.0 spaces & Max 2.5 spaces per 3 bedroom or more dwelling units;	

Commercial and Industrial Parking Rates

- ▶ Simplify commercial and industrial land
- ▶ Reduce parking rates
 - ▶ Match C₄ commercial rates with C₇
 - ▶ Lower general industrial parking rates but add separate calculation for commercial / office uses on industrial lots

Downtown Commercial Parking



- ▶ Reduce commercial parking in the downtown from 1.3 stalls per 100m² to 0.9 stalls per 100 m²



Bike Parking Rates and Standards

- ▶ Short term bicycle parking rates changed from # of stalls per dwelling unit to GFA or # of stalls per building entrance
- ▶ Long Term bicycle parking rates for residential increased from 0.5 spaces per dwelling unit to 0.75 spaces per dwelling unit
- ▶ 50% long range bicycle parking shall be Ground-Anchored

End-Of-Trip Facilities

Table 8.6 Required End-of-Trip Facilities

Long-Term Bicycle Parking Spaces	Number of Toilets	Number of Sinks	Number of Showers	Number of storage lockers
0-3	0	0	0	0
4-29 ❶	2	2	2	0.5 lockers per bicycle space
30-64 ❶	4	4	4	0.5 lockers per bicycle space
65 and over ❶	+2 for each additional 30 bicycle spaces	+2 for each additional 30 bicycle spaces	+2 for each additional 30 bicycle spaces	0.5 lockers per bicycle space

❶ End of trips shall include a "bicycle repair and wash station" including tools for bikes, a commercial grade pump, access to water, and way to raise a bike up to perform simple maintenance. A "bicycle repair and wash station" is required after 4 long term bike parking stalls are required.

Staff recommendation

- ▶ Staff are recommending support for the new Section Parking and Loading Standards
 - ▶ Consistent with:
 - ▶ Imagine Kelowna
 - ▶ Community Climate Action Plan
 - ▶ Pedestrian and Bicycle Master Plan
 - ▶ Healthy Housing Strategy
 - ▶ Council endorsed resolutions on car-sharing



Conclusion of Staff Remarks

ATTACHMENT A – PROPOSED TEXT AMENDMENTS TO ZONING BYLAW No. 8000 – TA18-0009

Zoning Bylaw 8000 – Section 8 Updates			
No.	Summary of Change	New Language if Any	Brief Rationale
1.	<p><u>Delete Section 9.5.a.10 (move into parking table)</u></p> <p>Secondary suite parking:</p> <ul style="list-style-type: none"> i. shall be designated as being solely for the use of the secondary suite; ii. shall be accessed from a lane in circumstances where a rear or a side lane abuts the property; iii. shall be surfaced with permanent surface of asphalt, concrete or similar hard surfaced material. iv. shall be accessed from any driveway existing at the time the secondary suite use commences in circumstances where no rear or side lane abuts the property; v. can be located in the driveway and in tandem with the single detached dwelling parking as long as two additional off-street parking stalls are provided for the principal dwelling. 	<p>Secondary Suite in Table 8.1:</p> <p>1.0 space (shall be designated solely for the use of secondary suite) can be located in the driveway and in tandem with the single detached dwelling parking as long as two additional off-street parking stalls are provided for the principal dwelling.</p> <p>Secondary parking (e.g. Secondary suites & carriage houses) can be surfaced with porous material.</p>	<p>Purpose is to have parking rules in one location instead of flipping between sections and to simplify the rule / interpretation of the rule.</p> <p>Language deemed redundant:</p> <ul style="list-style-type: none"> ii. shall be accessed from a lane in circumstances where a rear or a side lane abuts the property (Rule already exists within each zone); iii. shall be surfaced with permanent surface of asphalt, concrete or similar hard surfaced material (rule already exists). iv. shall be accessed from any driveway existing at the time the secondary suite use commences in circumstances where no rear or side lane abuts the property. <p>Porous materials for secondary parking encouraged to allow for onsite water infiltration.</p>
2.	Added minimum requirements for the amount of Accessible Parking stalls and Van Accessible Parking stalls.	<p>See Section 8.2.20.</p> <p>The number of Accessible parking stalls is based upon the total parking stalls provided onsite. Add accessible parking requirements to parking lots below 50 stalls and to add a van-accessible parking stall requirement.</p>	The new BC Building code does not require Accessible Parking stalls anymore and it is the responsibility of local governments to have their own regulations. The proposed regulations come from the recommendations produced by the Province and general best practice accessibility requirements.
3.	Add the car-share incentives and definitions	See Section 8 Proposal document	To support car-shares and support policy work done to promote Alternative Transportation Demand management strategies. Development Community would like this applied to commercial.

ATTACHMENT A – PROPOSED TEXT AMENDMENTS TO ZONING BYLAW No. 8000 – TA18-0009

Zoning Bylaw 8000 – Section 8 Updates			
No.	Summary of Change	New Language if Any	Brief Rationale
4.	Reorganize Section 8 language	<ol style="list-style-type: none"> 1. Begin with General Provisions and Development Standards. 2. Detail off-street parking rules including number of spaces, car-share incentives, tandem parking, location of off-street parking, and size / ratio of off-street stalls 3. Add Table Parking Schedule for number of parking stalls per specific use classification. 4. Provide off-street Loading requirements 5. Add Table Loading Schedule for number of loading stalls per specific use classification 6. Provide Off-street Bicycle Parking requirements 7. Add Table Bicycle Schedule for number of Bicycle stalls per specific use classification 	Make it easier for people to understand the rules and regulations of various parking standards
5.	<p>Section 8.1.10 Off-site parking covenants for non-residential use classes:</p> <p>Previously there was a set a rules that had a maximum distance in which off-site parking was allowed assuming a parking covenant was registered on those lots</p>	Delete Section 8.1.10 Off-site parking covenants for non-residential use classes	Development community recommends keeping this option open to provide flexibility for development. Staff think off-site parking could be provided in the future but through cash-in-lieu of providing parking or parking variances instead of a parking covenant which sterilizes land the covenant is on for future development.

ATTACHMENT A – PROPOSED TEXT AMENDMENTS TO ZONING BYLAW No. 8000 – TA18-0009

Zoning Bylaw 8000 – Section 8 Updates			
No.	Summary of Change	New Language if Any	Brief Rationale
6.	Section 8.1.7 landscape islands Change how the landscape island requirement is calculated. Current rules require 2.0m ² of landscape island area per required parking stall (applies only to parking lots over 50 stalls)	Any parking lot over 50 vehicles must incorporate landscaped islands as described below: <ul style="list-style-type: none"> (a) Landscape islands are required at the end of each parking aisles. (b) The maximum number of parking stalls in a consecutive row is 15 with a landscape island separating the next 15 stalls or drive aisle. (c) Landscaped islands are not to be longer than the adjacent parking stall (d) Landscape islands shall be clearly delineated as separate and in addition to required parking and loading spaces; (e) shall be located such that loading and unloading vehicles can gain access without undue interference from the landscape islands. (f) Landscaping shall be consistent with Section 7 regulations. 	In order to have better design standards and to beautify surface parking lots, the same amount of landscaping is required (approximately) in both rules but the new rules are more specific requiring better layouts. Previously, a surface parking lot could have one landscape island area in the rear or corner and not have any within the aisles (as long as the total area was met).
7.	Delete overall maximum parking regulation as identified in S.8.2.3 and replace with a maximum per use category Section 8.2.3 To support City of Kelowna objectives for transportation demand management: <ul style="list-style-type: none"> a) the maximum number of parking spaces for each use classification is 125% of the minimum number required; 	Amend Table 8.3 and add maximum parking per land use category	There are multiple proposed incentives to reduce minimum parking requirements, which would create too much administrative uncertainty if the maximum parking regulation is based on an aggregate amount. Therefore, it is recommended to add maximum parking calculation based on a per use category basis and is meant to reflect similar maximum parking regulations in the original bylaw that were based on 125% of the minimum parking.

ATTACHMENT A – PROPOSED TEXT AMENDMENTS TO ZONING BYLAW No. 8000 – TA18-0009

Zoning Bylaw 8000 – Section 8 Updates			
No.	Summary of Change	New Language if Any	Brief Rationale
8.	Change the way rounding up works for number of spaces of parking, loading, and bicycle requirements (existing rule simply rounds up)	<p>Section 8.2.5, Section 8.3.3, & Section 8.4.3</p> <p>Where calculation of the total number of parking spaces yields a fractional number, the following counting rules apply (unless specifically defined in Table 8.1 Parking Schedule):</p> <ul style="list-style-type: none"> a) Any fraction less than one-half (0.5) rounds down to the nearest whole integer (including zero); and b) Any fraction one-half (0.5) or greater rounds up to the nearest whole integer. 	The purpose is to not force relatively small developments / additions into providing one loading stall and the other calculations followed to be consistent (will have marginal impact to both bicycle and car parking)
9.	<p>Section 8.2.12 Tandem Parking</p> <p>Allow tandem parking for S2RES uses. Prevent tandem parking from being counted towards the required parking other uses including multi-family. However, townhouses that are located within urban centres could count tandem stalls as part of the required parking.</p>	<p>Tandem Parking spaces can be counted as meeting minimum parking requirements but only for the following uses land uses:</p> <ul style="list-style-type: none"> (a) single dwelling housing; (b) secondary suites; (c) carriage houses; (d) short-term rental accommodations (e) two dwelling housing; (f) Townhouses but the property must be located within the Urban Core as defined in the Official Community Plan. 	Default regulation for most townhouse developments should not have their primary parking in tandem. There are some situations where tandem can make sense. For example, in the urban core with good walkability and/or access to transit.
10.	<p>Section 8.2.13</p> <p>Old Language:</p> <p>no off-street parking shall be located in the required front yard except that a maximum of two required spaces may be located on a driveway which provides access to a required off-street parking space that is not in the front yard</p>	<p>no off-street parking shall be located in the front or flanking side yard setback area except:</p> <ul style="list-style-type: none"> 1. for parking spaces located on a driveway which provides access to a required off-street parking space that is not in the front or flanking yard setback area; and 2. for the situations described in the Figure 8.2.12 	Diagrams meant to clarify regulations in order for easier understanding.

ATTACHMENT A – PROPOSED TEXT AMENDMENTS TO ZONING BYLAW No. 8000 – TA18-0009

Zoning Bylaw 8000 – Section 8 Updates			
No.	Summary of Change	New Language if Any	Brief Rationale
11.	Section 8.2.15 Old language: All two-way surface drive aisles residential strata developments.	All two-way surface drive aisles without adjacent parking.	Clarify meaning and understanding of rule.
12.	Added language and diagrams to clarify rules for wheel stops in surface parking areas. Previous language only required wheel stops when encroaching upon another property line.	See section 8.1.18 for wheel stop requirements and diagram	Standard parking rules across many municipalities and consistent with best practices.
13.	Add maximum drive way and drive aisle grades rules with diagrams to provide clarity.	Maximum grades: (a) The maximum grade for a drive aisle or parking stalls is 8%; (b) The maximum grade for a driveway is 15%; (c) Where a drive aisle or parking space is located within 6.0m of a street boundary it must comply with applicable grade requirements prescribed in Subdivision, Development & Servicing Bylaw	Subdivision, Servicing, and Development Bylaw currently states maximum drive way grades but no maximum drive aisle grades. Numbers are consistent with best practices across municipalities. The rules need to be in the Zoning Bylaw as the Zoning Bylaw is meant to provide development rules on-site and the Subdivision, Servicing, and Development Bylaw is meant to provide the rules for off-site standards.
14.	Add parking for people with disabilities into the count of full size vehicle stalls.	*For the purpose of calculating the percentage of full size vehicle parking stalls, parking stalls for people with disabilities shall be included in the minimum number full size vehicle parking stalls.	Clarify meaning and understanding of rule.
15.	Reduce Parking rate for residential units in C4 and C7 zones.	0.8 space per bachelor dwelling unit (includes microsuits); 0.9 spaces per 1 bedroom dwelling unit; 1.0 spaces per 2 bedroom or more dwelling units;	To better reflect the parking demand and the City's Transportation Demand Management goals for smaller residential units within an urban Centre.
16.	Reduce Parking rate for residential units within urban centres and village centres for zones other than C4 & C7.	0.9 space per bachelor dwelling unit (includes microsuits); 1.0 spaces per 1 bedroom dwelling unit; 1.25 spaces per 2 bedroom dwelling unit; 1.5 spaces per 3 bedroom or more dwelling units	To better reflect the parking demand and the City's Transportation Demand Management goals for residential units within Urban Centres and Village Centres.

ATTACHMENT A – PROPOSED TEXT AMENDMENTS TO ZONING BYLAW No. 8000 – TA18-0009

Zoning Bylaw 8000 – Section 8 Updates			
No.	Summary of Change	New Language if Any	Brief Rationale
17.	Add parking bonus for rental housing	20% discount if located in an urban centre and 10% discount if outside urban centre if the zoning restricts the development to rental only.	This meets the new provincial amendments to allow for rental restrictions and the evidence that a rental parking pool reduces the demand for overall parking requirements.
18.	Change visitor calculation from 1 per 7 dwelling units to 0.14 spaces per dwelling units and add a visitor stall size restriction	0.14 spaces per dwelling units for visitor stalls	Easier to understand and calculate and Visitor stalls should better reflect typical vehicle size.
19.	Update congregate housing and supportive housing numbers	See proposed Tale 8.1	
20.	Simplified Commercial land uses for parking rates	See proposed Tale 8.1	Numbers approximate from research in other jurisdictions. Move away from regulations that are based on seats and / or employee numbers as those numbers can easily vary and are difficult to enforce. Purpose was to simplify commercial parking rules and to match existing land uses with current literature on various commercial parking rates
21.	Reduce General Industrial rates but increase office / accessory uses associated within Industrial	See proposed Tale 8.1	To better align with actual parking demand and reduce variances.
22.	S.8.1.6 Sentence Deleted about conforming to Section 7	Sentence Deleted	Superfluous sentence, Section 7 must be adhered to regardless of this sentence
23.	S.8.2.13 & S8.2.14 Combine and simplify rules	See proposal	To clarify meanings and simplify interpretations
24.	Deleted parking Requirements for Public Parks	See Table 8.3.6 Community, Recreational, and Cultural	Parking rates for parks unnecessary due to too many variables. i.e. type of park, restriction of topography, and park demand.
25.	Off Street Bicycle Parking standards changed	Replaced class 1 & 2 with Short-term & long-term bicycle parking and added a rule that only 60% of the bicycle parking may be arranged in a vertical configuration.	Meets best practice for bicycle standards as vertical bicycle parking is not easily accessible for seniors, children, or other physical restrictions.

ATTACHMENT A – PROPOSED TEXT AMENDMENTS TO ZONING BYLAW No. 8000 – TA18-0009

Zoning Bylaw 8000 – Section 8 Updates			
No.	Summary of Change	New Language if Any	Brief Rationale
26.	Off Street Bicycle Parking rates changed	<p>Short term bicycle parking rates changed from # of stalls per dwelling unit or per GFA to # of stalls per building entrance.</p> <p>Long Term bicycle parking rates for residential increased from 0.5 spaces per dwelling unit to 0.75 spaces per dwelling unit.</p> <p>Add rules regarding bicycle parking stall size dimensions.</p>	Follows best practice of short term bicycle parking fitting within existing site constraints. Comparable municipalities rules vary greatly for long term bicycle parking per unit (0.25 to 1.5 spaces per unit). The proposed rate is necessary in Kelowna to meet the objectives of commuter mode split and general demand for bicycle facilities.
27.	Added End-of-Trip facilities as a regulation	For commercial and industrial properties as certain number of common amenities are required based on the size of the development.	The End-of-Trip rate are needed to meet Kelowna's objectives of commuter mode split and general demand for bicycle facilities those developments.
28.	Add definition of Lock-off units	Add rule stating lock-off units shall not be counted as a dwelling unit for the base minimum parking requirement but the lock-off units should be counted as a dwelling unit for the purpose of the minimum visitor parking.	Lock-off units are helpful as mortgage helpers of condo owners and provide a flexibility in unit type. The challenge for parking requirements is they could be used as a whole dwelling unit, thus, not needed any extra parking, or they could be used as a rental unit which then parking demand would increase irregularly based on the timing of various rental accommodations. Other Lower Mainland municipalities have addressed this problem by adding the lock-off unit to the minimum visitor parking calculation.
29.	Add Diagram 8.3.8 Parking Exception Area	<p>All Properties shown in Diagram 8.3.8 shall not be required to meet any vehicle parking space requirements if the height of the buildings are:</p> <ul style="list-style-type: none"> • 15.0 metres or less; and • 4 storeys or less. 	This section was unintentional removed as part of a previous update and should be included back in the bylaw to encourage the updating of buildings located in the historical area of downtown.
30.	Eliminate compact car	Change the situation where 10% of the total parking count was allowed to be configured in compact size to be regular stall size. In multiple family this changes from 50% full size, 40% medium, 10% compact to 60% regular and 40% small.	Too many complaints and evidence that compact car parking stalls were unusable even with small cars.

ATTACHMENT A – PROPOSED TEXT AMENDMENTS TO ZONING BYLAW No. 8000 – TA18-0009

Zoning Bylaw 8000 – Section 8 Updates			
No.	Summary of Change	New Language if Any	Brief Rationale
31.	Reduce Commercial Parking requirements	Lower the C4 parking rate to match the C7 parking rate (from 1.75 spaces per 100m ² GFA to 1.3 spaces per 100 m ² GFA); and Reduce commercial parking minimum for a specified area within the downtown urban centre	Having a consistent commercial parking rate across the urban centres is important and matches the previous C7 parking stall rate. The commercial parking is proposed to be reduced in area's that are designated as a 'walkers paradise'. This will help facilitate urban style development contributing to the City's downtown goal of a live, work, play area whereby vehicles are less reliant for daily routines.
32.	Add bicycle parking incentives	Reduce vehicle parking spaces by 20% up to a maximum of 5 stalls if extra bicycle parking spaces are provided.	The City's objective in the Pedestrian and Bicycle Master Plan is that 25% of all trips under 5km are made by cycling or walking by 2036. As such, it would be appropriate to offer a reduction in parking for exceeding the new increased bicycle parking minimums.
33.	Amend the parking regulations for short-term rental accommodations	1.0 space per two sleeping units for single family type developments (no change from existing regulation) and no additional parking required for short-term rental accommodations for multi-family developments.	The initial regulation had extra parking requirements for short-term rental accommodations in multi-family dwelling units if that dwelling unit had less than 2 parking spaces. Multi-family developments with or without parkades cannot readily add parking spaces and Staff feel the existing parking for a multi-family dwelling unit could handle the demand from a short-term rental accommodation. Further, in a multi-family dwelling situation the strata can regulate themselves and either permit or deny short-term rentals.

Attachment B – PROPOSED TEXT AMENDMENTS TO ZONING BYLAW No. 8000 – TA18-0009

Delete Section 9.5.a.10 (move into parking table)

Secondary suite parking:

- i. shall be designated as being solely for the use of the **secondary suite**;
- ii. shall be accessed from a lane in circumstances where a rear or a side lane abuts the property;
- iii. shall be surfaced with permanent surface of asphalt, concrete or similar hard surfaced material.
- iv. shall be accessed from any driveway existing at the time the **secondary suite** use commences in circumstances where no rear or side lane abuts the property;
- v. can be located in the driveway and in tandem with the single detached **dwelling** parking as long as two additional off-street parking spaces are provided for the principal **dwelling**.

Add the following definitions into Section 2

- **Car-Share Organization:** means operations that allow members of the general public to book **vehicles** on a short-term as-needed basis, paying only for the time they use the **vehicle** and the distance they drive. The operators are responsible for maintenance, insurance and vehicle booking through an online application.
- **Car-Share Vehicle (classic):** A **vehicle** owned or leased by a **car-share organization** where the vehicle is returned to the same location at the end of every booking to a shared-vehicle parking area.
- **Car-Share Vehicle (One-way):** A **vehicle** owned or leased by a **car-share organization** that has no fixed or dedicated parking space.
- **Car-Share Vehicle Parking Space:** A parking space reserved for the exclusive use of a classic or one-way car share **vehicle**.
- **Short-term bicycle parking** means bicycle parking that is provided for patrons, customers, and visitors of a **development** in a manner that is convenient and readily accessible for bicycles to park. Short-term parking of bicycles should serve the main entrance of a **building** and should be visible to pedestrians and bicyclists.
- **Long-term bicycle parking** means bicycle parking that is specifically provided and equipped for residents, students, employees, and others who generally stay at a site for several hours. The parking provided shall be easy to access for a range of users, secure for long periods of time and provide shelter from weather.
- **End-of-trip facilities** means the suite of complementary common facilities such as clothing lockers, change room, washroom, shower access, bike repair space, and bike wash stations that are necessary to support cyclists, joggers, walkers and other active commuters where these amenities are needed at the end of their trip.
- **Lock-off Unit** means a smaller dwelling unit within a larger principal dwelling unit, which must have separate external access to a shared common hallway and shared internal access, and which can be locked off from the larger dwelling unit, but does not include a secondary suite;
- **Townhouse** means any development with three or more **dwelling** units, with each dwelling unit having a direct entrance at grade. Townhouse definition includes row housing and stacked row housing.

Replace Section 8 of the Zoning Bylaw with the new Section 8 identified below:

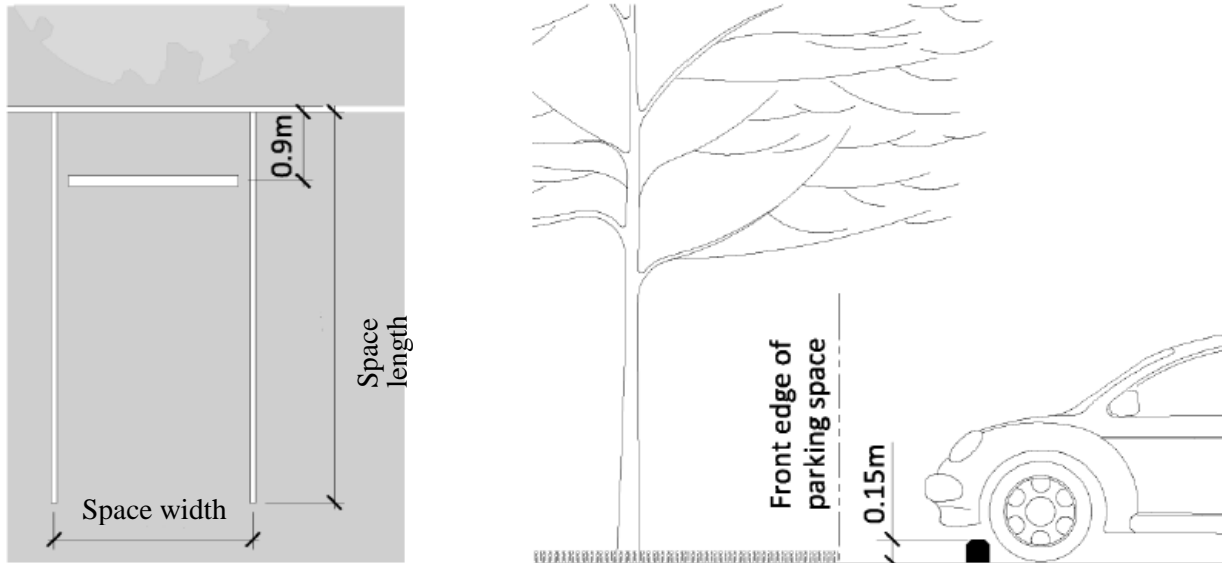
Section 8 – Parking and Loading

8.1 General Provisions and Development Standards

- 8.1.1 Where provision of off-street parking or **loading spaces** is required by this Bylaw, a plan of the proposed **site** layout and landscape plan shall be included with the **development** permit application or **building permit**, as the case may be. The plans must be included with the **building permit** application. The **site** plan must be drawn to scale and must clearly illustrate the **lot** size and configuration, **building** locations, **parking spaces**, **loading spaces**, on-site circulation, access driveways, **landscaping**, **fences**, and any other details relevant to the review of the **development** proposal.
- 8.1.2 Off-street **parking spaces** shall not be credited as off-street **loading spaces** or vice versa.
- 8.1.3 In lieu of providing the required number of off-street vehicular where the **City** owns and operates a parking facility within **urban centres**, a property **owner** within an **urban centre** may pay to the **City** a sum of money equal to the number of **parking spaces** not provided multiplied by the applicable cash-in-lieu amount as determined from time to time by **Council**. The sum of money will be deposited in the parking facilities reserve fund for disposition as directed by **Council**. Cash-in-lieu is not permitted where compliance with Ministry of Transportation & Infrastructure (MOTI) standards is required.
- 8.1.4 Every off-street parking or loading area (including every access road to such areas) required by this Bylaw to accommodate three (3) or more **vehicles**:
- (a) shall have a durable, dust-free hard surface of concrete, asphalt or similar material, constructed such that the surface drainage is directed to the public storm sewer system (if available), or alternatively to approved planting areas, or an approved on-site drainage system;
 - (b) despite Section 8.1.4(a), any requirement for hard surfacing such as concrete or asphalt does not apply (but dust free surface shall be required) to **agricultural zones**, **public parks**, or **open space uses**;
 - (c) shall clearly delineate individual **parking spaces**, **loading spaces**, spaces for the disabled, manoeuvring aisles, entrances, and exits with pavement markings, signs, and/or other physical means;
 - (d) shall be designed to allow forward entry to and exit from the lot on which the parking or loading area is located directly to a dedicated public street or lane, without encumbering any lands other than the subject lot. This provision does not apply where parking or loading can be provided and accessed directly from an **abutting** lane. This provision shall not apply where **tandem parking** results in the provision of three or more **parking spaces** where access is from a local collector road or a road of a lesser standard as identified in the City of Kelowna's Official Community Plan;
- 8.1.5 No required parking shall be provided parallel to and flanking a **lane** unless the **parking area** is accessible by a driveway and is screened from the **lane** by a physical barrier.
- 8.1.6 Any parking lot over 50 vehicles must incorporate landscaped islands as described below:
- (a) Landscaped islands are required at the end of each parking aisle;
 - (b) The maximum number of parking spaces in a consecutive row is 15 with a landscaped island separating the next 15 spaces or drive aisle;
 - (c) Landscaped islands are not to be longer than the adjacent parking space;
 - (d) Landscaped islands shall be clearly delineated as separate and in addition to required **parking and loading spaces**;
 - (e) Locate landscaped islands such that loading and unloading vehicles can gain access without undue interference;
 - (f) Landscaping shall be consistent with Section 7 regulations.

- 8.1.7 Every off-street parking or loading area, and access thereto, shall have fencing, curbs, or secured wheel stops to prevent **vehicles** from encroaching upon **property lines**.
- 8.1.8 All off-street **parking spaces** on parcels with 5 or more parking spaces and **abuts** a pedestrian walkway or landscaped area without a barrier curb needs to have a wheel stop that is 0.9 metres from the walkway or landscaping area and minimum 0.15 metres in height as described Figure 8.1.8. This requirement does not apply to a parking space if the **parking space** is configured parallel to the curb or drive aisle.

Figure 8.1.8



- 8.1.9 Where a wheel stop is provided pursuant to Section 8.1.8 the portion of the parking space between the wheel stop and the front edge of the parking space, as marked in Figure 8.1.8, is exempt from the requirements of section 8.1.4 and may be surfaced with permeable material or landscaping, provided that no landscaping exceeds 0.15 metres in height.
- 8.1.10 Every off-street parking or loading area which is illuminated shall have all lighting positioned in such a manner that light falling onto **abutting** properties is minimized.
- 8.1.11 Any trash storage or collection area co-existing with any parking or loading area:
- (a) shall be clearly delineated as separate and in addition to required **parking and loading spaces**;
 - (b) shall be located such that collection vehicles can gain access without undue interference with the operation of the parking and loading area; and
 - (c) shall have a fenced or landscaped screen as required by Section 7.

8.1.12 Maximum grades.

- (a) The maximum **grade** for a **drive aisle** or a parking space is 8%;
- (b) The maximum **grade** for a **driveway** is 15%;
- (c) Where a drive aisle or a parking space is located within 6.0 metres of a fronting property line it must comply with applicable grade requirements prescribed in the Subdivision, Development & Servicing Bylaw.

Figure 8.1.12.a - Maximum Grades for Parking Areas

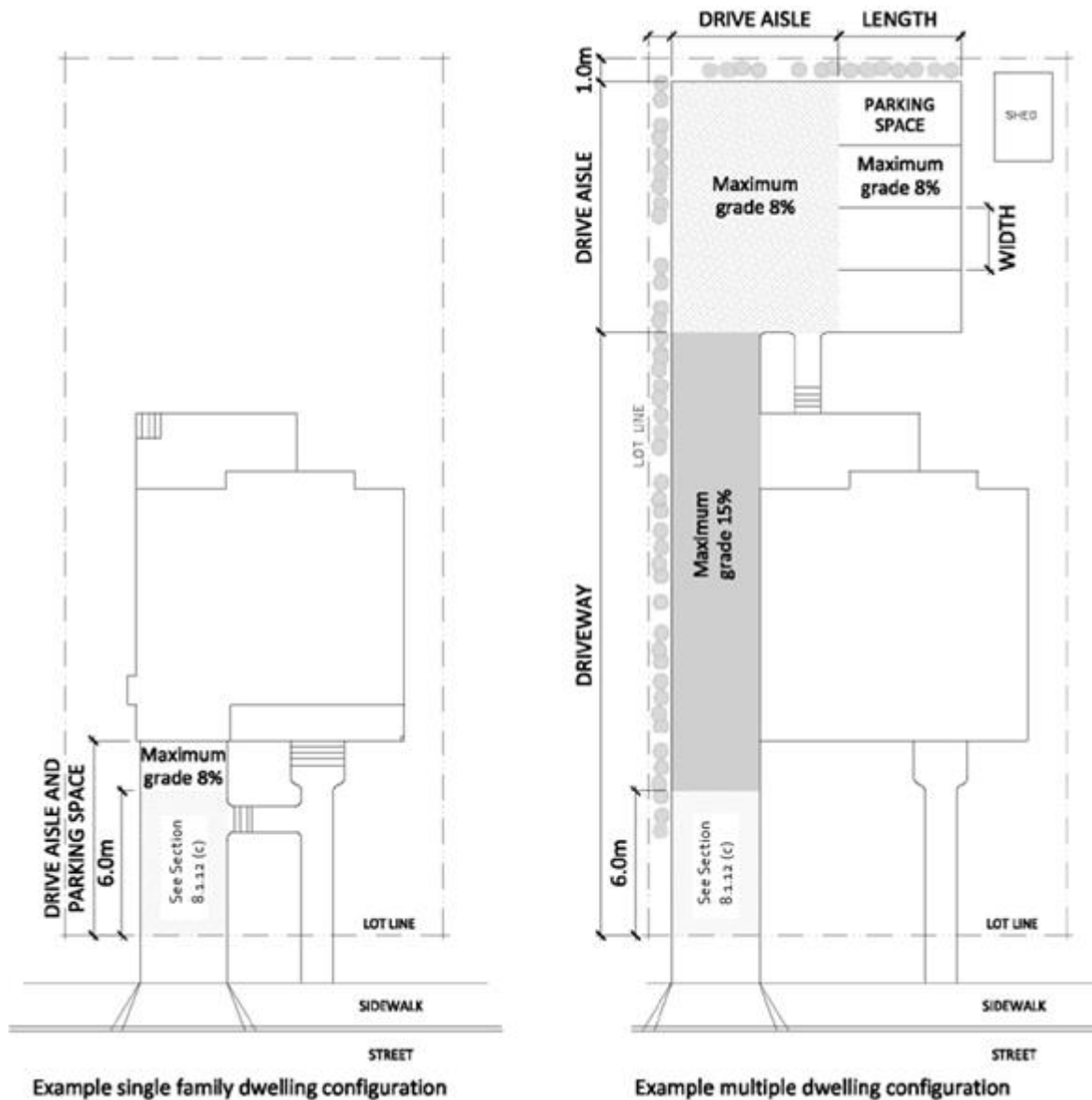
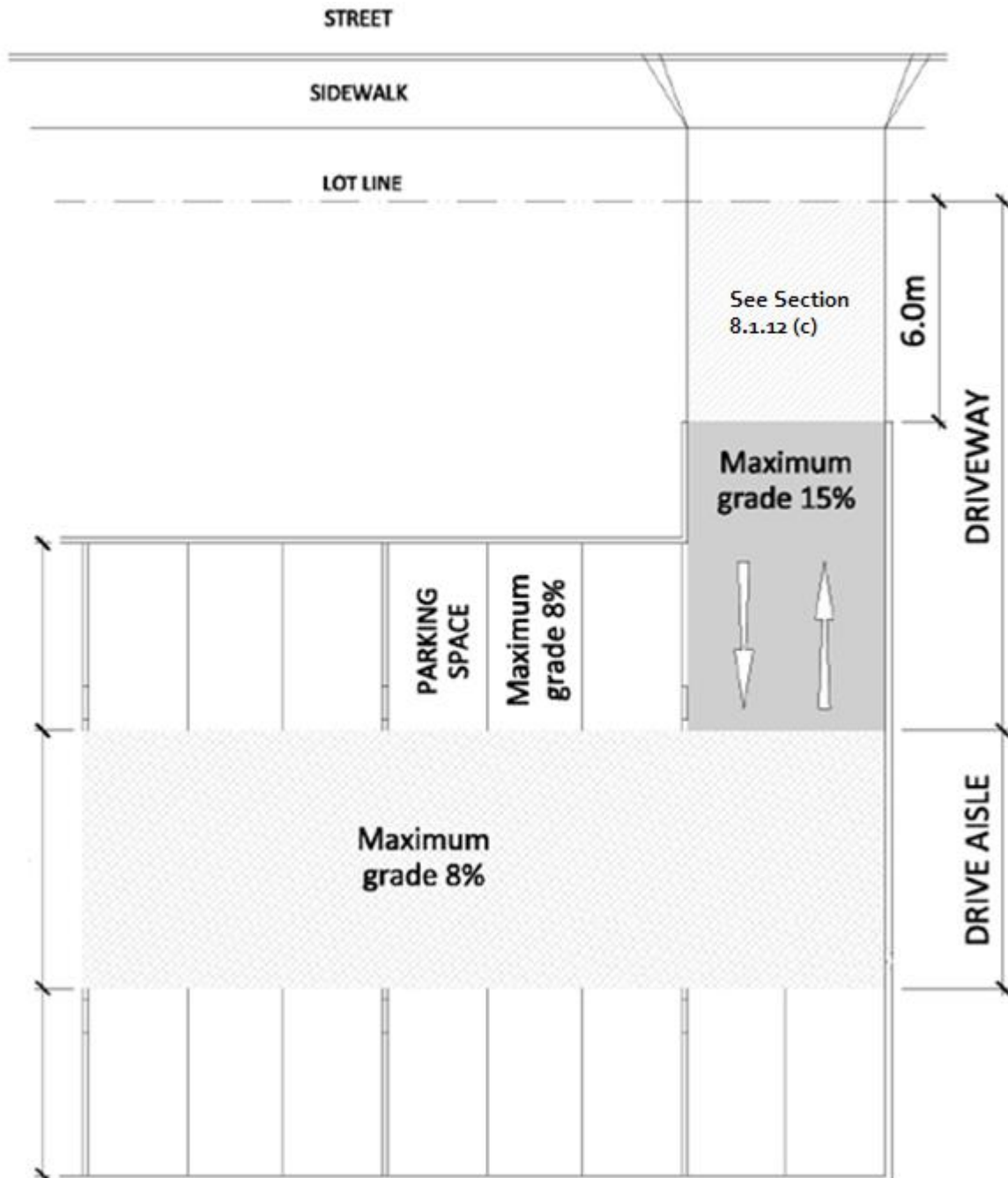


Figure 8.1.12.b – Example Parkade Configuration



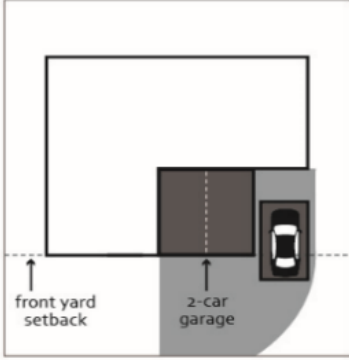
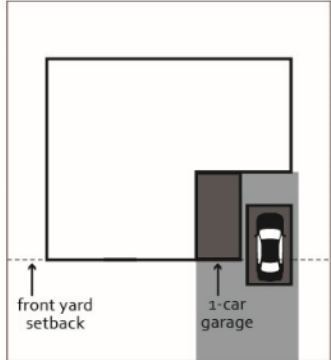
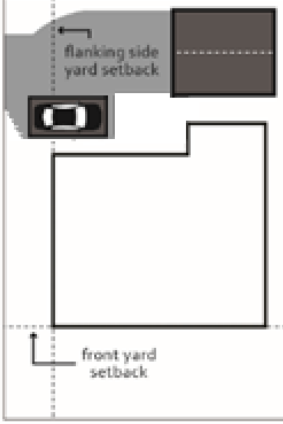
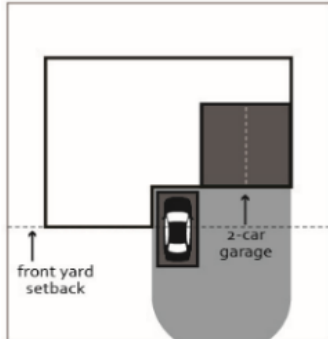
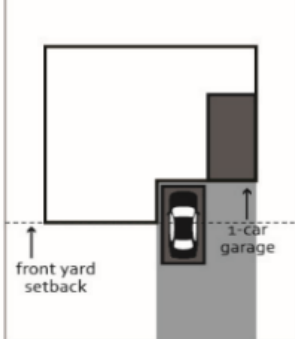
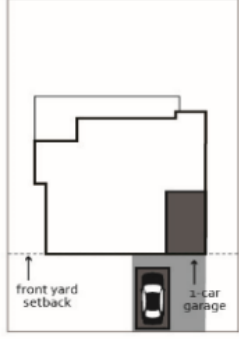
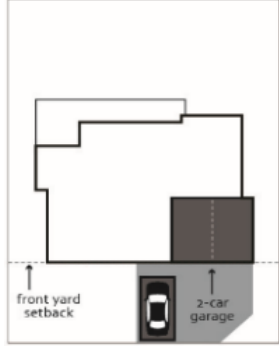
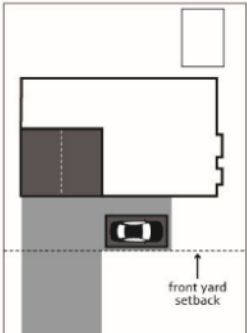
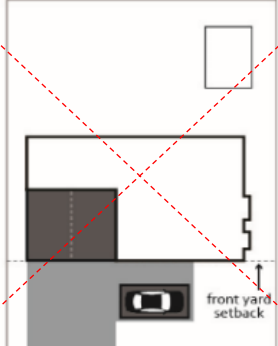
8.2 Off-Street Parking Regulations

- 8.2.1 Where any **development** is proposed, including new **development**, change of **use** of existing **development**, or enlargement of existing **development**, off-street vehicle parking (including parking for the disabled, and visitors) shall be provided onsite by the property **owner** in accordance with the requirements of this Bylaw.

Parking Setbacks

- 8.2.2 All off-street parking for **non-residential use** classes shall have a minimum 1.5 metre setback from any front **lot line**, any **side** or **rear property line** abutting **residential zones**, or any **lot line abutting a street** unless the **building** setback is smaller. For example, if the **building** setback is 0 metres then the parking setback is 0 metres.
- 8.2.3 All off-street parking for **residential use** classes shall have a minimum 1.5 metre setback from any **side** or **rear lot line** or 3.0 m from any **flanking street** unless the **development** contains two or less **dwelling** units or the **building** setback is smaller. For example, if the **building** setback is 0 metres then the parking setback is 0 metres.
- 8.2.4 All off-street parking for **residential use** classes containing two or less **dwelling** units shall not have any off-street **parking spaces** located in the required **front yard** or **flanking street** setback area.
- 8.2.5 Notwithstanding Section 8.2.4, off-street parking for **residential use** classes containing two or less **dwelling** units may be located in the required **front yard** or **flanking street** setback area if:
- (a) the **parking spaces** are located on a driveway which provides access to a required off-street **parking space** that is not in the **front yard** or **flanking street** setback area; or
 - (b) One off-street parking space may be located in the required **front yard** or **flanking street** setback area that does not provide access beyond the **front yard** or **flanking street** setback area if the parking space meets one of the permitted parking configurations shown specifically in Figure 8.2.5:

Figure 8.2.5 - Permitted and Not Permitted Parking Configurations

		
Side Yard Parking – Double Garage	Side Yard Parking – Single Garage	Corner Lot Parking
		
Front Yard Parking 1 – Double Garage	Front Yard Parking 1 – Single Garage	Front Yard Parking 2 – Single Garage
		
Front Yard Parking 2 – Double Garage	Perpendicular Parking – Permitted	Perpendicular Parking – NOT Permitted

Tandem Parking

8.2.6 **Tandem parking spaces** is permitted only for the following land **uses** (not between land uses):

- (a) **single dwelling housing** (which may be in tandem with a secondary suite or carriage house);
- (b) **short-term rental accommodations**;
- (c) **two dwelling housing**; and
- (d) **townhouses** where the lot is located within the Urban Core as defined in the Official Community Plan. Visitor parking stalls cannot be configured in tandem.

Size and Ratio

8.2.7 Each required off-street **parking space** and parking lot layout shall conform to the following provisions:

Table 8.2.7 (a) Dimensions of Parking Spaces and Drive Aisles			
	Min. Length	Min. Width	Min. Height Clearance
Parking Spaces:			
Regular Size Vehicle Parking Space	6.0m	2.5m	2.0m
Small Size Vehicle Parking Space	4.8m	2.3m	2.0m
Accessible Parking Spaces	6.0m	3.9m	2.3m
Van-Accessible Parking Spaces	6.0m	4.8m	2.3m
Regular Size Parallel Parking Space	7.0m	2.6m	2.0m
Small Size Parallel Parking Space	6.5m	2.5m	2.0m
Drive Aisles:			
All two-way drive aisles serving 90 degree parking (e.g. parking lot, parkade, garage)	n/a	7.0m	2.0m
All two-way surface drive aisles without adjacent parking	n/a	6.0m	2.0m
One way drive aisles (60 degree parking)	n/a	5.5m	2.0m
One way drive aisles (45 degree parking & parallel parking)	n/a	3.5m	2.0m

Table 8.2.7 (b) Ratio of Parking Space Sizes		
Uses:	Min. Regular Size Vehicle Parking Spaces	Max. Small Size Vehicle Parking Spaces
Single Detached Dwelling or Two Dwelling Attached Housing	50%	50%
Carriage house or secondary suite	0%	100%
Short-term rental accommodations	0%	100%
Dwelling units in the RU7 zone	0%	100%
Multiple dwelling housing	50% ❶ ❷	50%
Commercial	100% for customer stalls 50% for all other stalls	0% for customer stalls 50% for all other stalls
Industrial	70%	30%
Institutional	50%	50%
❶ For the purpose of calculating the percentage of regular size vehicle parking spaces, "Accessible Parking Spaces" shall be included in the minimum number regular size vehicle parking spaces.		
❷ All visitor parking stalls must be regular size vehicle parking spaces.		

8.2.8 Length, width and height measurements shall be clear of obstructions (including but not limited to columns, **property lines**, curbs, walls, pipes, roof features, fences, and emergency exit painted areas). Spacing measurements shall be taken from the inside to inside of obstructions.

- 8.2.9 Where a **parking space abuts** an obstruction (including but not limited to columns, **property lines**, curbs, walls, pipes, roof features, fences, and emergency exit painted areas) the **parking space** shall follow the following regulations:
- (a) be an additional 0.2 m wider where the **parking space abuts** an obstruction on one side;
 - (b) be an additional 0.5 m wider where the **parking space abuts** an obstruction on both sides; and
 - (c) be an additional 0.8 m wider where the **parking space abuts** a door way.

Number of Spaces

- 8.2.10 The minimum and maximum number of off-street **vehicle parking spaces** required for each **use** (including visitor spaces) is specified in **Table 8.3 Required Parking** except where additional parking is required by the Ministry of Transportation & Infrastructure (MOTI) if the **site** has direct access to a provincial highway. The total vehicle parking amount can be reduced with the car-share parking incentives (as per section 8.2.12), the rental housing incentives (as per Section 8.2.13), and the bicycle parking incentives (as per Section 8.5.8).
- 8.2.11 Car-Share Incentives:
- Within the Urban Core, University South Village Centre, and Glenmore Valley Village Centre as defined in the Official Community Plan, the total minimum off-street vehicle parking requirements for **multiple dwelling housing** and any **commercial use** (e.g. **office** and **retail**) can be reduced by five (5) **parking spaces** per **car share vehicle** (must provide a new **vehicle** to a **car-share organization**) subject to the following regulations:
- (a) The maximum reduction in total required parking is 20% (for base parking requirement);
 - (b) The **car-share vehicle parking space** must be located on-site or within 100 metres of the subject property, in a highly visible spot, at-grade, publicly accessible at all times (i.e. not within an enclosed parkade), clearly marked for the exclusive use of the shared **vehicle**, and guaranteed to operate for a minimum of two years;
- 8.2.12 Rental Housing Incentives:
- If a **development** rezones to a sub-rental **zone** guaranteeing the **development** as rental housing, then a 20% reduction to the parking requirement (both base and visitor) can be applied if the development is located within an **urban centre** and a 10% reduction to the parking requirement (both base and visitor) can be applied if the development is located outside an **urban centre**.
- 8.2.13 **Parking spaces** for **secondary uses** shall be provided in addition to the required **parking spaces** for the **principal use** on a **site**.
- 8.2.14 Where calculation of the total number of **parking spaces** yields a fractional number:
- (a) Any fraction less than one-half (0.5) rounds down to the nearest whole integer (including zero); and
 - (b) Any fraction one-half (0.5) or greater rounds up to the nearest whole integer.
- 8.2.15 Where **gross floor area** is used as a unit of measurement for the calculation of required **parking spaces**, it must exclude all parking and loading areas, secure bicycle parking areas, common stairways and mechanical rooms within the **building**.

- 8.2.16 Where **Table 8.3 Required Parking** does not clearly define requirements for a development, the single **use** class or combination of **use** classes most representative of the proposed **development** shall be **used** to determine the parking requirements.
- 8.2.17 Where a **development** consists of a mix of **use** classes, the total off-street parking requirement shall be the sum of the off-street parking requirements for each **use** class.
- (a) Notwithstanding Section 8.2.17, in mixed-use developments the parking spaces required for **Offices** and other commercial related land **uses** can be shared with the **residential** visitor parking requirements. Parking spaces must be available for both land uses (commercial and visitor) at all times.
- 8.2.18 **Lock-off Units** do not require any separate **parking spaces** but must be counted as a **dwelling** unit for the purpose of minimum required visitor parking space amounts.
- 8.2.19 Accessible Parking Standards:

- (a) The minimum accessible parking shall be provided as a function of the total number of parking space provided onsite as described in Table 8.2.19:

Table 8.2.19 Amount of Accessible Parking Spaces		
Total Number of Parking Spaces Onsite.	Minimum Number of Required Accessible Parking Spaces	Minimum Number of Required Van-Accessible Parking Spaces
1 – 4 spaces	0 spaces	0 spaces
5 – 36 spaces	1 space	1 space
37 – 68 spaces	2 spaces	1 space
69 – 100 spaces	3 spaces	1 space
101-150 spaces	4 spaces	1 space
151-200 spaces	5 spaces	1 space
201-300 spaces	6 spaces	2 spaces
301-400 spaces	7 spaces	2 spaces
401-500 spaces	8 spaces	2 spaces
Over 500 spaces	2% of total	2 spaces

- (b) If a visitor **parking space** is required, then at least one of those visitor **parking spaces** shall be configured as an accessible parking space;
- (c) Designate as an accessible parking space using appropriate signage;
- (d) Include accessible parking spaces in the calculation of the applicable minimum parking requirement; and
- (e) Accessible parking spaces shall be located as close to a main **building** entrance, on a level non-skid surface.

Figure 8.2.19 Accessible Parking Standards

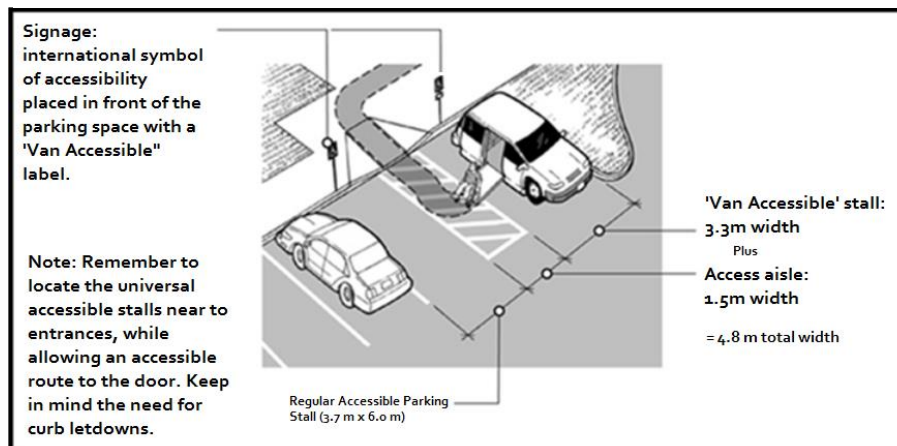


Table 8.3 – Required Off-Street Parking Requirements

Table 8.3.1 Residential Parking

Land Use / Type of Development	Base Parking Requirement (number of spaces)			Minimum Visitor Parking Requirement ❶❷❸
	C4 & C7 Zones	All other non-single family zones within Urban or Village Centres ❷	All other non-single family zones not within an Urban or Village Centre❷	
Multiple Dwelling Housing: Apartment Housing Townhouses Row Housing Stacked Row Housing Three Dwelling Housing Four Dwelling Housing	Min 0.8 spaces & Max 1.25 spaces per bachelor dwelling unit (includes micro-suite housing);	Min 0.9 spaces & Max 1.25 spaces per bachelor dwelling unit (includes micro-suite housing);	Min 1.0 space & Max 1.25 spaces per bachelor dwelling unit (includes micro-suite housing);	Min 0.14 spaces & Max 0.2 spaces per dwelling unit
	Min 0.9 spaces & Max 1.25 spaces per 1 bedroom dwelling unit;	Min 1.0 space & Max 1.25 spaces per 1 bedroom dwelling unit;	Min 1.25 spaces & Max 1.6 spaces per 1 bedroom dwelling unit;	
	Min 1.0 space & Max 1.5 spaces per 2 or more bedroom dwelling unit;	Min 1.25 spaces & Max 1.6 spaces per 2 bedroom dwelling unit;	Min 1.5 spaces & Max 2.0 spaces per 2 bedroom dwelling unit	
		Min 1.5 spaces & Max 2.0 spaces per 3 bedroom dwelling unit	Min 2.0 spaces & Max 2.5 spaces per 3 bedroom or more dwelling units;	
<p>❶ Visitor parking is to be easily accessible to the access points of the corresponding development and/or buildings. Visitor parking is a separate minimum parking requirement that rounds up or down independent of the basic parking requirement.</p> <p>❷ These regulations do not apply to the RU7 zone. See Table 8.3.1 Residential Parking for RU7 parking regulations.</p> <p>❸ Lock-off Units do not require any separate parking spaces but must be counted as a dwelling unit for the purpose of minimum required visitor parking space amounts.</p>				

Table 8.3.1.1 Residential Parking

Land Use / Type of Development	Base Parking Requirement		Visitor Parking Requirement ❶
	Minimum	Maximum	
Bed and Breakfast Homes	1.0 space per sleeping unit plus parking requirement for principal dwelling unit	1.5 spaces per sleeping unit	n/a
Boarding or Lodging Houses	1.0 space per 2 sleeping units	1.5 space per 2 sleeping units	n/a
Carriage House Secondary Suites	1.0 space ❷	2.0 spaces	n/a
Congregate Housing & Supportive Housing	0.35 spaces per sleeping unit ; Plus 0.5 spaces per non-resident on-duty employee or 3.0 spaces (whichever is greater)	n/a	Min 0.14 spaces & Max 0.2 spaces per dwelling unit
Group Homes, Major Group Homes, Minor	1.0 space; plus an additional 1.0 space per 3 beds	2.0 spaces; plus an additional 1.25 space ¹ per 3 beds	n/a
Home Based Business, Major	1.0 space	2.0 spaces	n/a
Home Based Business, Minor	No spaces required	n/a	n/a
Home Based Business, Rural	1.0 space	n/a	n/a
Mobile Homes in RM7 zone	2.0 spaces per dwelling unit	2.5 spaces per dwelling unit	Min 0.14 spaces & Max 0.2 spaces per dwelling unit
Residential units in the RU7 zone	1.0 space per dwelling unit	2.0 spaces per dwelling unit	n/a
Residential Security/Operator Unit	1.0 space per dwelling unit	2.0 spaces per dwelling unit	n/a
Short – Term Rental Accommodation:			n/a
<ul style="list-style-type: none"> Principal use & Secondary use for Multiple Dwelling Housing 	Equivalent to the parking requirements for the principal use for that zone.	n/a	
<ul style="list-style-type: none"> Secondary use for single detached housing, semi-detached housing, & duplex housing 	1.0 space per two sleeping units	n/a	
Single Detached Housing Two Dwelling Housing	2.0 spaces per dwelling unit	n/a	0.0 spaces or Min 0.14 spaces & Max 0.2 spaces per dwelling unit ❸

❶ Visitor parking is to be easily accessible to the access points of the corresponding **development** and/or **buildings**. Visitor parking is a separate minimum parking requirement that rounds up or down independent of the basic parking requirement.

❷ Parking space can be located in the driveway and in tandem with the single detached **dwelling** parking as long as two additional off-street **parking spaces** are provided for the **principal dwelling**. Notwithstanding Section 8.1.4, parking for **secondary suites** or **carriage houses** can be surfaced with a dust-free material.

❸ Within residential strata (non-RU7) developments with 3 or more **dwelling units** the visitor parking requirement is 0.14 spaces per **dwelling unit**.

Table 8.3.2 Commercial		
Land Use / Type of Development	Parking Requirement <small>NOTE: GFA = Gross Floor Area</small>	
	Minimum	Maximum
Boat Storage	1.0 spaces per 10 boat storage spaces plus 2 spaces for employees	1.25 spaces per 10 boat storage spaces plus 2 spaces for employees
Commercial Schools	See table 8.3.5 Institutional for school parking requirements	n/a
Gas Bars	2.0 spaces per service bay (plus GFA for any retail)	n/a
Hotels Motels	0.8 spaces per sleeping units in the C7 zone; plus requirements of other uses 1.0 space per sleeping unit ; plus requirements of other uses	1.5 spaces per sleeping units , plus requirements of other uses
All commercial uses in the C4 zone even if listed separately below ❶ ❷	1.3 spaces per 100 m ² GFA	3.0 spaces per 100 m ² GFA
All commercial uses in the C7 zone even if listed separately below ❶ ❷	0.9 spaces per 100 m ² GFA ❸	2.5 spaces per 100 m ² GFA
Animal Clinics, Major and Minor Health Services, Major and Minor (includes dental offices, surgeries, and similar uses)	3.5 spaces per 100 m ² GFA ,	5.0 spaces per 100 m ² GFA
Food Primary Establishment Liquor Primary Establishment Drive-in Food Services	2.5 spaces per 100 m ² GFA or 5.0 spaces (whichever is greater)	3.5 spaces per 100 m ² GFA ,
Fleet Services	2.0 spaces per 100 m ² GFA ; or 1 spaces per vehicle in fleet plus 1 per employee on duty (whichever is greater)	2.5 spaces per 100 m ² GFA ; or 1.25 spaces per vehicle in fleet plus 1.25 spaces per employee on duty (whichever is greater)
Personal Services (includes hairdressers, dry cleaners, repair of personal goods, travel agents, and similar uses)	2.5 spaces per 100 m ² GFA	3.5 spaces per 100 m ² GFA
Financial Services Offices	2.5 spaces per 100 m ² GFA	3.5 spaces per 100 m ² GFA
All other commercial uses not listed above: ❶		
(a) GFA less than 1,000 m ²	2.0 spaces per 100 m ² GFA	2.5 spaces per 100 m ² GFA
(b) GFA 1,000 m ² to 2,000 m ²	2.5 spaces per 100 m ² GFA	3.5 spaces per 100 m ² GFA
(b) GFA 2,000 m ² to 20,000 m ²	3.0 spaces per 100 m ² GFA	4.0 spaces per 100 m ² GFA
(c) GFA greater than 20,000 m ²	4.0 spaces per 100 m ² GFA	5.25 spaces per 100 m ² GFA
❶ For shopping centres, calculate the area by adding all the tenant spaces together. ❷ This rule only applies to land use categories that are based on a number of parking spaces per GFA. ❸ The minimum parking requirement may be affected by Diagram 8.3.8 Parking Exception Areas		

Table 8.3.3 Agriculture		
Land Use / Type of Development	Parking Requirement	
	Minimum	Maximum
Greenhouses and Plant Nurseries	6.7 spaces per 100 m ² GFA of retail sales structure	n/a
Farm Retail Sales	5.0 spaces per 100 m ² GFA , minimum 4	n/a

<i>Table 8.3.4 Industrial</i>		
Land Use / Type of Development	Parking Requirement	
	Minimum	Maximum
Bulk Fuel Depot	1.0 space per employee on duty	n/a
General Industrial Uses	1.0 space per 100 m ² GFA (includes mezzanine area); Plus 2.5 spaces per 100 m ² GFA for all floor area devoted to accessory activities such as any indoor display, office, administrative or technical support, or retail sale operations.	2.5 spaces per 100 m ² GFA (includes mezzanine area); Plus 3.0 spaces per 100 m ² GFA for all floor area devoted to accessory activities such as any indoor display, office, administrative or technical support, or retail sale operations.
Warehousing and Storage	0.5 spaces per 100 m ² GFA (minimum 2 spaces); Plus 2.5 spaces per 100 m ² GFA for all floor area devoted to accessory activities such as any indoor display, office, administrative or technical support, or retail sale operations.	1.0 space per 100 m ² GFA ; Plus 3.0 spaces per 100 m ² GFA for all floor area devoted to accessory activities such as any indoor display, office, administrative or technical support, or retail sale operations.

<i>Table 8.3.5 Institutional</i>		
Land Use / Type of Development	Parking Requirement	
	Minimum	Maximum
Cemetery	1.0 space per employee	n/a
Detention and Correction Services	1.0 space per 2 inmates (capacity)	n/a
Emergency and Protective Services	4.0 spaces per 100 m ² GFA	n/a
Extended Medical Treatment Services	1.0 space per 100 m ² GFA	n/a
Hospitals	1.0 space per 100 m ² GFA	n/a
Funeral Services	3.5 spaces per 100 m ² GFA	n/a
School, Elementary	1.0 space per 100 m ² GFA	n/a
School, Secondary	1.5 spaces per 100 m ² GFA	n/a
Universities or Colleges	2.0 spaces per 100 m ² GFA	n/a
Temporary Shelter Services	1.0 space per 3 beds	n/a

<u>Table 8.3.6 Community, Recreational, and Cultural</u>		
Land Use / Type of Development	Parking Requirement	
	Minimum	Maximum
Bowling Alley	2.0 spaces per alley	n/a
Child Care Centre, Major (includes preschool)	1.0 space per 10 children, plus 1 per 2 employees on duty; but a minimum of 4.0 spaces	n/a
Child Care Centre, Minor	2.0 spaces	n/a
Cultural and Recreation Services Exhibition and Convention Facilities	1.0 space per 5 seating spaces; or 20.0 spaces per 100 m ² of floor area used by patrons (whichever is the greater)	n/a
Cultural Facility (e.g. Museum, Art Gallery)	2.5 spaces per 100 m ² GFA	n/a
Curling Rink	4.0 spaces per curling sheet	n/a
Golf Course	6.0 spaces per hole; plus the parking required for other secondary uses	n/a
Golf Driving Range	2.0 spaces per tee	n/a
Library	2.5 spaces per 100 m ² GFA	n/a
Participant Recreation Services, Outdoor (except golf courses) Participant Recreation Services, Indoor (except curling rinks, swimming pools, and racquet clubs)	1.0 space per employee on duty, plus 1.0 space per 3 users	n/a
Racquet Clubs	3 per court	n/a
Recycled Materials Drop-off Centre	1 per recycling container, minimum of 2	n/a
Religious Assemblies	1 per 5 seats or 10 per 100 m ² of GFA (whichever is greater)	n/a
Spectator Entertainment Establishment	1 per 4 seats	n/a
Spectator Sports Establishment	1 per 4 seats	n/a
Swimming Pool (Public)	25.0 per 100 m ² of pool water surface	n/a
Tourist Campsite	1.1 per camping space	n/a

<u>Table 8.3.7 Water Uses</u>		
Land Use / Type of Development	Parking Requirement	
	Minimum	Maximum
Marinas	1 per 2 boat spaces	n/a
Marine Fuel Facilities	1 per business	n/a
Marine Equipment Rentals	1 per 1 boat space, plus 1 per business	n/a

Diagram 8.3.8 Parking Exception Areas



1. Notwithstanding Table 8.3.2 Commercial Parking Requirements, the minimum parking requirement for all C-7 zoned lots in Area 1 & 2 shown in Diagram 8.3.8 shall be 0.9 stalls per 100 m² of Gross Floor Area (GFA). This rule only applies to land use categories that are based on a number of parking spaces per GFA.
2. All lots in Area 2 shown in Diagram 8.3.8 shall not be required to meet any **vehicle parking space** requirements if the **height** of the **buildings** on the lot are:
 - 15.0 metres or less and **4 storeys** or less.

8.4 Off-Street Loading

- 8.4.1 Where **development** is proposed, including new **development**, change of **use** of existing **development**, or enlargement of existing **development**, off-street **loading spaces** shall be provided by the property **owner** in accordance with the requirements of this Bylaw. Detention and correction services located within a security **fence** are exempt from providing off-street **loading spaces**.

Number of Spaces

- 8.4.2 The number of off-street **loading spaces**, including bus **loading spaces**, required for each **use** is specified in **Table 8.4 Minimum Loading Required**. The maximum number of loading spaces required by this section is three (3) spaces.
- 8.4.3 Where calculation of the total number of **loading spaces** yields a fractional number, the following counting rules apply (unless specifically defined in **Table 8.4 Minimum Loading Required**):
- a) Any fraction less than one-half (0.5) rounds down to the nearest whole integer (including zero); and
 - b) Any fraction one-half (0.5) or greater rounds up to the nearest whole integer.
- 8.4.4 Where **gross floor area** is used as a unit of measurement for the calculation of required **loading spaces**, it must exclude all parking and loading areas, secure bicycle parking areas, common stairways and mechanical rooms within the building.
- 8.4.5 Where the **Loading Schedule** does not clearly define requirements for a particular **development**, the single **use** class or combination of **use** classes is most representative of the proposed **development** shall be used to determine the **loading space** requirement.
- 8.4.6 Where a **development** consists of a mix of **use** classes, the total off-street loading requirement shall be the sum of the off-street loading requirements for each **use** class, unless there is a complementary demand or differences in periods of **use** for loading that warrants a different requirement.

Location

- 8.4.7 Off-street **loading spaces** shall be provided entirely within the property of the **development** being served.
- 8.4.8 Off-street **loading spaces** shall be oriented away from **residential development**.

Size and Access

- 8.4.9 Each off-street **loading space** shall be of adequate size and accessibility to accommodate the **vehicles** expected to load and unload, but in no case shall a **loading space** be less than 28 m² in area, less than 3.0 m in width, or have less than 4.0 m in overhead **clearance**.
- 8.4.10 Each required bus **loading space** shall be a minimum of 3.6 m in width, a minimum of 12.2 m in length, and have a minimum **clearance** of 4.6 m.
- 8.4.11 Access to any loading area shall be provided, wherever possible, internally to the **development** or from a **lane abutting** the **development**.

- 8.4.12 Access to any loading area shall be arranged such that no backing or turning movement of **vehicles** going to or from the **site** causes interference with traffic on the **abutting streets** or **lanes**.

Table 8.4 – Minimum Loading Required

Type of Development (Use)	Required Loading Spaces
Child Care Centre, Major	For 9 – 15 children 0 car loading space For 16 – 25 children 0 car loading space For 26 or more children 1 car loading space
Commercial Uses (except above) and Industrial Uses	1 per 1,900 m ² GFA
Community, Educational (except below), Recreational and Institutional Uses	1 per 2,800 m ² GFA
Food Primary Establishment	1 per 2,800 m ² GFA
Hotels Motels	1 per 2,800 m ² GFA
Liquor Primary Establishment	1 per 2,800 m ² GFA
Schools, Universities or Colleges	1.5 car loading spaces per 100 students, minimum 5; plus 3 bus loading spaces

8.5 Off-Street Bicycle Parking

- 8.5.1 Where any **development** is proposed, including new **development**, change of **use** of existing **development**, or enlargement of existing **development**, off-street bicycle parking shall be provided by the property **owner** in accordance with the requirements of this Bylaw.
- 8.5.2 The number of **short-term** and **long-term** off-street **bicycle parking spaces** required for each **use** class is specified in **Table 8.5 Minimum Bicycle Parking Required**.
- 8.5.3 Where calculation of the total number of **parking spaces** yields a fractional number:
- Any fraction less than one-half (0.5) rounds down to the nearest whole integer (including zero); and
 - Any fraction one-half (0.5) or greater rounds up to the nearest whole integer.
- 8.5.4 Where the **Bicycle Parking Schedule** does not clearly define requirements for a particular **development** the single **use** or combination of **use** most representative of the proposed **development** shall be used to determine the parking requirement.
- 8.5.5 **Short-Term Bicycle Parking Standards:**
- Short-Term Bicycle Parking** must be conveniently located within: 15 metres of any main entrances (whether inside or outside of the building), a well-lit area, clearly visible to visitors, and subject to casual surveillance by occupants of the building(s).
 - Short-term bicycle parking** spaces shall be provided in a bicycle rack that is permanently anchored to the ground or a wall.
 - Design and install **short-term bicycle parking** to the minimum dimensions shown in **Table 8.5.1 Minimum Dimensions for Bicycle Parking**.
- 8.5.6 **Long-Term Bicycle Parking Standards:**
- Long-Term Bicycle Parking** must be located inside a **building** or within a secure, weather-protected, dedicated bicycle parking facility accessible to residents, employees or other identified users of the building.
 - The entry door into the long-term bicycle parking facility must have a minimum width of 0.9 metres.
 - Long-Term Bicycle Parking** spaces can be arranged in a Ground-Anchored or Wall-Mounted configuration provided that:
 - A minimum 50% of the required **Long-Term Bicycle Parking** shall be Ground-Anchored.
 - Wall-Mounted bicycle racks located in front of an automobile stall within a parkade will only be counted towards the minimum **Long-Term Bicycle Parking** if the automobile stall meets the minimum Regulated - size vehicle standards.
 - A minimum of 75% of the **Long-Term Bicycle Parking** spaces shall be located at-grade or within one **storey** of **building grade** and shall be easily accessible to users.
 - Long-Term Bicycle Parking** spaces must have a minimum unobstructed height clearance of 1.9 metres between the floor and any mechanical equipment, or, if there is no mechanical equipment, between the floor and the ceiling.
 - Design and install **Long-Term Bicycle Parking** spaces to the minimum dimensions shown in **Table 8.5.1 Minimum Dimensions for Bicycle Parking**.
 - A "bicycle repair and wash station" is required after 20 long term bike parking stalls are required. A "bicycle repair and wash station" includes tools for bikes, a commercial grade pump, access to water, and a way to raise a bikes up to perform simple maintenance.

- 8.5.7 Bicycle racks shall be:
- (a) constructed of theft resistant material;
 - (b) securely anchored with tamper-proof hardware to the floor, **building**, or ground;
 - (c) constructed to support from two points on the bicycle frame for a horizontal rack; and
 - (d) constructed to enable the bicycle frame and at least one wheel to both be securely locked to the rack with a single U-style lock.

8.5.8 Bicycle Parking Incentives:

Within the Urban Core, University South and Glenmore Valley Village Centres as defined in the Official Community Plan, the total minimum off-street vehicle parking requirements can be reduced by 20 percent (20%) up to a maximum of five (5) **parking spaces** (for the base parking requirement) subject to the provision of the bonus long-term bicycle parking spaces identified within Table 8.5.

Table 8.5 – Minimum Bicycle Parking Required

Type of Development (General Uses) ①	Bicycle Parking Spaces ④		
	Required Long-term	Bonus Long-term	Required Short-term
Institutional Zones	1 per 25 employees	n/a	6 per entrance
Apartment Housing (includes supportive housing)	0.75 per 2 bedroom or less dwelling units 1.0 per 3 bedroom or more dwelling units	1.0 per bachelor or 1-bedroom dwelling unit 1.5 per 2-bedroom dwelling units 2.0 per 3-bedroom or more dwelling units	6 per entrance, plus for buildings with greater than 70 units: 1 space for every additional 5 units
Assisted Living Facility (dwelling unit for elderly and / or people with disabilities) and Congregate Housing	1.0 space per 20 dwelling units plus 1.0 space per 10 employees	n/a	6 per entrance
Townhouses	No requirement ⑤	n/a ⑥	4 spaces or 1 per 5 units (whichever is greater) ②
Commercial Uses	1 per 500 m ² of GFA	2.0 per 500 m ² of GFA	2 per entrance or 1 space per 750m ² of GFA (whichever is greater)
Industrial Uses	0.5 per 1,000 m ² of GFA ③	1.0 per 1,000 m ² of GFA	No requirement
Type of Development (Specific Uses)	Bicycle Parking Spaces ④		
	Required Long-term	Required Short-term	
Hotel / Motel	1 per 20 sleeping units	6 per entrance	
Day-care centre for 15 or more children	1 per 10 employees, min 2 spaces	1 for each 10 students of planned capacity, min 2 spaces	
Elementary and Secondary Schools	1 per 10 employees, min 2 spaces	6 per entrance or 3 per 10 student seats at entrance (whichever is greater)	
Post-secondary Schools	1 per 10 employees plus 1 for each 10 students of planned capacity, min 2 spaces	6 per entrance or 3 per 10 student seats at entrance (whichever is greater)	
Cultural Facility or Library	1 space for 15 employees	2 per entrance (for buildings up to 1,000 m ²); 6 per entrance (for buildings greater than 1,000m ² GFA) 16 spaces per entrance (for buildings greater 2,000m ² GFA)	

Health Services	1 space for 15 employees	6 spaces per public building entrance or 1 per 1000m ² (whichever is greater)
Offices	1 per 500 m ² of GFA	2 per entrance or 1 space per 750m ² of GFA (whichever is greater)
Community Recreation Services	1 space per 15 employees	12 spaces per public building entrance
Notes: ① Utilize the 'General Uses' for bicycle parking calculations unless the land use matches the Specific Uses. ② Regulation only applies to lots with 5 or more dwelling units. ③ Industrial Uses (for the purpose of bicycle parking calculations): means any principal or secondary use that is exclusively within an Industrial zone . For example, if a principal or secondary use is within a commercial and an industrial zone then that use shall be calculated with the commercial bicycle parking rate (e.g. a food primary or liquor primary establishment located in an industrial area would use the commercial bicycle parking rate). ④ All area numbers are based on Gross Floor Area (GFA). ⑤ The bike parking exclusion for Townhouses only applies to dwelling units which have an attached private garage with direct entry from the garage to the dwelling unit, otherwise, the Apartment Housing category must be used to calculate the long term-bicycle parking requirement. ⑥ Townhouses without an attached private garage with direct entry from the garage to the dwelling unit can utilize the bonus bicycle parking provisions within apartment housing.		

Table 8.5.1 Minimum Dimensions for Bicycle Parking (in metres)

	Ground Anchored Rack		Wall Mounted Rack	
Angle of Rack (in an aerial perspective, measured from the plane of the nearest wall of a building)	>45 degrees	≤45 degrees	>45 degrees	≤45 degrees
Minimum space depth	1.8 m	1.45 m	1.2 m	1.2 m
Minimum aisle width	1.5 m	1.5 m	1.5 m	1.5 m
Minimum distance between bicycle racks (for racks that accommodate two or more bicycles)	0.9 m	1.3 m	0.9 m	1.3 m
Minimum distance between bicycle racks (for racks that accommodate no more than one bicycle)	0.45 m	0.65 m	0.45 m	0.65 m
Minimum distance between bicycle racks and wall, entrance door to bicycle storage facility, or other obstacle.	0.6 m	0.6 m	0.6 m	0.6 m

Figure 8.5.1: Short-Term Bicycle Parking Configuration Example

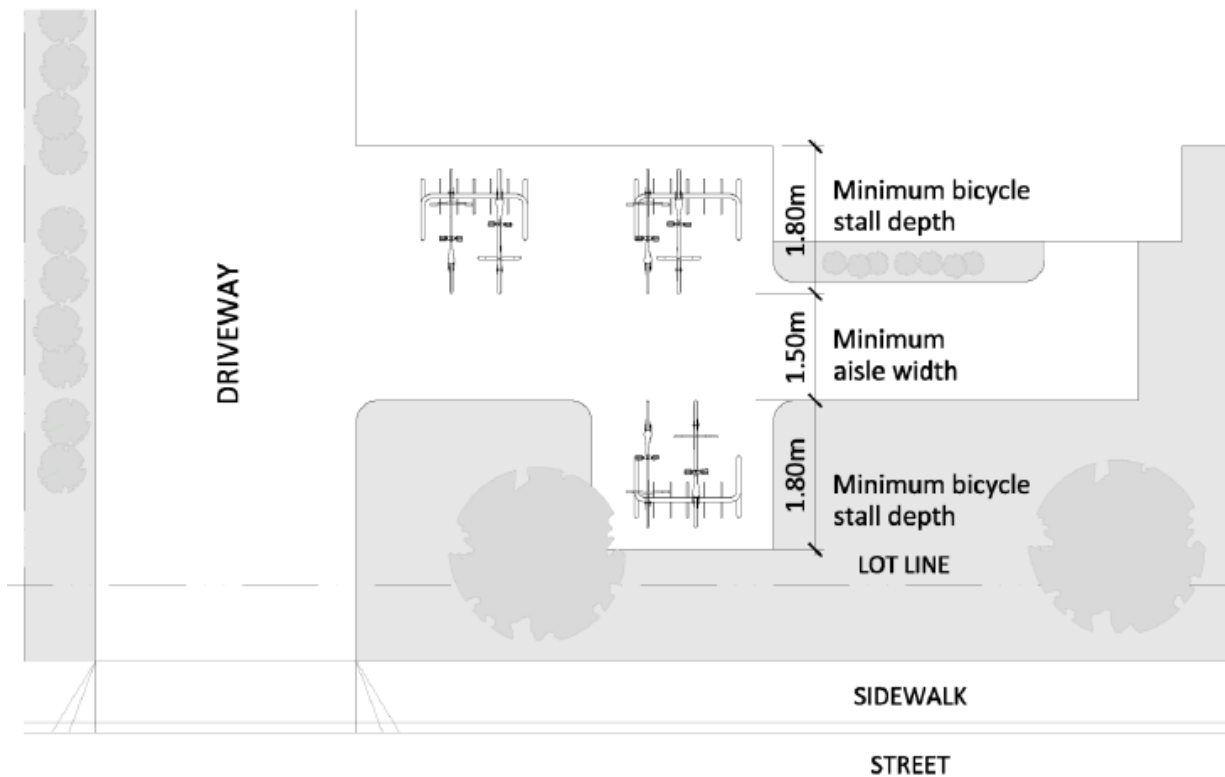
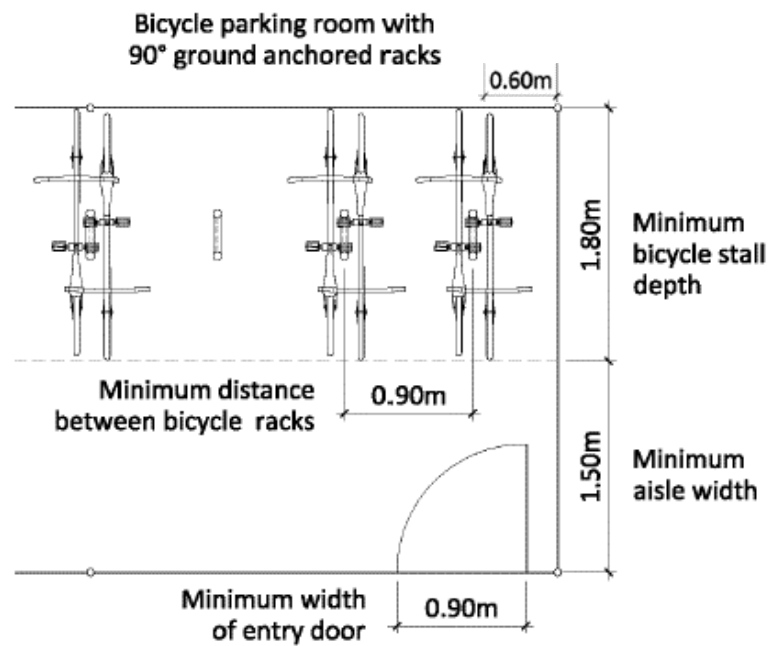
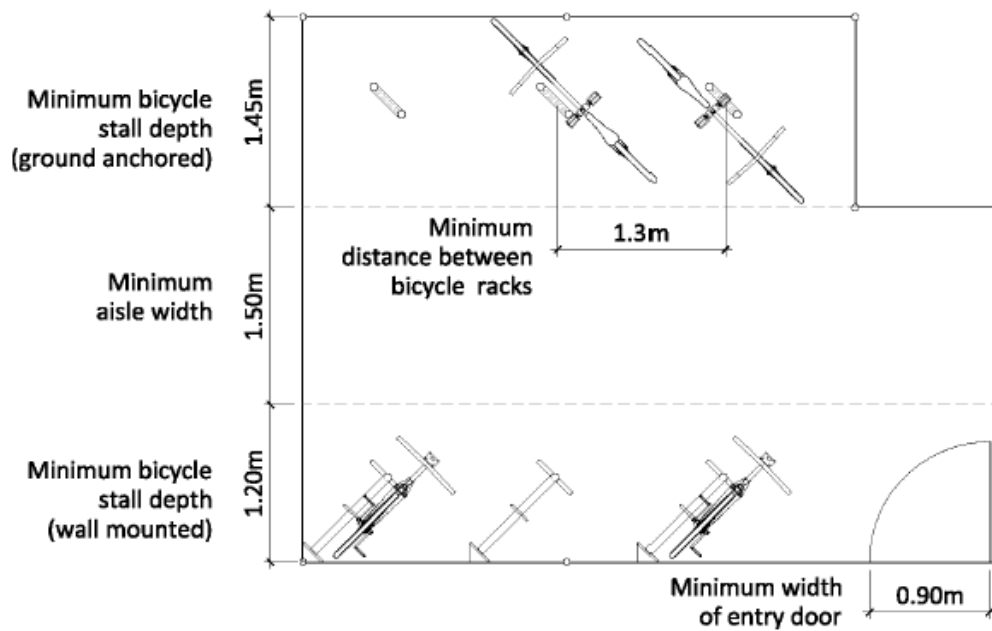


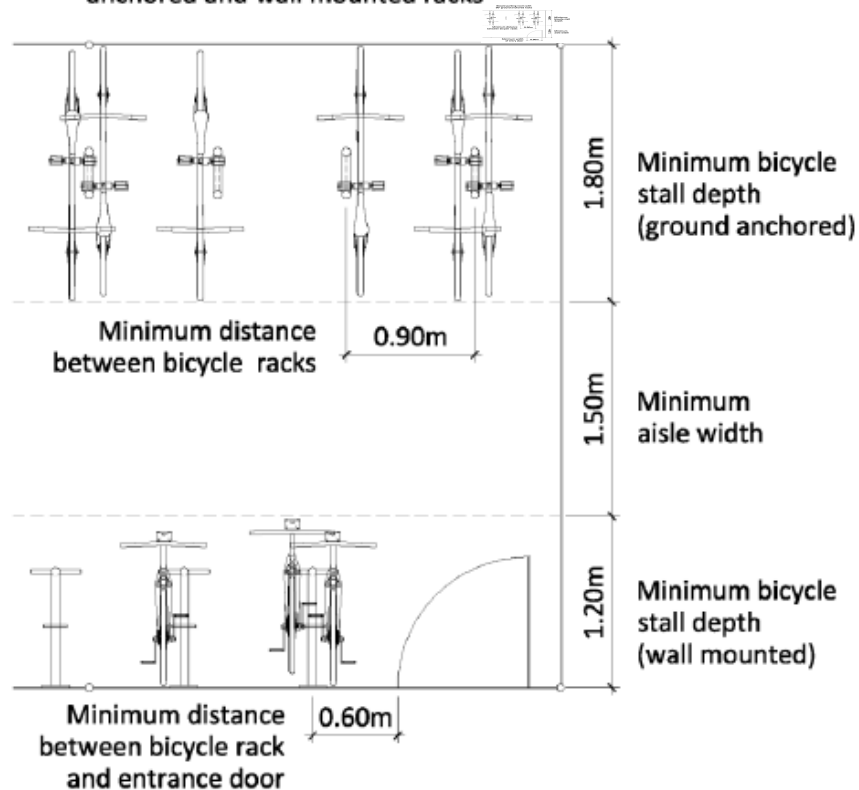
Figure 8.5.2: Long-Term Bicycle Parking Configurations Example



Bicycle parking room with 45° angled ground anchored and wall mounted racks



Bicycle parking room with 90° ground anchored and wall mounted racks



8.6 End of Trip Facilities

8.6.1 Where any **commercial** or **industrial development** is proposed, the **end-of-trip facilities** shall be provided in accordance with Table 8.6 below:

Table 8.6 Required End-of-Trip Facilities				
Long-Term Bicycle Parking Spaces	Number of Toilets	Number of Sinks	Number of Showers	Number of storage lockers
0-3	0	0	0	0
4-29 ❶	2	2	2	0.5 lockers per bicycle space
30-64 ❶	4	4	4	0.5 lockers per bicycle space
65 and over ❶	+2 for each additional 30 bicycle spaces	+2 for each additional 30 bicycle spaces	+2 for each additional 30 bicycle spaces	0.5 lockers per bicycle space
❶ End of trips shall include a "bicycle repair and wash station" including tools for bikes, a commercial grade pump, access to water, and way to raise a bike up to perform simple maintenance. A "bicycle repair and wash station" is required after 4 long term bike parking stalls are required.				

Section 8 – Parking and Loading amended as follows:

Sub-Section 8.1 Off-Street Vehicle Parking – BL8654, BL8528, BL10796, BL10816, BL11140, BL11263

Sub-Section 8.3 Development Standards – BL8528

Sub-Section 8.4 Off-Street Bicycle Parking – BL8654 & BL10613

Sub-Section 8.5 General Provisions – BL8654, BL9120

Table 8.1 – Parking Schedule – BL8367, BL8430, BL8528, BL8820, BL8881, BL8900, BL8960, BL9041, BL9723, BL9766, BL9953, BL10686, BL10796, BL10804, BL10981; BL10997, BL11140, BL11313

Table 8.2 – Loading Schedule – BL8960, BL10804

Table 8.3 – Bicycle Parking Schedule – BL8528, BL8654, BL8960, BL11140

CITY OF KELOWNA
BYLAW NO. 11850
TA18-0009 – Section 8 Parking & Loading

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, 2.3.3 General Definitions** be amended by:

- a) Adding a new definition for "**CAR-SHARE ORGANIZATION**" in it's appropriate location that reads:

"**CAR-SHARE ORGANIZATION** means operations that allow members of the public to book **vehicles** on a short-term as-needed basis, paying only for the time they use the **vehicle** and the distance they drive. The operators are responsible for maintenance, insurance and **vehicle** booking through an online application."

- b) Adding a new definition for "**CAR-SHARE VEHICLE (CLASSIC)**" in it's appropriate location that reads:

"**CAR-SHARE VEHICLE (CLASSIC)** means a **vehicle** owned or leased by a car-share organization where the **vehicle** is returned to the same location at the end of every booking to a shared-vehicle parking area."

- c) Adding a new definition for "**CAR-SHARE VEHICLE (ONE-WAY)**" in it's appropriate location that reads:

"**CAR-SHARE VEHICLE (ONE-WAY)** means a **vehicle** owned or leased by a **car-share organization** that has no fixed or dedicated parking space."

- d) Adding a new definition for "**CAR-SHARE VEHICLE PARKING SPACE**" in it's appropriate location that reads:

"**CAR-SHARE VEHICLE PARKING SPACE** means a parking space reserved for the exclusive use of a classic or one-way car share **vehicle**."

- e) Adding a new definition for "**SHORT-TERM BICYCLE PARKING**" in it's appropriate location that reads:

"**SHORT-TERM BICYCLE PARKING** means bicycle parking that is provided for patrons, customers, and visitors of a **development** in a manner that is convenient and readily accessible for bicycles to park. Short-term parking of bicycles should serve the main entrance of a **building** and should be visible to pedestrians and bicyclists."

- f) Adding a new definition for “**LONG-TERM BICYCLE PARKING**” in it’s appropriate location that reads:
- “**LONG-TERM BICYCLE PARKING** means bicycle parking that is specifically provided and equipped for residents, students, employees, and others who generally stay at a site for several hours. The parking provided shall be easy to access for a range of users, secure for long periods of time and provide shelter from weather.”
- g) Adding a new definition for “**END-OF-TRIP FACILITIES**” in it’s appropriate location that reads:
- “**END-OF-TRIP FACILITIES** means the suite of complementary common facilities such as clothing lockers, change room, washroom, shower access, bike repair space, and bike wash stations that are necessary to support cyclists, joggers, walkers and other active commuters where these amenities are needed at the end of their trip.”
- h) Adding a new definition for “**LOCK-OFF UNIT**” in it’s appropriate location that reads:
- “**LOCK-OFF UNIT** means a smaller dwelling unit within a larger principal dwelling unit, which must have separate external access to a shared common hallway and shared internal access, and which can be locked off from the larger dwelling unit, but does not include a secondary suite.”;
- i) Adding a new definition for “**TOWNHOUSE**” in it’s appropriate location that reads:
- “**TOWNHOUSE** means any development with three or more **dwelling** units, with each dwelling unit having a direct entrance at grade. Townhouse definition includes row housing and stacked row housing.”;
2. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 8 – Parking and Loading** be deleted in its entirety and replaced with a new **Section 8 – Parking and Loading** as attached to and forming part of this bylaw.
3. AND THAT City of Kelowna Zoning Bylaw No. 8000, **Section 9 - Specific Use Regulations 9.5 Secondary Suite and Carriage House** 9.5a.10 be deleted in its entirety that reads:
- “9.5a.10 Secondary suite parking:
- i. shall be designated as being solely for the use of the **secondary suite**;
 - ii. shall be accessed from a lane in circumstances where a rear or a side lane abuts the property;
 - iii. shall be surfaced with permanent surface of asphalt, concrete or similar hard surfaced material.
 - iv. shall be accessed from any driveway existing at the time the **secondary suite** use commences in circumstances where no rear or side lane abuts the property;
 - v. can be located in the driveway and in tandem with the single detached **dwelling** parking as long as two additional off-street parking spaces are provided for the principal **dwelling**.”

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

Read a first time by the Municipal Council this

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

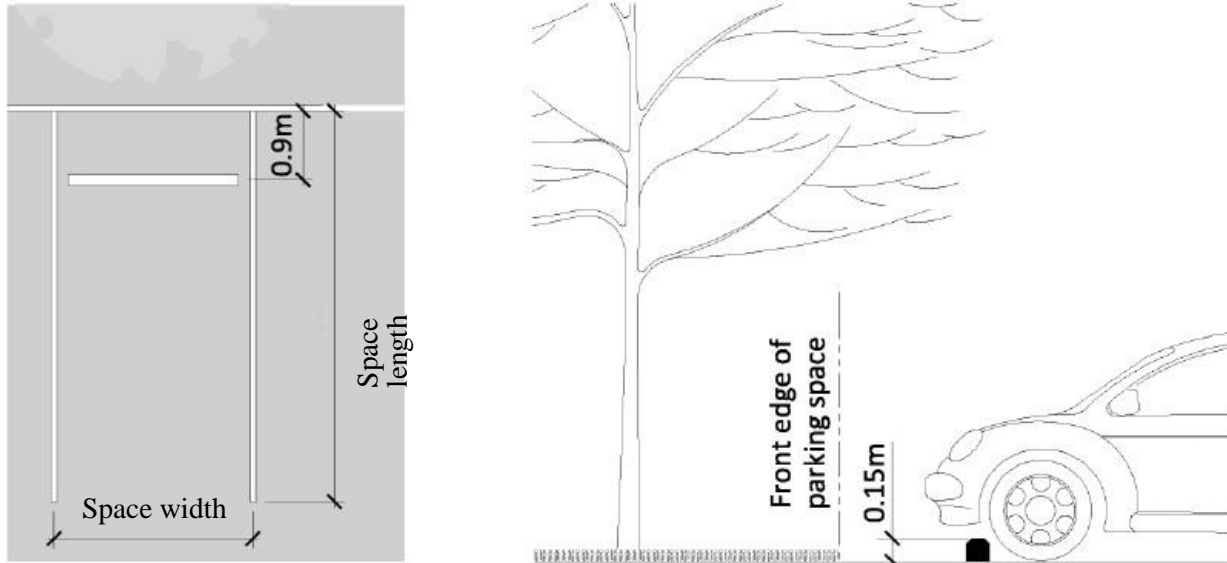
Section 8 – Parking and Loading

8.1 General Provisions and Development Standards

- 8.1.1 Where provision of off-street parking or **loading spaces** is required by this Bylaw, a plan of the proposed **site** layout and landscape plan shall be included with the **development** permit application or **building permit**, as the case may be. The plans must be included with the **building permit** application. The **site** plan must be drawn to scale and must clearly illustrate the **lot** size and configuration, **building** locations, **parking spaces**, **loading spaces**, on-site circulation, access driveways, **landscaping**, **fences**, and any other details relevant to the review of the **development** proposal.
- 8.1.2 Off-street **parking spaces** shall not be credited as off-street **loading spaces** or vice versa.
- 8.1.3 In lieu of providing the required number of off-street vehicular where the **City** owns and operates a parking facility within **urban centres**, a property **owner** within an **urban centre** may pay to the **City** a sum of money equal to the number of **parking spaces** not provided multiplied by the applicable cash-in-lieu amount as determined from time to time by **Council**. The sum of money will be deposited in the parking facilities reserve fund for disposition as directed by **Council**. Cash-in-lieu is not permitted where compliance with Ministry of Transportation & Infrastructure (MOTI) standards is required.
- 8.1.4 Every off-street parking or loading area (including every access road to such areas) required by this Bylaw to accommodate three (3) or more **vehicles**:
- (a) shall have a durable, dust-free hard surface of concrete, asphalt or similar material, constructed such that the surface drainage is directed to the public storm sewer system (if available), or alternatively to approved planting areas, or an approved on-site drainage system;
 - (b) despite Section 8.1.4(a), any requirement for hard surfacing such as concrete or asphalt does not apply (but dust free surface shall be required) to **agricultural zones**, **public parks**, or **open space uses**;
 - (c) shall clearly delineate individual **parking spaces**, **loading spaces**, spaces for the disabled, maneuvering aisles, entrances, and exits with pavement markings, signs, and/or other physical means;
 - (d) shall be designed to allow forward entry to and exit from the lot on which the parking or loading area is located directly to a dedicated public street or lane, without encumbering any lands other than the subject lot. This provision does not apply where parking or loading can be provided and accessed directly from an **abutting** lane. This provision shall not apply where **tandem parking** results in the provision of three or more **parking spaces** where access is from a local collector road or a road of a lesser standard as identified in the City of Kelowna's Official Community Plan;
- 8.1.5 No required parking shall be provided parallel to and flanking a **lane** unless the **parking area** is accessible by a driveway and is screened from the **lane** by a physical barrier.
- 8.1.6 Any parking lot over 50 vehicles must incorporate landscaped islands as described below:
- (a) Landscaped islands are required at the end of each parking aisle;
 - (b) The maximum number of parking spaces in a consecutive row is 15 with a landscaped island separating the next 15 spaces or drive aisle;
 - (c) Landscaped islands are not to be longer than the adjacent parking space;
 - (d) Landscaped islands shall be clearly delineated as separate and in addition to required **parking and loading spaces**;
 - (e) Locate landscaped islands such that loading and unloading vehicles can gain access without undue interference;
 - (f) Landscaping shall be consistent with Section 7 regulations.

- 8.1.7 Every off-street parking or loading area, and access thereto, shall have fencing, curbs, or secured wheel stops to prevent **vehicles** from encroaching upon **property lines**.
- 8.1.8 All off-street **parking spaces** on parcels with 5 or more parking spaces and **abuts** a pedestrian walkway or landscaped area without a barrier curb needs to have a wheel stop that is 0.9 metres from the walkway or landscaping area and minimum 0.15 metres in height as described Figure 8.1.8. This requirement does not apply to a parking space if the **parking space** is configured parallel to the curb or drive aisle.

Figure 8.1.8



- 8.1.9 Where a wheel stop is provided pursuant to Section 8.1.8 the portion of the parking space between the wheel stop and the front edge of the parking space, as marked in Figure 8.1.8, is exempt from the requirements of section 8.1.4 and may be surfaced with permeable material or landscaping, provided that no landscaping exceeds 0.15 metres in height.
- 8.1.10 Every off-street parking or loading area which is illuminated shall have all lighting positioned in such a manner that light falling onto **abutting** properties is minimized.
- 8.1.11 Any trash storage or collection area co-existing with any parking or loading area:
- (a) shall be clearly delineated as separate and in addition to required **parking and loading spaces**;
 - (b) shall be located such that collection vehicles can gain access without undue interference with the operation of the parking and loading area; and
 - (c) shall have a fenced or landscaped screen as required by Section 7.

8.1.12 Maximum grades.

- (a) The maximum **grade** for a **drive aisle** or a parking space is 8%;
- (b) The maximum **grade** for a **driveway** is 15%;
- (c) Where a drive aisle or a parking space is located within 6.0 metres of a fronting property line it must comply with applicable grade requirements prescribed in the Subdivision, Development & Servicing Bylaw.

Figure 8.1.12.a - Maximum Grades for Parking Areas

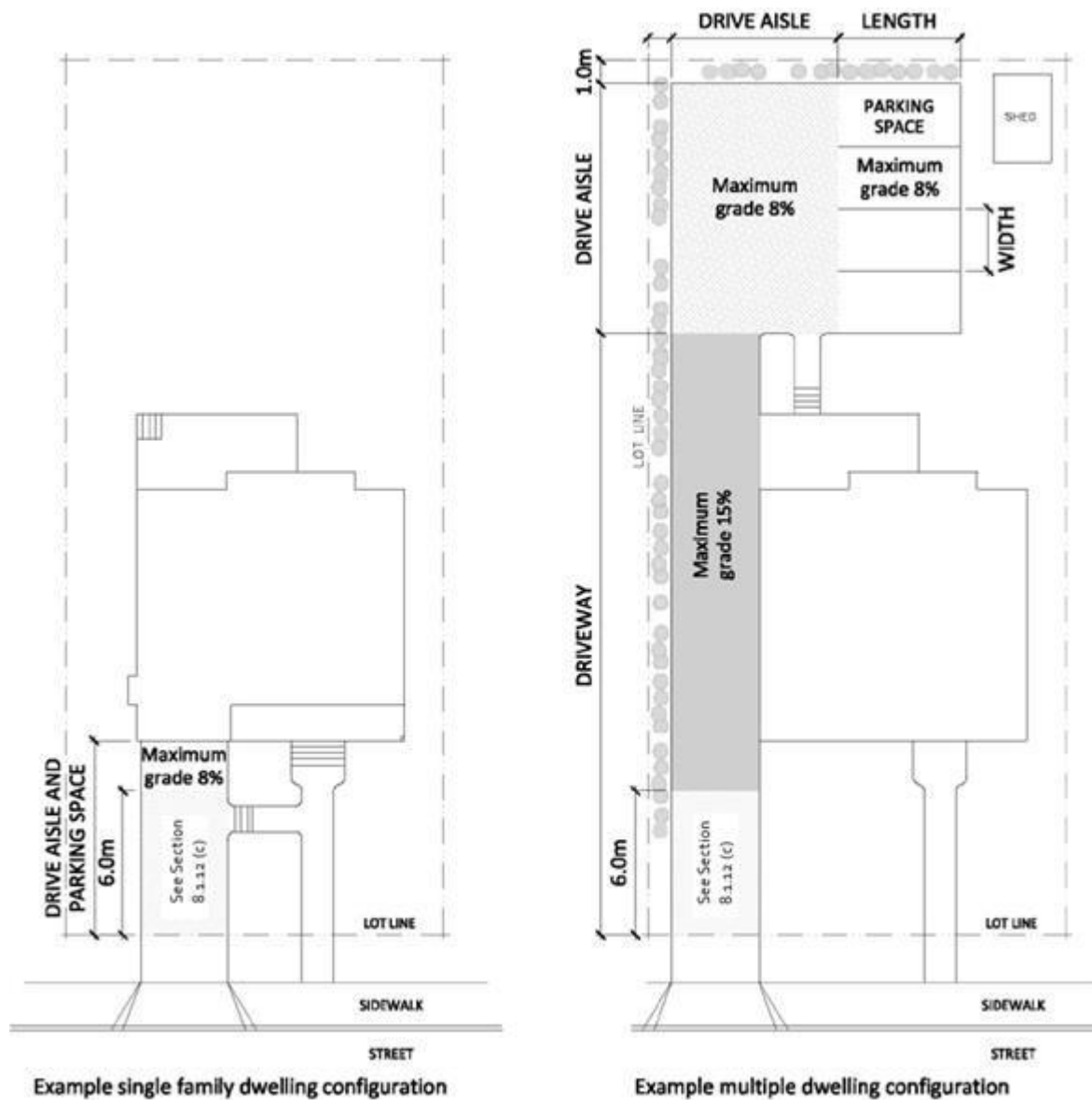
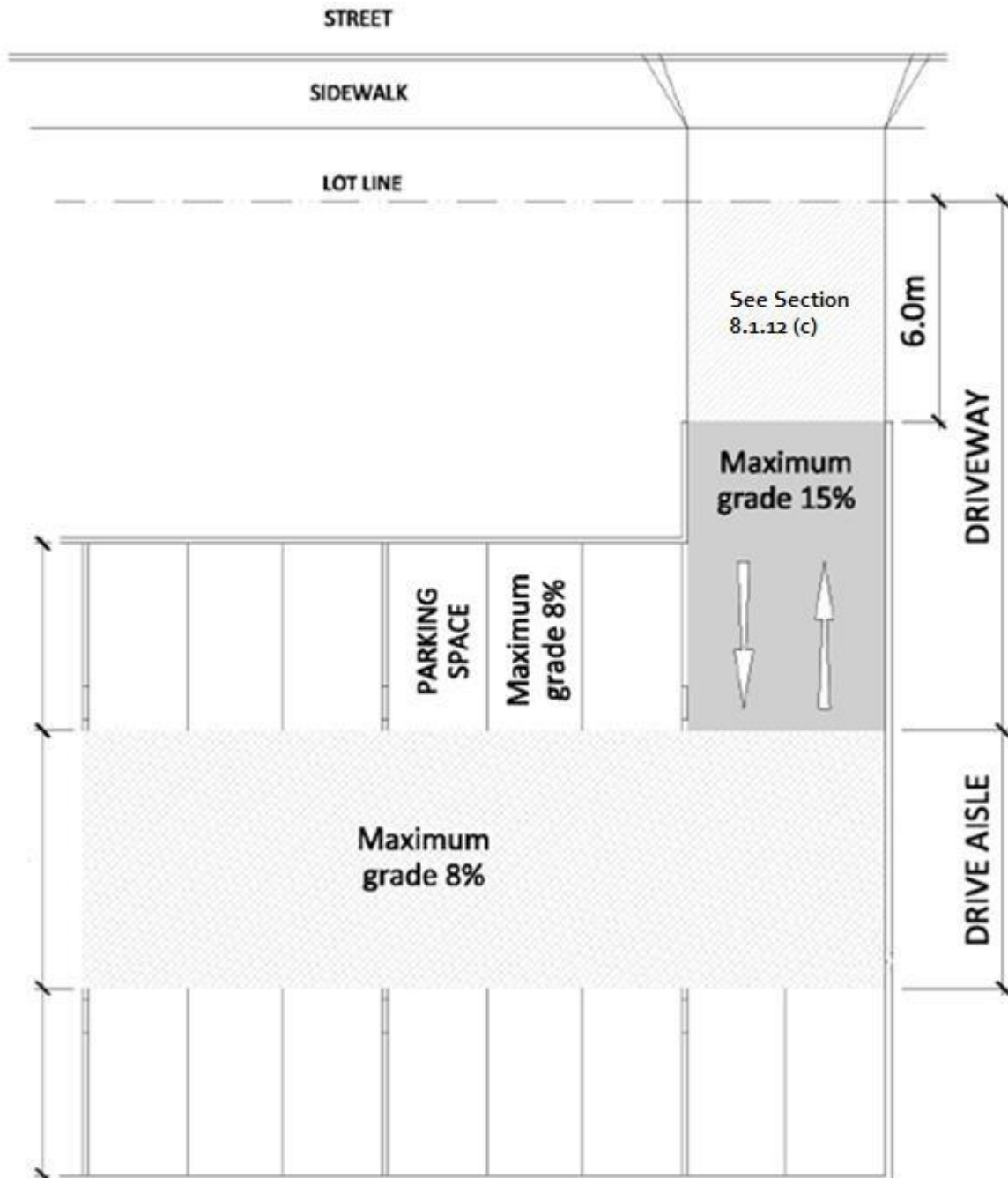


Figure 8.1.12.b – Example Parkade Configuration



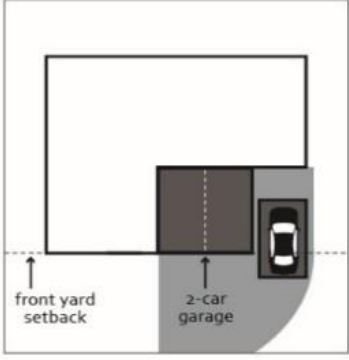
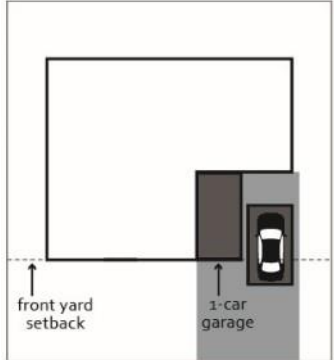
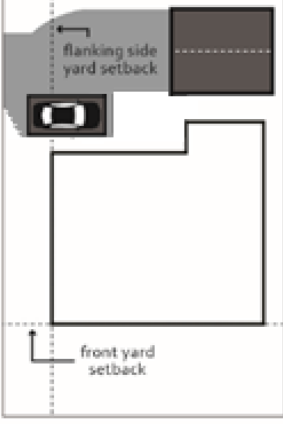
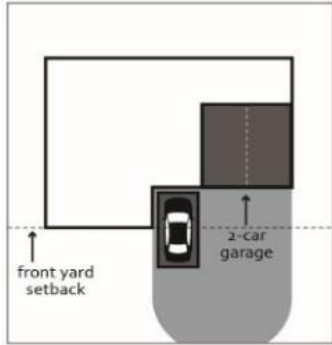
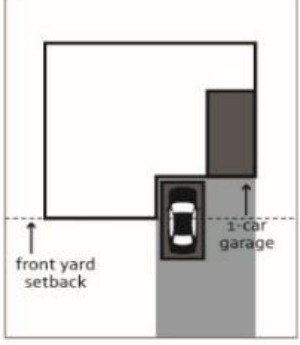
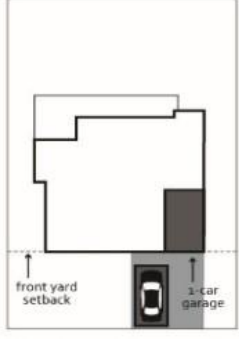
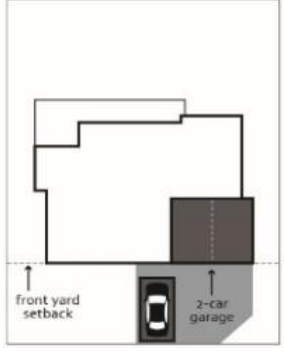
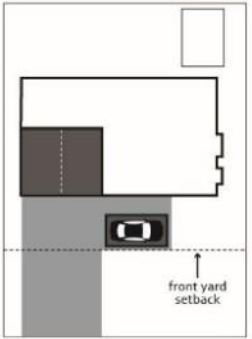
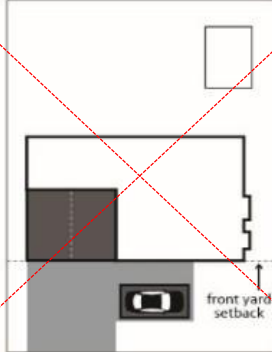
8.2 Off-Street Parking Regulations

- 8.2.1 Where any **development** is proposed, including new **development**, change of **use** of existing **development**, or enlargement of existing **development**, off-street vehicle parking (including parking for the disabled, and visitors) shall be provided onsite by the property **owner** in accordance with the requirements of this Bylaw.

Parking Setbacks

- 8.2.2 All off-street parking for **non-residential use** classes shall have a minimum 1.5 metre setback from any front **lot line**, any **side** or **rear property line** abutting **residential zones**, or any **lot line abutting a street** unless the **building** setback is smaller. For example, if the **building** setback is 0 metres then the parking setback is 0 metres.
- 8.2.3 All off-street parking for **residential use** classes shall have a minimum 1.5 metre setback from any **side** or **rear lot line** or 3.0 m from any **flanking street** unless the **development** contains two or less **dwelling** units or the **building** setback is smaller. For example, if the **building** setback is 0 metres then the parking setback is 0 metres.
- 8.2.4 All off-street parking for **residential use** classes containing two or less **dwelling** units shall not have any off-street **parking spaces** located in the required **front yard** or **flanking street** setback area.
- 8.2.5 Notwithstanding Section 8.2.4, off-street parking for **residential use** classes containing two or less **dwelling** units may be located in the required **front yard** or **flanking street** setback area if:
- (a) the **parking spaces** are located on a driveway which provides access to a required off-street **parking space** that is not in the **front yard** or **flanking street** setback area; or
 - (b) One off-street parking space may be located in the required **front yard** or **flanking street** setback area that does not provide access beyond the **front yard** or **flanking street** setback area if the parking space meets one of the permitted parking configurations shown specifically in Figure 8.2.5:

Figure 8.2.5 - Permitted and Not Permitted Parking Configurations

		
Side Yard Parking – Double Garage	Side Yard Parking – Single Garage	Corner Lot Parking
		
Front Yard Parking 1 – Double Garage	Front Yard Parking 1 – Single Garage	Front Yard Parking 2 – Single Garage
		
Front Yard Parking 2 – Double Garage	Perpendicular Parking – Permitted	Perpendicular Parking – NOT Permitted

Tandem Parking

8.2.6 **Tandem parking spaces** is permitted only for the following land **uses** (not between land uses):

- (a) **single dwelling housing** (which may be in tandem with a secondary suite or carriage house);
- (b) **short-term rental accommodations**;
- (c) **two dwelling housing**; and
- (d) **townhouses** where the lot is located within the Urban Core as defined in the Official Community Plan. Visitor parking stalls cannot be configured in tandem.

Size and Ratio

8.2.7 Each required off-street **parking space** and parking lot layout shall conform to the following provisions:

Table 8.2.7 (a) Dimensions of Parking Spaces and Drive Aisles			
	Min. Length	Min. Width	Min. Height Clearance
Parking Spaces:			
Regular Size Vehicle Parking Space	6.0m	2.5m	2.0m
Small Size Vehicle Parking Space	4.8m	2.3m	2.0m
Accessible Parking Spaces	6.0m	3.9m	2.3m
Van-Accessible Parking Spaces	6.0m	4.8m	2.3m
Regular Size Parallel Parking Space	7.0m	2.6m	2.0m
Small Size Parallel Parking Space	6.5m	2.5m	2.0m
Drive Aisles:			
All two-way drive aisles serving 90 degree parking (e.g. parking lot, parkade, garage)	n/a	7.0m	2.0m
All two-way surface drive aisles without adjacent parking	n/a	6.0m	2.0m
One way drive aisles (60 degree parking)	n/a	5.5m	2.0m
One way drive aisles (45 degree parking & parallel parking)	n/a	3.5m	2.0m

Table 8.2.7 (b) Ratio of Parking Space Sizes		
Uses:	Min. Regular Size Vehicle Parking Spaces	Max. Small Size Vehicle Parking Spaces
Single Detached Dwelling or Two Dwelling Attached Housing	50%	50%
Carriage house or secondary suite	0%	100%
Short-term rental accommodations	0%	100%
Dwelling units in the RU7 zone	0%	100%
Multiple dwelling housing	50% ❶ ❷	50%
Commercial	100% for customer stalls 50% for all other stalls	0% for customer stalls 50% for all other stalls
Industrial	70%	30%
Institutional	50%	50%
❶ For the purpose of calculating the percentage of regular size vehicle parking spaces, "Accessible Parking Spaces" shall be included in the minimum number regular size vehicle parking spaces.		
❷ All visitor parking stalls must be regular size vehicle parking spaces.		

8.2.8 Length, width and height measurements shall be clear of obstructions (including but not limited to columns, **property lines**, curbs, walls, pipes, roof features, fences, and emergency exit painted areas). Spacing measurements shall be taken from the inside to inside of obstructions.

- 8.2.9 Where a **parking space abuts** an obstruction (including but not limited to columns, **property lines**, curbs, walls, pipes, roof features, fences, and emergency exit painted areas) the **parking space** shall follow the following regulations:
- (a) be an additional 0.2 m wider where the **parking space abuts** an obstruction on one side;
 - (b) be an additional 0.5 m wider where the **parking space abuts** an obstruction on both sides; and
 - (c) be an additional 0.8 m wider where the **parking space abuts** a doorway.

Number of Spaces

- 8.2.10 The minimum and maximum number of off-street **vehicle parking spaces** required for each **use** (including visitor spaces) is specified in **Table 8.3 Required Parking** except where additional parking is required by the Ministry of Transportation & Infrastructure (MOTI) if the **site** has direct access to a provincial highway. The total vehicle parking amount can be reduced with the car-share parking incentives (as per section 8.2.12), the rental housing incentives (as per Section 8.2.13), and the bicycle parking incentives (as per Section 8.5.8).
- 8.2.11 Car-Share Incentives:
- Within the Urban Core, University South Village Centre, and Glenmore Valley Village Centre as defined in the Official Community Plan, the total minimum off-street vehicle parking requirements for **multiple dwelling housing** and any **commercial use** (e.g. **office** and **retail**) can be reduced by five (5) **parking spaces** per **car share vehicle** (must provide a new **vehicle** to a **car-share organization**) subject to the following regulations:
- (a) The maximum reduction in total required parking is 20% (for base parking requirement);
 - (b) The **car-share vehicle parking space** must be located on-site or within 100 metres of the subject property, in a highly visible spot, at-grade, publicly accessible at all times (i.e. not within an enclosed parkade), clearly marked for the exclusive use of the shared **vehicle**, and guaranteed to operate for a minimum of two years;
- 8.2.12 Rental Housing Incentives:
- If a **development** rezones to a sub-rental **zone** guaranteeing the **development** as rental housing, then a 20% reduction to the parking requirement (both base and visitor) can be applied if the development is located within an **urban centre** and a 10% reduction to the parking requirement (both base and visitor) can be applied if the development is located outside an **urban centre**.
- 8.2.13 **Parking spaces** for **secondary uses** shall be provided in addition to the required **parking spaces** for the **principal use** on a **site**.
- 8.2.14 Where calculation of the total number of **parking spaces** yields a fractional number:
- (a) Any fraction less than one-half (0.5) rounds down to the nearest whole integer (including zero); and
 - (b) Any fraction one-half (0.5) or greater rounds up to the nearest whole integer.
- 8.2.15 Where **gross floor area** is used as a unit of measurement for the calculation of required **parking spaces**, it must exclude all parking and loading areas, secure bicycle parking areas, common stairways and mechanical rooms within the **building**.

- 8.2.16 Where **Table 8.3 Required Parking** does not clearly define requirements for a development, the single **use** class or combination of **use** classes most representative of the proposed **development** shall be **used** to determine the parking requirements.
- 8.2.17 Where a **development** consists of a mix of **use** classes, the total off-street parking requirement shall be the sum of the off-street parking requirements for each **use** class.
- (a) Notwithstanding Section 8.2.17, in mixed-use developments the parking spaces required for **Offices** and other commercial related land **uses** can be shared with the **residential** visitor parking requirements. Parking spaces must be available for both land uses (commercial and visitor) at all times.
- 8.2.18 **Lock-off Units** do not require any separate **parking spaces** but must be counted as a **dwelling** unit for the purpose of minimum required visitor parking space amounts.
- 8.2.19 Accessible Parking Standards:

- (a) The minimum accessible parking shall be provided as a function of the total number of parking space provided onsite as described in Table 8.2.19:

Table 8.2.19 Amount of Accessible Parking Spaces		
Total Number of Parking Spaces Onsite.	Minimum Number of Required Accessible Parking Spaces	Minimum Number of Required Van-Accessible Parking Spaces
1 – 4 spaces	0 spaces	0 spaces
5 – 36 spaces	1 space	1 space
37 – 68 spaces	2 spaces	1 space
69 – 100 spaces	3 spaces	1 space
101-150 spaces	4 spaces	1 space
151-200 spaces	5 spaces	1 space
201-300 spaces	6 spaces	2 spaces
301-400 spaces	7 spaces	2 spaces
401-500 spaces	8 spaces	2 spaces
Over 500 spaces	2% of total	2 spaces

- (b) If a visitor **parking space** is required, then at least one of those visitor **parking spaces** shall be configured as an accessible parking space;
- (c) Designate as an accessible parking space using appropriate signage;
- (d) Include accessible parking spaces in the calculation of the applicable minimum parking requirement; and
- (e) Accessible parking spaces shall be located as close to a main **building** entrance, on a level non-skid surface.

Figure 8.2.19 Accessible Parking Standards

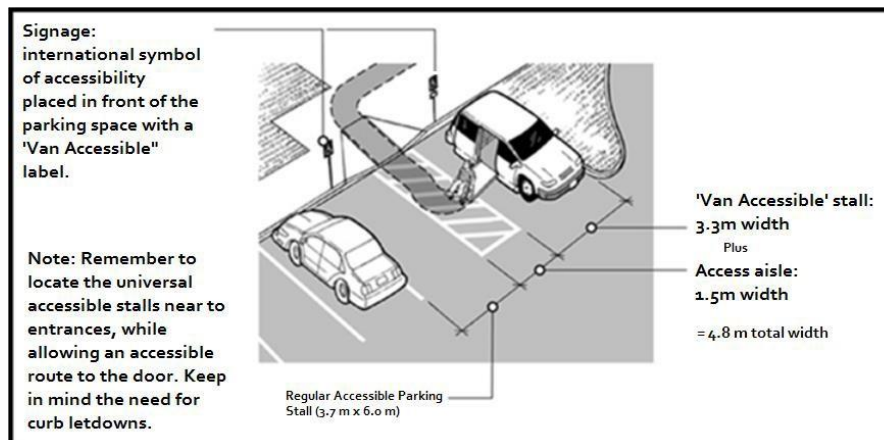


Table 8.3 – Required Off-Street Parking Requirements

Table 8.3.1 Residential Parking

Land Use / Type of Development	Base Parking Requirement (number of spaces)			Minimum Visitor Parking Requirement ❶❷❸
	C4 & C7 Zones	All other non- single family zones within Urban or Village Centres ❷	All other non- single family zones not within an Urban or Village Centre❷	
Multiple Dwelling Housing: Apartment Housing Townhouses Row Housing Stacked Row Housing Three Dwelling Housing Four Dwelling Housing	Min 0.8 spaces & Max 1.25 spaces per bachelor dwelling unit (includes micro-suite housing);	Min 0.9 spaces & Max 1.25 spaces per bachelor dwelling unit (includes micro-suite housing);	Min 1.0 space & Max 1.25 spaces per bachelor dwelling unit (includes micro- suite housing);	Min 0.14 spaces & Max 0.2 spaces per dwelling unit
	Min 0.9 spaces & Max 1.25 spaces per 1 bedroom dwelling unit;	Min 1.0 space & Max 1.25 spaces per 1 bedroom dwelling unit;	Min 1.25 spaces & Max 1.6 spaces per 1 bedroom dwelling unit;	
	Min 1.0 space & Max 1.5 spaces per 2 or more bedroom dwelling unit;	Min 1.25 spaces & Max 1.6 spaces per 2 bedroom dwelling unit;	Min 1.5 spaces & Max 2.0 spaces per 2 bedroom dwelling unit	
		Min 1.5 spaces & Max 2.0 spaces per 3 bedroom dwelling unit	Min 2.0 spaces & Max 2.5 spaces per 3 bedroom or more dwelling units;	

❶ Visitor parking is to be easily accessible to the access points of the corresponding **development** and/or **buildings**. Visitor parking is a separate minimum parking requirement that rounds up or down independent of the basic parking requirement.

❷ These regulations do not apply to the RU7 zone. See Table 8.3.1 Residential Parking for RU7 parking regulations.

❸ **Lock-off Units** do not require any separate **parking spaces** but must be counted as a **dwelling** unit for the purpose of minimum required visitor parking space amounts.

Table 8.3.1.1 Residential Parking

Land Use / Type of Development	Base Parking Requirement		Visitor Parking Requirement ❶
	Minimum	Maximum	
Bed and Breakfast Homes	1.0 space per sleeping unit plus parking requirement for principal dwelling unit	1.5 spaces per sleeping unit	n/a
Boarding or Lodging Houses	1.0 space per 2 sleeping units	1.5 space per 2 sleeping units	n/a
Carriage House Secondary Suites	1.0 space ❷	2.0 spaces	n/a
Congregate Housing & Supportive Housing	0.35 spaces per sleeping unit ; Plus 0.5 spaces per non-resident on-duty employee or 3.0 spaces (whichever is greater)	n/a	Min 0.14 spaces & Max 0.2 spaces per dwelling unit
Group Homes, Major Group Homes, Minor	1.0 space; plus an additional 1.0 space per 3 beds	2.0 spaces; plus an additional 1.25 space ¹ per 3 beds	n/a
Home Based Business, Major	1.0 space	2.0 spaces	n/a
Home Based Business, Minor	No spaces required	n/a	n/a
Home Based Business, Rural	1.0 space	n/a	n/a
Mobile Homes in RM7 zone	2.0 spaces per dwelling unit	2.5 spaces per dwelling unit	Min 0.14 spaces & Max 0.2 spaces per dwelling unit
Residential units in the RU7 zone	1.0 space per dwelling unit	2.0 spaces per dwelling unit	n/a
Residential Security/Operator Unit	1.0 space per dwelling unit	2.0 spaces per dwelling unit	n/a
Short – Term Rental Accommodation:			n/a
<ul style="list-style-type: none"> Principal use & Secondary use for Multiple Dwelling Housing 	Equivalent to the parking requirements for the principal use for that zone.	n/a	
<ul style="list-style-type: none"> Secondary use for single detached housing, semi-detached housing, & duplex housing 	1.0 space per two sleeping units	n/a	
Single Detached Housing Two Dwelling Housing	2.0 spaces per dwelling unit	n/a	0.0 spaces or Min 0.14 spaces & Max 0.2 spaces per dwelling unit ❸

❶ Visitor parking is to be easily accessible to the access points of the corresponding **development** and/or **buildings**. Visitor parking is a separate minimum parking requirement that rounds up or down independent of the basic parking requirement.

❷ Parking space can be located in the driveway and in tandem with the single detached **dwelling** parking as long as two additional off-street **parking spaces** are provided for the **principal dwelling**. Notwithstanding Section 8.1.4, parking for **secondary suites** or **carriage houses** can be surfaced with a dust-free material.

❸ Within residential strata (non-RU7) developments with 3 or more **dwelling units** the visitor parking requirement is 0.14 spaces per **dwelling unit**.

Table 8.3.2 Commercial		
Land Use / Type of Development	Parking Requirement <small>NOTE: GFA = Gross Floor Area</small>	
	Minimum	Maximum
Boat Storage	1.0 spaces per 10 boat storage spaces plus 2 spaces for employees	1.25 spaces per 10 boat storage spaces plus 2 spaces for employees
Commercial Schools	See table 8.3.5 Institutional for school parking requirements	n/a
Gas Bars	2.0 spaces per service bay (plus GFA for any retail)	n/a
Hotels Motels	0.8 spaces per sleeping units in the C7 zone; plus requirements of other uses 1.0 space per sleeping unit ; plus requirements of other uses	1.5 spaces per sleeping units , plus requirements of other uses
All commercial uses in the C4 zone even if listed separately below ❶ ❷	1.3 spaces per 100 m ² GFA	3.0 spaces per 100 m ² GFA
All commercial uses in the C7 zone even if listed separately below ❶ ❷	0.9 spaces per 100 m ² GFA ❸	2.5 spaces per 100 m ² GFA
Animal Clinics, Major and Minor Health Services, Major and Minor (includes dental offices, surgeries, and similar uses)	3.5 spaces per 100 m ² GFA ,	5.0 spaces per 100 m ² GFA
Food Primary Establishment Liquor Primary Establishment Drive-in Food Services	2.5 spaces per 100 m ² GFA or 5.0 spaces (whichever is greater)	3.5 spaces per 100 m ² GFA ,
Fleet Services	2.0 spaces per 100 m ² GFA ; or 1 spaces per vehicle in fleet plus 1 per employee on duty (whichever is greater)	2.5 spaces per 100 m ² GFA ; or 1.25 spaces per vehicle in fleet plus 1.25 spaces per employee on duty (whichever is greater)
Personal Services (includes hairdressers, dry cleaners, repair of personal goods, travel agents, and similar uses)	2.5 spaces per 100 m ² GFA	3.5 spaces per 100 m ² GFA
Financial Services Offices	2.5 spaces per 100 m ² GFA	3.5 spaces per 100 m ² GFA
All other commercial uses not listed above: ❶		
(a) GFA less than 1,000 m ²	2.0 spaces per 100 m ² GFA	2.5 spaces per 100 m ² GFA
(b) GFA 1,000 m ² to 2,000 m ²	2.5 spaces per 100 m ² GFA	3.5 spaces per 100 m ² GFA
(b) GFA 2,000 m ² to 20,000 m ²	3.0 spaces per 100 m ² GFA	4.0 spaces per 100 m ² GFA
(c) GFA greater than 20,000 m ²	4.0 spaces per 100 m ² GFA	5.25 spaces per 100 m ² GFA
❶ For shopping centres, calculate the area by adding all the tenant spaces together.		
❷ This rule only applies to land use categories that are based on a number of parking spaces per GFA.		
❸ The minimum parking requirement may be affected by Diagram 8.3.8 Parking Exception Areas		

Table 8.3.3 Agriculture		
Land Use / Type of Development		
Greenhouses and Plant Nurseries	6.7 spaces per 100 m ² GFA of retail sales structure	n/a
Farm Retail Sales	5.0 spaces per 100 m ² GFA , minimum 4	n/a

<i>Table 8.3.4 Industrial</i>		
Land Use / Type of Development		
Bulk Fuel Depot	1.0 space per employee on duty	n/a
General Industrial Uses	1.0 space per 100 m ² GFA (includes mezzanine area); Plus 2.5 spaces per 100 m ² GFA for all floor area devoted to accessory activities such as any indoor display, office, administrative or technical support, or retail sale operations.	2.5 spaces per 100 m ² GFA (includes mezzanine area); Plus 3.0 spaces per 100 m ² GFA for all floor area devoted to accessory activities such as any indoor display, office, administrative or technical support, or retail sale operations.
Warehousing and Storage	0.5 spaces per 100 m ² GFA (minimum 2 spaces); Plus 2.5 spaces per 100 m ² GFA for all floor area devoted to accessory activities such as any indoor display, office, administrative or technical support, or retail sale operations.	1.0 space per 100 m ² GFA ; Plus 3.0 spaces per 100 m ² GFA for all floor area devoted to accessory activities such as any indoor display, office, administrative or technical support, or retail sale operations.

<i>Table 8.3.5 Institutional</i>		
Land Use / Type of Development		
Cemetery	1.0 space per employee	n/a
Detention and Correction Services	1.0 space per 2 inmates (capacity)	n/a
Emergency and Protective Services	4.0 spaces per 100 m ² GFA	n/a
Extended Medical Treatment Services	1.0 space per 100 m ² GFA	n/a
Hospitals	1.0 space per 100 m ² GFA	n/a
Funeral Services	3.5 spaces per 100 m ² GFA	n/a
School, Elementary	1.0 space per 100 m ² GFA	n/a
School, Secondary	1.5 spaces per 100 m ² GFA	n/a
Universities or Colleges	2.0 spaces per 100 m ² GFA	n/a
Temporary Shelter Services	1.0 space per 3 beds	n/a

<u>Table 8.3.6 Community, Recreational, and Cultural</u>		
Land Use / Type of Development	Parking Requirement	
	Minimum	Maximum
Bowling Alley	2.0 spaces per alley	n/a
Child Care Centre, Major (includes preschool)	1.0 space per 10 children, plus 1 per 2 employees on duty; but a minimum of 4.0 spaces	n/a
Child Care Centre, Minor	2.0 spaces	n/a
Cultural and Recreation Services Exhibition and Convention Facilities	1.0 space per 5 seating spaces; or 20.0 spaces per 100 m ² of floor area used by patrons (whichever is the greater)	n/a
Cultural Facility (e.g. Museum, Art Gallery)	2.5 spaces per 100 m ² GFA	n/a
Curling Rink	4.0 spaces per curling sheet	n/a
Golf Course	6.0 spaces per hole; plus the parking required for other secondary uses	n/a
Golf Driving Range	2.0 spaces per tee	n/a
Library	2.5 spaces per 100 m ² GFA	n/a
Participant Recreation Services, Outdoor (except golf courses) Participant Recreation Services, Indoor (except curling rinks, swimming pools, and racquet clubs)	1.0 space per employee on duty, plus 1.0 space per 3 users	n/a
Racquet Clubs	3 per court	n/a
Recycled Materials Drop-off Centre	1 per recycling container, minimum of 2	n/a
Religious Assemblies	1 per 5 seats or 10 per 100 m ² of GFA (whichever is greater)	n/a
Spectator Entertainment Establishment	1 per 4 seats	n/a
Spectator Sports Establishment	1 per 4 seats	n/a
Swimming Pool (Public)	25.0 per 100 m ² of pool water surface	n/a
Tourist Campsite	1.1 per camping space	n/a

<u>Table 8.3.7 Water Uses</u>		
Land Use / Type of Development	Parking Requirement	
	Minimum	Maximum
Marinas	1 per 2 boat spaces	n/a
Marine Fuel Facilities	1 per business	n/a
Marine Equipment Rentals	1 per 1 boat space, plus 1 per business	n/a

Diagram 8.3.8 Parking Exception Areas



1. Notwithstanding Table 8.3.2 Commercial Parking Requirements, the minimum parking requirement for all C-7 zoned lots in Area 1 & 2 shown in Diagram 8.3.8 shall be 0.9 stalls per 100 m² of Gross Floor Area (GFA). This rule only applies to land use categories that are based on a number of parking spaces per GFA.
2. All lots in Area 2 shown in Diagram 8.3.8 shall not be required to meet any **vehicle parking space** requirements if the **height** of the **buildings** on the lot are:
 - 15.0 metres or less and **4 storeys** or less.

8.4 Off-Street Loading

- 8.4.1 Where **development** is proposed, including new **development**, change of **use** of existing **development**, or enlargement of existing **development**, off-street **loading spaces** shall be provided by the property **owner** in accordance with the requirements of this Bylaw. Detention and correction services located within a security **fence** are exempt from providing off-street **loading spaces**.

Number of Spaces

- 8.4.2 The number of off-street **loading spaces**, including bus **loading spaces**, required for each **use** is specified in **Table 8.4 Minimum Loading Required**. The maximum number of loading spaces required by this section is three (3) spaces.
- 8.4.3 Where calculation of the total number of **loading spaces** yields a fractional number, the following counting rules apply (unless specifically defined in **Table 8.4 Minimum Loading Required**):
- a) Any fraction less than one-half (0.5) rounds down to the nearest whole integer (including zero); and
 - b) Any fraction one-half (0.5) or greater rounds up to the nearest whole integer.
- 8.4.4 Where **gross floor area** is used as a unit of measurement for the calculation of required **loading spaces**, it must exclude all parking and loading areas, secure bicycle parking areas, common stairways and mechanical rooms within the building.
- 8.4.5 Where the **Loading Schedule** does not clearly define requirements for a particular **development**, the single **use** class or combination of **use** classes is most representative of the proposed **development** shall be used to determine the **loading space** requirement.
- 8.4.6 Where a **development** consists of a mix of **use** classes, the total off-street loading requirement shall be the sum of the off-street loading requirements for each **use** class, unless there is a complementary demand or differences in periods of **use** for loading that warrants a different requirement.

Location

- 8.4.7 Off-street **loading spaces** shall be provided entirely within the property of the **development** being served.
- 8.4.8 Off-street **loading spaces** shall be oriented away from **residential development**.

Size and Access

- 8.4.9 Each off-street **loading space** shall be of adequate size and accessibility to accommodate the **vehicles** expected to load and unload, but in no case shall a **loading space** be less than 28 m² in area, less than 3.0 m in width, or have less than 4.0 m in overhead **clearance**.
- 8.4.10 Each required bus **loading space** shall be a minimum of 3.6 m in width, a minimum of 12.2 m in length, and have a minimum **clearance** of 4.6 m.
- 8.4.11 Access to any loading area shall be provided, wherever possible, internally to the **development** or from a **lane abutting** the **development**.

- 8.4.12 Access to any loading area shall be arranged such that no backing or turning movement of vehicles going to or from the **site** causes interference with traffic on the **abutting streets** or **lanes**.

Table 8.4 – Minimum Loading Required

Type of Development (Use)	Required Loading Spaces
Child Care Centre, Major	For 9 – 15 children 0 car loading space For 16 – 25 children 0 car loading space For 26 or more children 1 car loading space
Commercial Uses (except above) and Industrial Uses	1 per 1,900 m ² GFA
Community, Educational (except below), Recreational and Institutional Uses	1 per 2,800 m ² GFA
Food Primary Establishment	1 per 2,800 m ² GFA
Hotels Motels	1 per 2,800 m ² GFA
Liquor Primary Establishment	1 per 2,800 m ² GFA
Schools, Universities or Colleges	1.5 car loading spaces per 100 students, minimum 5; plus 3 bus loading spaces

8.5 Off-Street Bicycle Parking

- 8.5.1 Where any **development** is proposed, including new **development**, change of **use** of existing **development**, or enlargement of existing **development**, off-street bicycle parking shall be provided by the property **owner** in accordance with the requirements of this Bylaw.
- 8.5.2 The number of **short-term** and **long-term** off-street **bicycle parking spaces** required for each **use** class is specified in **Table 8.5 Minimum Bicycle Parking Required**.
- 8.5.3 Where calculation of the total number of **parking spaces** yields a fractional number:
- a) Any fraction less than one-half (0.5) rounds down to the nearest whole integer (including zero); and
 - b) Any fraction one-half (0.5) or greater rounds up to the nearest whole integer.
- 8.5.4 Where the **Bicycle Parking Schedule** does not clearly define requirements for a particular **development** the single **use** or combination of **use** most representative of the proposed **development** shall be used to determine the parking requirement.
- 8.5.5 **Short-Term Bicycle Parking Standards:**
- (a) **Short-Term Bicycle Parking** must be conveniently located within: 15 metres of any main entrances (whether inside or outside of the building), a well-lit area, clearly visible to visitors, and subject to casual surveillance by occupants of the building(s).
 - (b) **Short-term bicycle parking** spaces shall be provided in a bicycle rack that is permanently anchored to the ground or a wall.
 - (c) Design and install **short-term bicycle parking** to the minimum dimensions shown in **Table 8.5.1 Minimum Dimensions for Bicycle Parking**.
- 8.5.6 **Long-Term Bicycle Parking Standards:**
- (a) **Long-Term Bicycle Parking** must be located inside a **building** or within a secure, weather-protected, dedicated bicycle parking facility accessible to residents, employees or other identified users of the building.
 - (b) The entry door into the long-term bicycle parking facility must have a minimum width of 0.9 metres.
 - (c) **Long-Term Bicycle Parking** spaces can be arranged in a Ground-Anchored or Wall-Mounted configuration provided that:
 - i. A minimum 50% of the required **Long-Term Bicycle Parking** shall be Ground-Anchored.
 - ii. Wall-Mounted bicycle racks located in front of an automobile stall within a parkade will only be counted towards the minimum **Long-Term Bicycle Parking** if the automobile stall meets the minimum Regulated - size vehicle standards.
 - (d) A minimum of 75% of the **Long-Term Bicycle Parking** spaces shall be located at-grade or within one **storey** of **building grade** and shall be easily accessible to users.
 - (e) **Long-Term Bicycle Parking** spaces must have a minimum unobstructed height clearance of 1.9 metres between the floor and any mechanical equipment, or, if there is no mechanical equipment, between the floor and the ceiling.
 - (f) Design and install **Long-Term Bicycle Parking** spaces to the minimum dimensions shown in **Table 8.5.1 Minimum Dimensions for Bicycle Parking**.
 - (g) A "bicycle repair and wash station" is required after 20 long term bike parking stalls are required. A "bicycle repair and wash station" includes tools for bikes, a commercial grade pump, access to water, and a way to raise a bikes up to perform simple maintenance.

- 8.5.7 Bicycle racks shall be:
- (a) constructed of theft resistant material;
 - (b) securely anchored with tamper-proof hardware to the floor, **building**, or ground;
 - (c) constructed to support from two points on the bicycle frame for a horizontal rack; and
 - (d) constructed to enable the bicycle frame and at least one wheel to both be securely locked to the rack with a single U-style lock.

8.5.8 Bicycle Parking Incentives:

Within the Urban Core, University South and Glenmore Valley Village Centres as defined in the Official Community Plan, the total minimum off-street vehicle parking requirements can be reduced by 20 percent (20%) up to a maximum of five (5) **parking spaces** (for the base parking requirement) subject to the provision of the bonus long-term bicycle parking spaces identified within Table 8.5.

Table 8.5 – Minimum Bicycle Parking Required

Type of Development (General Uses) ①	Bicycle Parking Spaces ④		
	Required Long-term	Bonus Long-term	Required Short-term
Institutional Zones	1 per 25 employees	n/a	6 per entrance
Apartment Housing (includes supportive housing)	0.75 per 2 bedroom or less dwelling units 1.0 per 3 bedroom or more dwelling units	1.0 per bachelor or 1-bedroom dwelling unit 1.5 per 2-bedroom dwelling units 2.0 per 3-bedroom or more dwelling units	6 per entrance, plus for buildings with greater than 70 units: 1 space for every additional 5 units
Assisted Living Facility (dwelling unit for elderly and / or people with disabilities) and Congregate Housing	1.0 space per 20 dwelling units plus 1.0 space per 10 employees	n/a	6 per entrance
Townhouses	No requirement ⑤	n/a ⑥	4 spaces or 1 per 5 units (whichever is greater) ②
Commercial Uses	1 per 500 m ² of GFA	2.0 per 500 m ² of GFA	2 per entrance or 1 space per 750m ² of GFA (whichever is greater)
Industrial Uses	0.5 per 1,000 m ² of GFA ③	1.0 per 1,000 m ² of GFA	No requirement
Type of Development (Specific Uses)	Bicycle Parking Spaces ④		
	Required Long-term	Required Short-term	
Hotel / Motel	1 per 20 sleeping units	6 per entrance	
Day-care centre for 15 or more children	1 per 10 employees, min 2 spaces	1 for each 10 students of planned capacity, min 2 spaces	
Elementary and Secondary Schools	1 per 10 employees, min 2 spaces	6 per entrance or 3 per 10 student seats at entrance (whichever is greater)	
Post-secondary Schools	1 per 10 employees plus 1 for each 10 students of planned capacity, min 2 spaces	6 per entrance or 3 per 10 student seats at entrance (whichever is greater)	
Cultural Facility or Library	1 space for 15 employees	2 per entrance (for buildings up to 1,000 m ²); 6 per entrance (for buildings greater than 1,000m ² GFA) 16 spaces per entrance (for buildings greater 2,000m ² GFA)	

Health Services	1 space for 15 employees	6 spaces per public building entrance or 1 per 1000m ² (whichever is greater)
Offices	1 per 500 m ² of GFA	2 per entrance or 1 space per 750m ² of GFA (whichever is greater)
Community Recreation Services	1 space per 15 employees	12 spaces per public building entrance
Notes: ① Utilize the 'General Uses' for bicycle parking calculations unless the land use matches the Specific Uses. ② Regulation only applies to lots with 5 or more dwelling units. ③ Industrial Uses (for the purpose of bicycle parking calculations): means any principal or secondary use that is exclusively within an Industrial zone . For example, if a principal or secondary use is within a commercial and an industrial zone then that use shall be calculated with the commercial bicycle parking rate (e.g. a food primary or liquor primary establishment located in an industrial area would use the commercial bicycle parking rate). ④ All area numbers are based on Gross Floor Area (GFA). ⑤ The bike parking exclusion for Townhouses only applies to dwelling units which have an attached private garage with direct entry from the garage to the dwelling unit, otherwise, the Apartment Housing category must be used to calculate the long term-bicycle parking requirement. + Townhouses without an attached private garage with direct entry from the garage to the dwelling unit can utilize the bonus bicycle parking provisions within apartment housing.		

Table 8.5.1 Minimum Dimensions for Bicycle Parking (in metres)

	Ground Anchored Rack		Wall Mounted Rack	
Angle of Rack (in an aerial perspective, measured from the plane of the nearest wall of a building)	>45 degrees	≤45 degrees	>45 degrees	≤45 degrees
Minimum space depth	1.8 m	1.45 m	1.2 m	1.2 m
Minimum aisle width	1.5 m	1.5 m	1.5 m	1.5 m
Minimum distance between bicycle racks (for racks that accommodate two or more bicycles)	0.9 m	1.3 m	0.9 m	1.3 m
Minimum distance between bicycle racks (for racks that accommodate no more than one bicycle)	0.45 m	0.65 m	0.45 m	0.65 m
Minimum distance between bicycle racks and wall, entrance door to bicycle storage facility, or other obstacle.	0.6 m	0.6 m	0.6 m	0.6 m

Figure 8.5.1: Short-Term Bicycle Parking Configuration Example

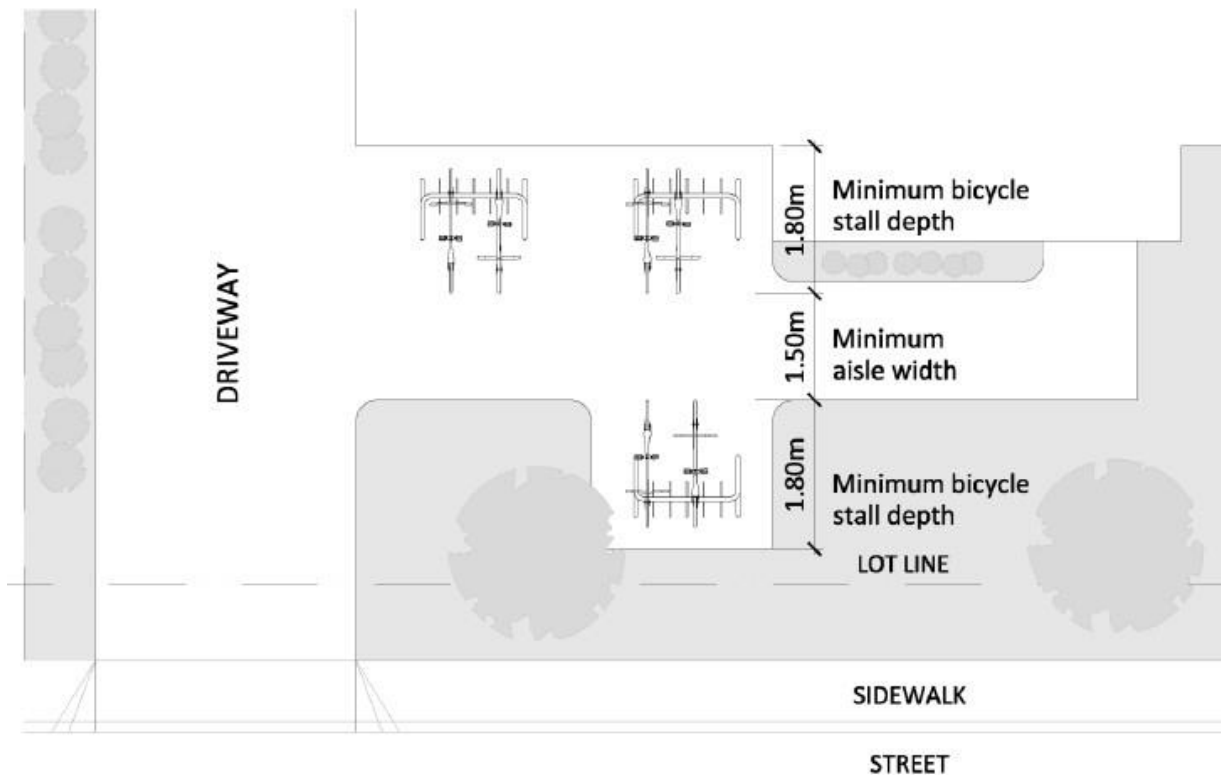
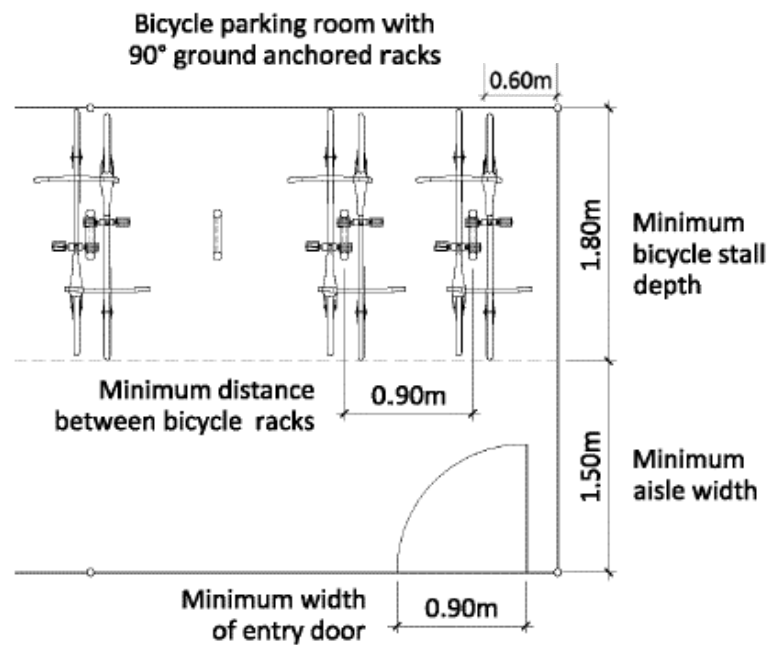
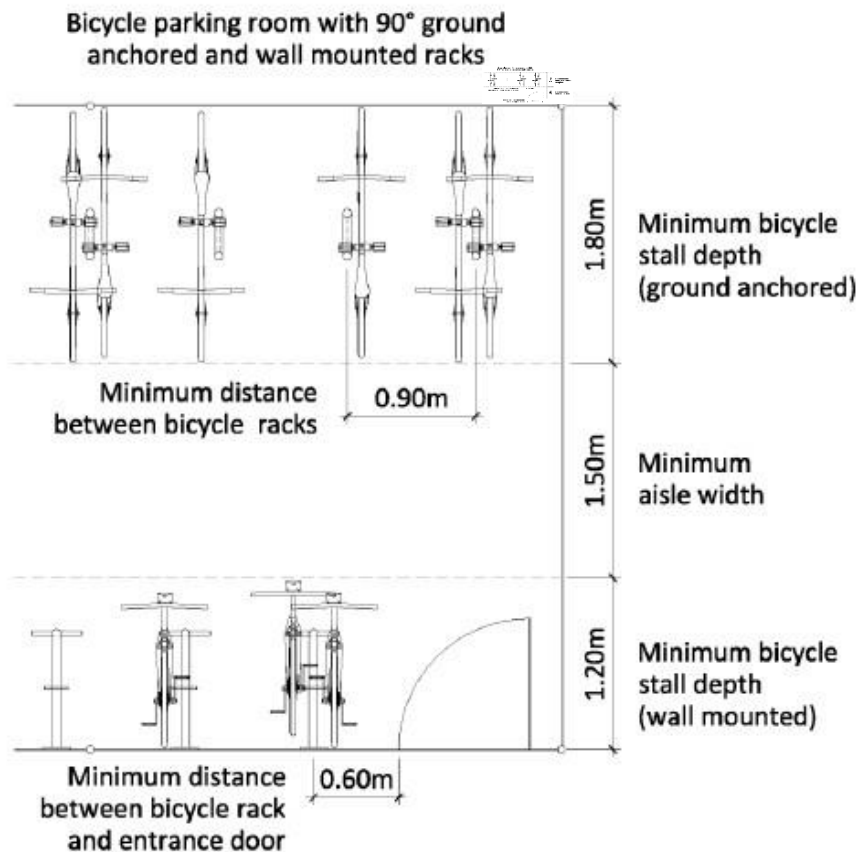
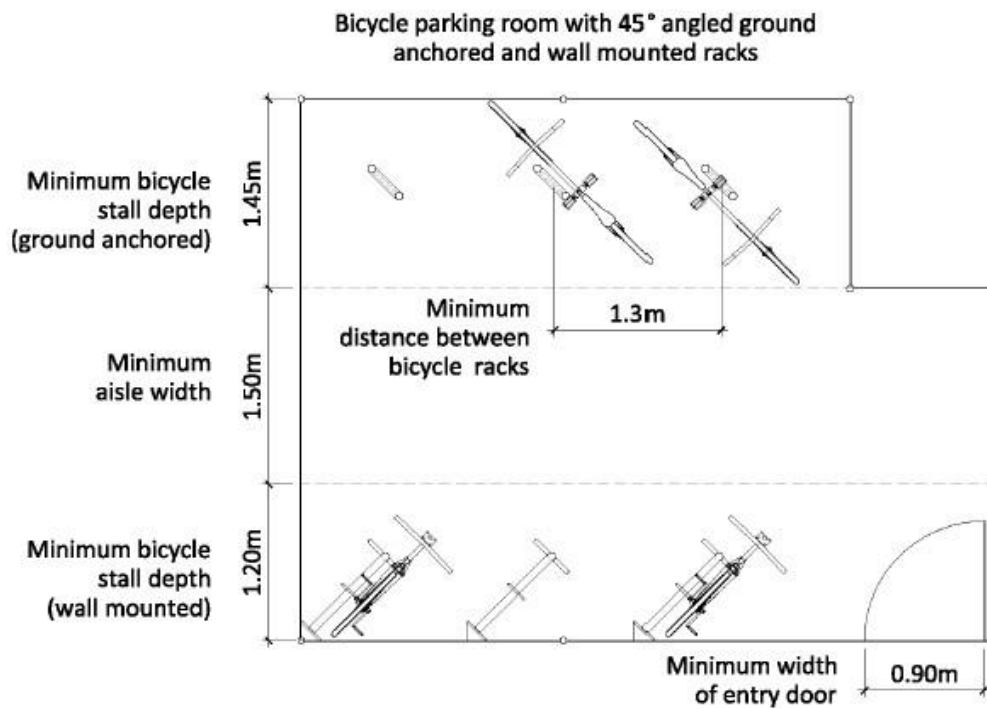


Figure 8.5.2: Long-Term Bicycle Parking Configurations Example





8.6 End of Trip Facilities

8.6.1 Where any **commercial** or **industrial development** is proposed, the **end-of-trip facilities** shall be provided in accordance with Table 8.6 below:

Table 8.6 Required End-of-Trip Facilities				
Long-Term Bicycle Parking Spaces	Number of Toilets	Number of Sinks	Number of Showers	Number of storage lockers
0-3	0	0	0	0
4-29 ❶	2	2	2	0.5 lockers per bicycle space
30-64 ❶	4	4	4	0.5 lockers per bicycle space
65 and over ❶	+2 for each additional 30 bicycle spaces	+2 for each additional 30 bicycle spaces	+2 for each additional 30 bicycle spaces	0.5 lockers per bicycle space
❶ End of trips shall include a "bicycle repair and wash station" including tools for bikes, a commercial grade pump, access to water, and way to raise a bike up to perform simple maintenance. A "bicycle repair and wash station" is required after 4 long term bike parking stalls are required.				

Section 8 – Parking and Loading amended as follows:

Sub-Section 8.1 Off-Street Vehicle Parking – BL8654, BL8528, BL10796, BL10816, BL11140, BL11263

Sub-Section 8.3 Development Standards – BL8528

Sub-Section 8.4 Off-Street Bicycle Parking – BL8654 & BL10613

Sub-Section 8.5 General Provisions – BL8654, BL9120

Table 8.1 – Parking Schedule – BL8367, BL8430, BL8528, BL8820, BL8881, BL8900, BL8960, BL9041, BL9723, BL9766, BL9953, BL10686, BL10796, BL10804, BL10981; BL10997, BL11140, BL11313

Table 8.2 – Loading Schedule – BL8960, BL10804

Table 8.3 – Bicycle Parking Schedule – BL8528, BL8654, BL8960, BL11140

REPORT TO COUNCIL



Date: October 7, 2019

To: Council

From: City Manager

Department: Development Planning

Application: Z19-0069

Owner: Judith Parsons

Address: 509 Eldorado Road

Applicant: Sid Molenaar, Integrity Services Inc.

Subject: Rezoning Application

1.0 Recommendation

THAT Rezoning Application No. Z19-0069 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 5 District Lot 167 ODYD District Plan 16646 located at 509 Eldorado Road, Kelowna, BC from the Ru1 – Large Lot Housing zone to the Ru2 – Medium Lot Housing zone be considered by Council;

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

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated June 3, 2019.

2.0 Purpose

To rezone the subject property from RU1 – Large Lot Housing to Ru2 – Medium Lot Housing to accommodate a three lot subdivision.

3.0 Development Planning

Development Planning Staff support the proposed Rezoning amendment from Ru1 – Large Lot Housing zone to RU2 – Medium Lot Housing zone to facilitate a three lot subdivision. The subject property is designated S2RES – Single/Two Unit Residential in the Official Community Plan (OCP) and is within the Permanent Growth Boundary. The proposal is generally consistent with the OCP Urban Infill Policies and is fully serviced.

4.0 Proposal

4.1 Project Description

The subject property is approximately 1,538 m² (0.38 acres) in size and has an existing single family dwelling and pool. Both the dwelling and the pool will be required to be removed prior to final subdivision approval. The proposal will take advantage of existing infrastructure as the subject property is fully serviced.

Should Council support the proposed rezoning staff will work with the applicant to complete the subdivision. The proposed lots are slightly over 500 m² in size and meet the minimum size requirements of the RU2 zone.

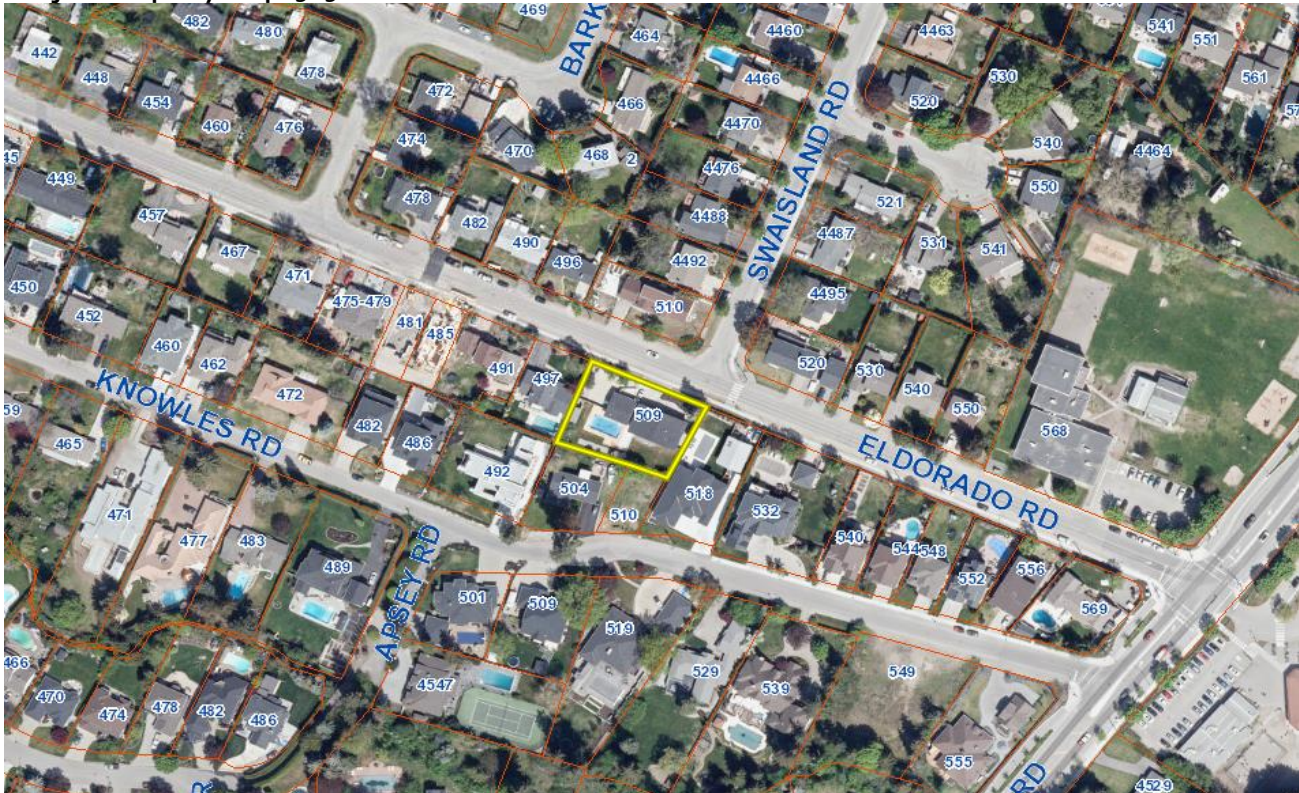
4.2 Site Context

The subject property is located in the North Mission – Crawford City Sector west of the intersection of Lakeshore Road and Eldorado Road. The surrounding neighbourhood is largely comprised of RU1 with several infill developments consisting of RU2 and RU6 in the general area. The property is located in close proximity to public transit and bus stops on Lakeshore Road.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	Ru1 – Large Lot Housing	Residential
East	Ru1 – Large Lot Housing	Residential
South	Ru2 – Medium Lot Housing	Residential
West	Ru1 – Large Lot Housing	Residential

Subject Property Map: 509 Eldorado



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

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

Objective 5.22 Ensure context sensitive housing development

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

6.0 Technical Comments

6.1 Development Engineering Department

- See attached memorandum dated June 3, 2019

7.0 Application Chronology

Date of Application Received: April 9, 2019
Date Public Consultation Completed: August 14, 2019

Report prepared by: Wesley Miles, Planner Specialist
Reviewed by: Dean Strachan, Community Planning & Development Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Development Engineering Memo

Attachment A: Proposed Subdivision Layout



CITY OF KELOWNA
MEMORANDUM

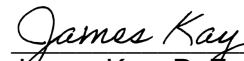
Date: June 3, 2019
File No.: Z19-0069
To: Community Planning (WM)
From: Development Engineering Manager (JK)
Subject: 509 Eldorado Road RU1 to RU2

Development Engineering has the following comments and requirements associated with this application.

1. General

Road frontage improvements are triggered by this rezoning application. The requirements include curb and gutter, storm drainage system and pavement widening. Also required is a landscaped boulevard, street lighting and the re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The cost of this construction is at the applicant's expense.

The proposed redevelopment includes the subject parcel being subdivided into two lots. A subdivision application will require service upgrades that include the installation of additional services. The work will require road cuts and boulevard and pavement restoration. Development Engineering is prepared to defer the requirements of the rezoning to the subdivision stage (S19-0036).


James Kay, P.Eng.

Development Engineering Manager

JA



WM



SCALE:	1:300 (8.5"x14")	
DATE:	April 5th, 2019	
DWG:	15443 Proposed Sub	
FILE NO:	15443	REV. 0

CITY OF KELOWNA
BYLAW NO. 11938
Z19-0069 – 509 Eldorado 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 5 District Lot 167 ODYD District Plan 16646 located on Eldorado 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

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: October 7, 2019

To: Council

From: City Manager

Department: Development Planning – Suburban, Rural

Application: LUC19-0002

Owner: Hans and Krystyna Schubel

Address: 1222 Kyndree Court

Applicant: Urban Options Planning & Permits

Subject: Land Use Contract Discharge Application

1.0 Recommendation

THAT Application No. LUC19-0002 to discharge LUC77-1023 from Lot A Section 8 Township 23 Osoyoos Division Yale District Plan 33589, located at 1222 Kyndree Court, Kelowna, BC, be considered by Council;

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

2.0 Purpose

To consider a Land Use Contract discharge to facilitate a proposed 2-lot subdivision.

3.0 Development Planning

Development Planning staff support the discharge of Land Use Contract LUC77-1023 to facilitate a proposed 2-lot subdivision of the subject property. In order to accomplish the proposed subdivision the Land Use Contract currently regulating this property will need to be discharged. The LUC will be discharged in accordance with Council Policy No. 282 (Strategy for Elimination of Remaining Land Use Contracts).

The underlying zone (RR3 – Rural Residential 3) fits with the established neighbourhood and is an appropriate zone for the existing land use.

4.0 Proposal

4.1 Background

The current LUC affects 12 properties in total and generally restricts the use to one single family dwelling per lot. In conformance with Council Policy No. 282, Staff will bring forward a bylaw terminating the Land Use Contract on the remaining adjacent parcels. This is a separate process from the discharge of an LUC, as termination eliminates the LUC one year after Council adoption whereas a discharge is immediate.

Land Use Contracts were a tool regularly used in the 1970s before it was eliminated on November 15, 1978. The purpose of the tool was to allow local governments to arrive at agreements with specific developers to

grant development rights over and above what was allowed under current zoning. This was typically done in exchange for commitments by developers to help finance infrastructure costs of developments.

Issues have arisen with the continued application of land use contracts as they supersede any subsequent bylaw dealing with land use and development including: Zoning Bylaws, Development Cost Charge Bylaws and Development Permits. The Local Government Act was amended in 2014 stating all land use contracts in the province will be terminated as of June 30th, 2024. Land use contracts will remain in force until that date unless terminated early by the municipality or discharged through application.

4.2 Project Description

The applicant has proposed that the existing Land Use Contract (LUC77-1023) be discharged to facilitate the proposed 2-lot subdivision of the property. A Preliminary Layout Review (PLR) has been issued for the site and should Council support the proposed land use contract discharge, the applicant would be permitted to proceed with the proposed subdivision of the property.

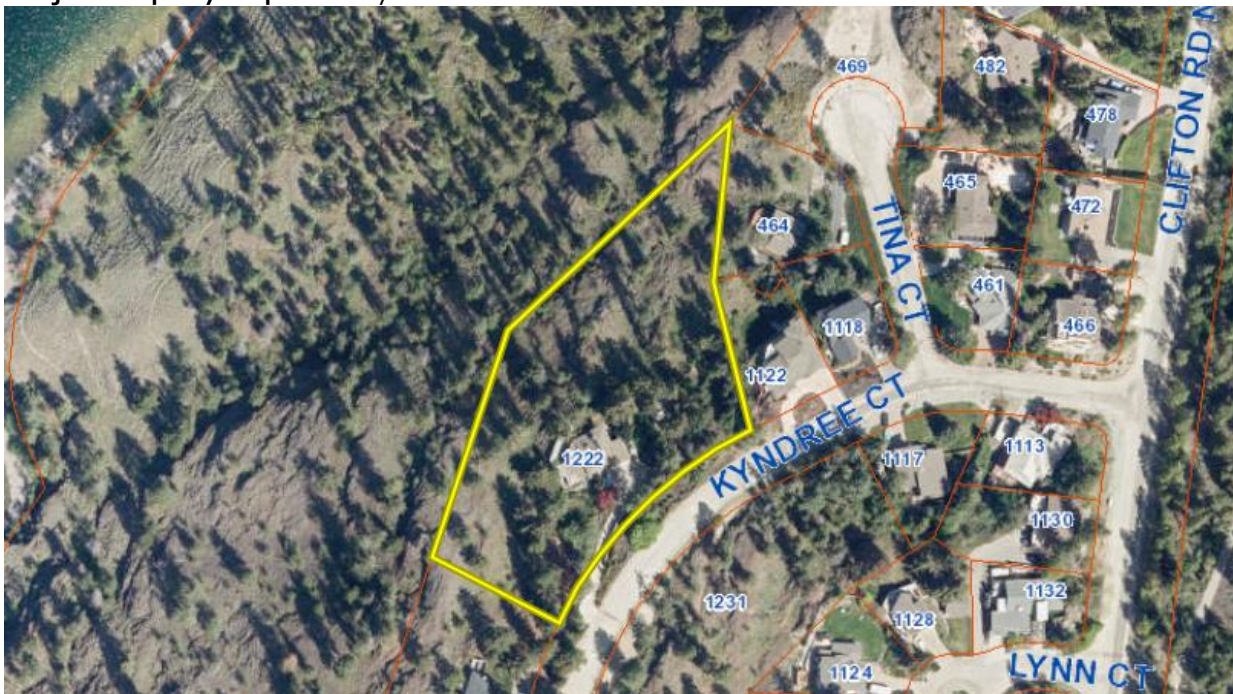
4.3 Site Context

The subject property is located in the Glenmore – Clifton – Dilworth City Sector near the intersection of Clifton Rd N and Kyndree Ct. The surrounding neighbourhood is comprised of A1 – Agricultural 1 and RR3 – Rural Residential 3 zone properties. Other surrounding zones include P3 – Parks and Open Space and RU1h – Large Lot Housing (Hillside Area).

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agricultural 1	Agricultural / Residential
East	A1 – Agricultural 1	Rural Residential
South	A1 – Agricultural 1	Rural Residential
West	A1 – Agricultural 1	Agricultural / Residential

Subject Property Map: 1222 Kyndree Court



5.0 Current Development Policies

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

Council Policy No. 282. Includes the following statement:

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

6.0 Application Chronology

Date of Application Received: June 26, 2019

Report prepared by: Andrew Ferguson, Planner I

Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments

Attachment A: Proposed Subdivision Plan

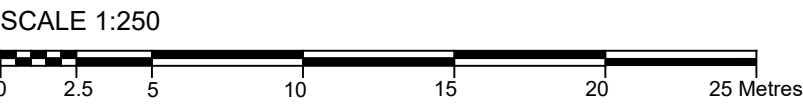
PROPOSED SUBDIVISION SKETCH
PLAN OF LOT A SECTION 8 TOWNSHIP
23 OSOYOOS DIVISION YALE
DISTRICT PLAN 33589

PID: 003-124-177
CLIENT: ADAM AND MEGHAN SCHUBEL
CIVIC ADDRESS: 1222 KNYDREE COURT

HORIZONTAL COORDINATE SYSTEM: UTM 11 NAD83(CSRS)
VERTICAL DATUM: CGVD28

DATE OF FIELD SURVEY: NOVEMBER 12, 2018

REFER TO THE CURRENT STATE OF TITLE FOR CHARGES,
LIENS, AND INTERESTS AFFECTING THIS LAND.



LEGEND

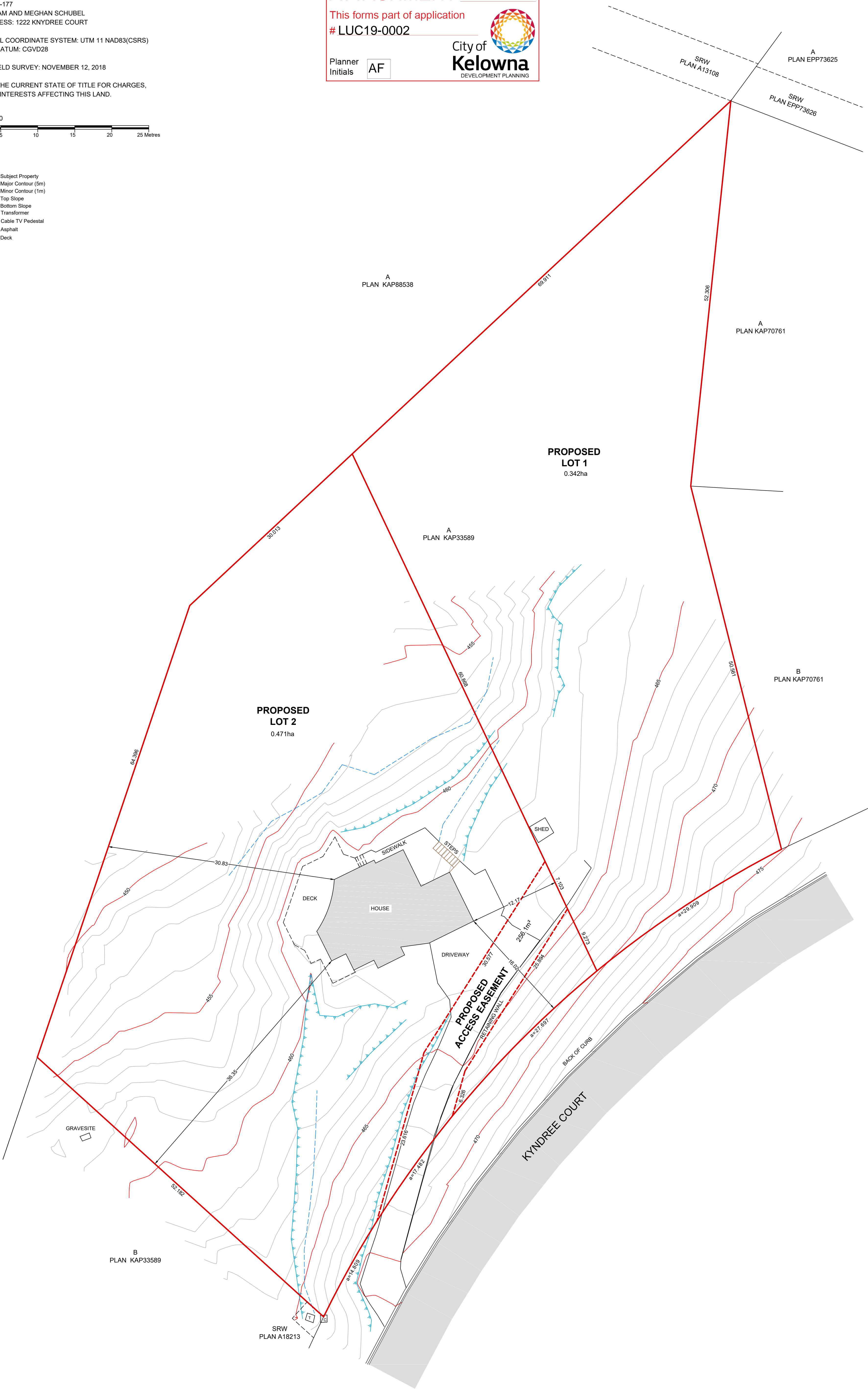
- Subject Property
- Major Contour (5m)
- Minor Contour (1m)
- Top Slope
- Bottom Slope
- Transformer
- Cable TV Pedestal
- Asphalt
- Deck

ATTACHMENT A

This forms part of application
LUC19-0002

Planner Initials AF

City of Kelowna
DEVELOPMENT PLANNING



THIS PLAN WAS PREPARED FOR DESIGN PURPOSES AND IS FOR THE EXCLUSIVE USE OF OUR CLIENT. VECTOR GEOMATICS LAND SURVEYING LTD. ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OR REPRODUCTION, TRANSMISSION, OR ALTERATION TO THIS DOCUMENT WITHOUT THE CONSENT OF VECTOR GEOMATICS LAND SURVEYING LTD.

CITY OF KELOWNA

BYLAW NO. 11940

Discharge of Land Use Contract

LUC77-1023 - (M17452)

1222 Kyndree Court

WHEREAS a land use (the "Land Use Contract") is registered at the Kamloops Land Title Office under number M17452 against lands in the City of Kelowna particularly known and described as Lot A Section 8 Township 23 Osoyoos Division Yale District Plan 33589 (the "Lands"), located on Kyndree Court, Kelowna, BC;

WHEREAS Section 546 of the *Local Government Act* provides that a land use contract that is registered in a Land Title Office may be discharged in the manner specified in the Land Use Contract, by bylaw following a public hearing on the proposed bylaw;

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

1. This Bylaw may be cited for all purposes as "Land Use Contract LUC77-1023 Discharge Bylaw".
2. The Land Use Contract is hereby cancelled and of no further force and effect and the City of Kelowna is hereby authorized and empowered to apply for the discharge of the Land Use Contract from the Lands.

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: Oct 7th 2019

To: Council

From: City Manager

Department: Development Planning (AC)

Application: LUC18-0004, OCP18-0015, & Z18-0071

Owner: 1940 Underhill Developments Corp.

Address: 1940 Underhill St

Applicant: District Development Group – Michael Fujii

Subject: OCP Amendment, Rezoning Application, and Land Use Contract Discharge.

Existing OCP Designation: MRH – Multiple Unit Residential (High Density) & EDINST (Education / Major Institutional)

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

Existing Zone: P2 – Education and Minor Institutional
Proposed Zone: C4 – Urban Centre Commercial

1.0 Recommendation TEST

THAT Application No. LUC 18-0004 to discharge LUC76-1039 from Lot A, District Lot 127 & 4646, ODYD, Plan KAP74477 located at 1940 Underhill Street, Kelowna, BC, be considered by Council;

AND THAT Official Community Plan Map Amendment Application No. OCP18-0015 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot A, District Lot 127 & 4646, ODYD, Plan KAP74477 located at 1940 Underhill Street, Kelowna, BC, from MRH – Multiple Unit Residential (High Density) & EDINST (Education / Major Institutional) to MXR – Mixed Use (Residential / Commercial), be considered by Council;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the purpose of Section 475 of the Local Government Act, as outlined in this Development Planning Department Report;

AND THAT Rezoning Application No. Z18-0071 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 127 & 4646, ODYD, Plan KAP74477 located at 1940 Underhill Street, Kelowna, BC, from P2 – Education and Minor Institutional to C4 – Urban Centre Commercial, be considered by Council;

AND THAT the Land Use Contract Discharge Bylaw, the Official Community Plan Map Amendment Bylaw, and the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the OCP Map Amending Bylaw and the Rezoning Bylaw be considered subsequent to:

1. The completion of the outstanding items identified in Attachment “A” of this Development Planning Department report outlining the Development Engineering and Ministry of Transportation and Infrastructure conditions.
2. An arborist report of all the onsite trees.

2.0 Purpose

To consider a Land Use Contract discharge, an OCP amendment from the existing OCP designations to the MXR – Mixed Use (Residential/Commercial) designation and to consider a rezoning application from the P2 – Education and Minor Institutional zone to the C4 – Urban Centre Commercial zone in order to facilitate a mixed-use development.

3.0 Development Planning

Staff supports the Land Use Contract Discharge, Rezoning, Official Community Plan (OCP) amendment. The site is centrally located in the Midtown Urban Centre. The intention of the OCP and other City policies is to densify Urban Centres and the proposed mixed-use residential building with ground floor commercial meets this objective. The development aims to provide a diversity of market housing options in close proximity to services and amenities. The proposal will improve neighbourhood walkability by increasing residential densities into a prominent commercial area and will decrease the dependency on vehicular transportation.

The current Land Use Contract applies only to this property and was established in the 1970s to facilitate the institutional uses that existed formerly on the property. The Province has mandated all LUCs be eliminated by 2024, therefore, an early discharge is consistent with City and Provincial policies.

The future land use designations on the property are currently split between Institutional and High Density Residential. The High Density Residential applies on the eastern portion of the site and the Institutional applies on the western portion of the site. The change in future land use designation is supported as that designation is specific to certain institutional uses (like a school district office or a religious assembly). The surrounding future land uses are either MXR – Mixed Use or MRH – Multiple Unit Residential (High Density). Changing the OCP designation of the entire site to MXR – Mixed Use is consistent with the surrounding context and consistent with the policies of the OCP. The C4 - Urban Centre Commercial zone is the appropriate zone in conjunction with the MXR – Mixed Use future land use designation and the surrounding context. Staff are supportive of these applications including rezoning the entire site for a two-phase project. Phase 2 does not have any development plans yet, but the traffic study and all the engineering / frontage improvements were considered and studied assuming that portion of the site were to redevelop. The C4 zone applies to many mixed-use developments in Urban Centres and allows for a range of office, retail, and residential uses in an urban form.

A traffic study was completed in cooperation with the applicant, the City’s engineering Staff, and MOTI’s Staff. The final review letter and recommendations are attached to this report. The recommended outcomes as a result of the traffic study and the City’s Development Engineering review on off-site improvements are:

1. MOTI recommends adding an eastbound right turn lane on Highway 97 at Dilworth Drive. This will improve the operation and safety of the eastbound traffic flow along Highway 97 since this movement at this intersection is one of the most congested along Highway 97.
2. Full frontage improvements along all property boundaries.

3. Transit improvements and new bus stops (exact location to be determined with review by a civil engineer in conjunction with the Engineering Servicing Agreement). These stops should meet BC Transit's standards for accessibility and include shelters.
4. Install northbound right-hand turn arrow at Springfield & Dilworth intersection. Potentially contribute to eastbound / westbound dual left.
5. Lane reconfiguration and install northbound right-hand turn lane at Baron & Dilworth intersection.
6. Install full signalization, including left-hand turn lanes for northbound and southbound and pedestrian signals for Baron & Underhill intersection.

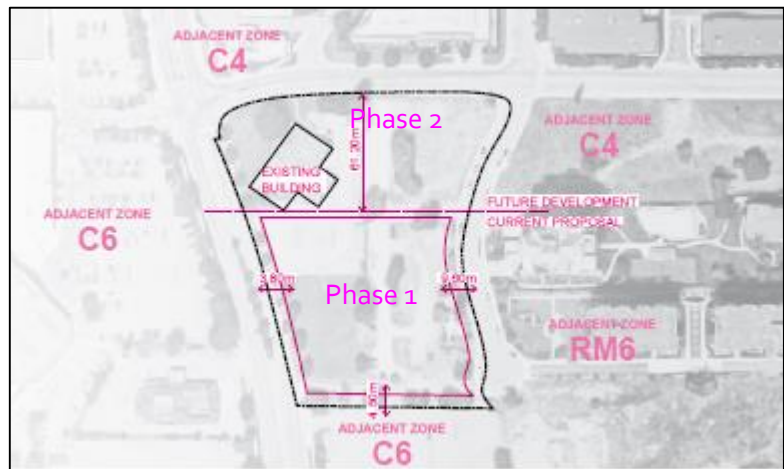
Improvements along Dilworth Drive north of the Springfield intersection, which will include lane reconfiguration, are to be completed by the adjacent Orchard Park Mall redevelopment.

Staff are recommending adding the completion of an arborist report as a final reading condition in order to inform Staff's analysis of the applicant's final Development Permit package in order to see if there are any onsite trees that could be retained.

4.0 Proposal

4.1 Project Description

The purpose of the applications is to redevelop the property in a two-phase approach. The first phase is meant to consist of three six-storey wood framed buildings located on the southern portion of the lot. There is one commercial retail unit (2,300 ft²) within building 2 and a total of 297 rental dwelling units are proposed in the three buildings. The existing building is to be retained and used as a marketing and sales office for the potential development of phase 2.



The necessary applications for approval include a: Land Use Contract Discharge, a change in the Official Community Plan designation, a Rezoning, a Development Permit, and Development Variance Permit application. Staff are tracking two potential variances with the current proposal at this early stage. The first potential variance is to increase the height of the building from 4 storeys to 6 storeys. The second potential variance is related to vehicle parking stalls but depends on the outcome of the proposed Parking and Loading section update presented to Council in a separate report. Staff and the developer will continue to work on this issue and Staff will provide recommendations on the merits of the Development Permit and associated variances in a separate Council Report should the land use bylaws be supported. Depending on the outcome of land use bylaws and the parking updates, the applicant will finalize their Development Permit package and are open for potential changes.

4.2 Site Context

The potential development site consists of one lot and is located on the south east corner of the Dilworth Drive and Baron Road intersection. The potential development property fronts Baron Road on the north side, Dilworth Drive on the west side, Underhill Street on the east side, and Haynes Road on the south side which is currently only developed to a residential lane standard. The property currently has an existing building and

parking lot in the northwest corner, with the rest of the property being largely undeveloped. The overall development site is relatively flat with a slight south western slope. The elevation ranges from 371 metres along the Underhill Street frontage to 370 metres at the west end of Haynes Road.

Subject Property Map: 1940 Underhill Street



4.3 Public Notification & Other City Plans

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

To fulfill Council Policy No. 367 for 'OCP Major and 'Zoning Major' applications, the applicant held a public information session on Wednesday July 10th, 2019 at 2170 Harvey Ave from 5:30 pm to 7:30 pm. About 80 people attended the open house. The applicant also completed the neighbourhood notification process by contacting all properties within 50 m of the subject properties.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

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

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

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.

Contain urban growth.² Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

Mixed Use.³ Integration of residential uses into commercial developments as mixed-use projects is encouraged in Urban Centres, provided that the ground floor use remains commercial.

Building Height.⁴ 16 storeys, where the OCP designation provides for high-density multiple-units.

Residential Land Use Policies.⁵

- Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.
- Ensure context sensitive housing development.

Commercial Land Use Policies.⁶ Encourage Mixed-use commercial development.

6.0 Technical Comments

6.1 Building & Permitting Department

No comment on rezoning.

6.2 Development Engineering Department

See attached memorandum dated July 20th 2018.

6.3 Fire Department

No comment on rezoning.

6.4 Ministry of Transportation and Infrastructure

Ministry Traffic Operations has concluded review of the letter dated March 7, 2019, prepared by Trevor Ward - T.J. Ward Consulting Group Inc. in response to Ministry Comments of January 11, 2019 and supporting documents.

At this time the TIS is accepted as a true representation of the impacts of the proposed development.

As with most applications for large developments, the current and future congestion of our Highway 97 corridor is of great concern when reviewing any additional impacts. Any additional traffic, we know will lead to greater congestion and delays.

It is difficult to ascertain which impacts are a result of additional development (those which could be avoided by not approving the development); and which would be evident even without the development. For instance, yes, the background conditions would likely "fail" without some form of capacity improvements;

² City of Kelowna Official Community Plan, (Chapter 1 Introduction).

³ City of Kelowna Official Community Plan, (Chapter 4 Future Land Use).

⁴ City of Kelowna Official Community Plan, Policy 5.5.1 (Chapter 5 Development Process).

⁵ City of Kelowna Official Community Plan, Objective 5.22 (Chapter 5 Development Process).

⁶ City of Kelowna Official Community Plan, Objective 5.24 (Chapter 5 Development Process).

but perhaps the impacts could be spread out over the network if they are background in nature and people are able to adjust their behaviours. This isn't the case with development traffic adjacent to the impacted intersections.

The improvements recommended on the City intersections may help in dissipating some impacts to Ministry intersections; however it is clear additional capacity is also required at those Ministry intersections as well.

As noted in the response document, there is limited right-of-way available for significant capacity improvements at the Dilworth and Leckie intersections. Capacity improvements should be included where possible as part of the development (i.e. right turn lane from the highway to Dilworth). It should be noted that this improvement will not help mitigate turning delays from the cross streets, or the left turn delays from the highway; and that a greater level of congestion and delay overall on the corridor will be expected with the approval of this development. The City, knowing these impacts to the general traveling public, should be very aware of these impacts as the approving authority of this development.

The Ministry will act within reasonable effort to mitigate these impacts where possible, without further impacting mobility and safety on the Highway 97 Corridor; however should not be held accountable for the increased congestion which would occur as a result of this development moving forward.

7.0 Application Chronology

Date of Application Received:	June 15 th 2018
Date Traffic Study completion:	June 10 th 2019
Date Public Consultation Completed:	July 10 th 2019

Report prepared by:	Adam Cseke, Planner Specialist
Reviewed by:	Laura Bentley, Urban Planning Manager
Reviewed by:	Terry Barton, Development Planning Department Manager

Attachments:

1. Development Brief
2. Attachment 'A' Development Engineering Memo dated July 20th 2018
3. Development Package
4. Traffic Study final conclusions
5. Neighbour Consultation Form

VIA COURIER:

June 14, 2018

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

Attn: Mr. Adam Cseke, MCIP, RPP Planner, Planning Department

RE: **1940 Underhill Street (PID: 025-799-657)**
OCP Amendment, Rezoning, and Development Application

We are pleased to provide you with our application for an OCP amendment and Rezoning for the above noted lands. Specifically, our application contemplates:

- An OCP Amendment of the entire site from the current Education/Institution (EDINST) and Multiple Unit Residential (High Density) (MRH), to Multiple Unit Residential (High Density) (MRH).
- A rezoning of the entire site, from the current Agricultural 1 (A1)/Education and Minor Institutions (P2)/Regional Commercial (C6), to Urban Centre Commercial (C4).
- A Development Permit on a portion of the site for the development of 3 6-storey rental residential buildings, with one building containing a minor amount of ground floor commercial.
- We are applying for a Development Variance Permit for the purpose of relaxation of parking requirements for the Initial Phase of development.

Enclosed are the following items:

- Completed Application Form and Checklist
- Development Permit Fee
- Current State of Title
- Letter of Authorization & Owner Authorization Form
- Zoning Analysis Table
- Completed Site Profile
- Rezoning and Development Permit Drawing Package
- Planning Rationale

We have also provided completed technical reports in support of our application which includes:

- Traffic Impact Assessment; and

- Servicing Study

We note that further to our recent discussions that we are including our application for Development Permit at this time despite our application not being complete. We will be providing the following additional information to complete our Development Permit Application shortly:

- Waste & Recycling, Signs, Lighting;
- Floor Plans for each floor;
- Elevation Drawings of buildings, fences, and retaining walls;
- Landscaping Plan;
- Colour and Materials Board; and
- Design Rationale.

If you have any questions or would like more information about this project please do not hesitate to contact the undersigned.

DISTRICT DEVELOPMENTS CORP.



per: Michael Nygren

Enclosure

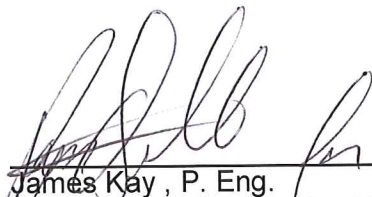
CITY OF KELOWNA
MEMORANDUM

Date: July 20, 2018
File No.: LUC18-0004
To: Urban Planning Management (AC)
From: Development Engineering Manager
Subject: 1940 Underhill St. for Lot A, Plan KAP74477

Development Engineering Services have the following requirements associated with this rezoning application;

Requirements addressed in rezoning file Z18-0071 must be satisfied prior to the LUC discharge.

The discharge of Land Use Contract 76-1039 from the subject property does not compromise the Development Services Branch.



James Kay, P. Eng.
Development Engineering Manager
AS

CITY OF KELOWNA
MEMORANDUM

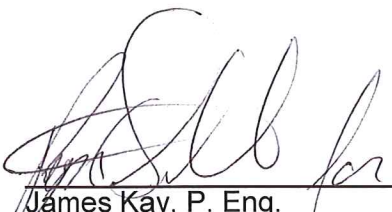
Date: July 20, 2018
File No.: OCP18-0015
To: Urban Planning Management (AC)
From: Development Engineering Manager (JK)
Subject: 1940 Underhill Street

The Development Engineering Branch comments and requirements regarding this application to amend the current OCP Designation from EDISNT & MRN to MXR to facilitate a multi-phased mixed use project.

The Development Engineering Technologist for this project is Aaron Sangster

1) General

All the offsite and onsite infrastructure and services upgrades will addressed in the zoning memo Z18-0071



James Kay, P. Eng.
Development Engineering Manager
AS

CITY OF KELOWNA

MEMORANDUM

Date: July 20, 2018
File No.: Z18-0071
To: Urban Planning Management (AC)
From: Development Engineering Manager (JK)
Subject: 1940 Underhill St A1, C6 & P2 to C4

The Development Engineering Department has the following comments and requirements and are subject to review and requirements from the Ministry of Transportation (MOTI). 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 Aaron Sangster.

1. General

- a. The Fire Department and Environment Division requirements and comments are addressed separately.
- b. Provide easements as may be required.

2. Domestic Water and Fire Protection

- a. This property is currently serviced with a 38mm-diameter water service and a 200mm service. The disconnection of the existing smaller diameter water services at the developer's expense. Only one service will be permitted for this development.
- 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

2. Sanitary Sewer

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

- b. A downstream flow analysis check is required by a consulting civil engineer to determine the impact of additional flow contributions on the existing pipe system. If it is determined that upgrades to the existing facilities must be made, additional bonding will be required.

3. **Storm Drainage**

- a. The developer must engage a consulting civil engineer to provide a storm water management plan for this site 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. Provide the following drawings:
 - i. A detailed Stormwater Management Plan for this development; and,
 - ii. An Erosion and Sediment Control Plan.

4. **Road Improvements**

- a. The lane on the south property line must be upgraded to a pedestrian path including LED street lights, irrigated landscaping, drainage system and pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. City maintenance vehicle must be able to access this path.
- b. These are Development Engineering comments/requirements and are subject to the review and requirements from the Ministry of Transportation (MOTI) Infrastructure Branch. A TIA maybe required for this development and improvements maybe required from this Report.

5. **Road Dedication and Subdivision Requirements**

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

6. **Electric Power and Telecommunication Services**

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

7. **Design and Construction**

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

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

8. Other Engineering comments

- a. Underground parking entrance grade and radius to be confirmed.
- b. Only one access to this property is allowed as per bylaw 7900. The existing driveway letdown must be removed and replaced with barrier curb and gutter, sidewalk and boulevard.
- c. A MSU standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles movements should also be illustrated on the site plan.

9. Geotechnical Report

Provide a comprehensive 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) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- ii) Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.

- iii) Any items required in other sections of this document.
- iv) Recommendations for erosion and sedimentation controls for water and wind.
- v) Recommendations for roof drains and perimeter drains.
- vi) Recommendations for construction of detention or infiltration ponds if applicable.

10. **Servicing Agreement for Works and Services**


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

11. **Charges and Fees**

- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - ii) Engineering and Inspection Fee: 3.5% of construction value (plus GST).

12. **Survey, Monument 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.



 James Kay, P. Eng.
 Development Engineering Manager
 AS



1940 UNDERHILL STREET

REZONING & DEVELOPMENT PERMIT 06.2018

DIALOG DISTRICT
GROUP

LEGAL DESCRIPTION

PLAN KAP74477 LOT A DISTRICT LOT 127 & DL 4646

ADDRESS

1940 UNDERHILL STREET, KELOWNA

OWNER

1940 UNDERHILL DEVELOPMENTS CORP.
C/O DISTRICT DEVELOPMENTS CORP.
200-8809 Heather Street, Vancouver, BC
(604) 683-2404

ARCHITECT

DIALOG
611 Alexander St, Vancouver, BC
(604) 255-1169

CONTENTS

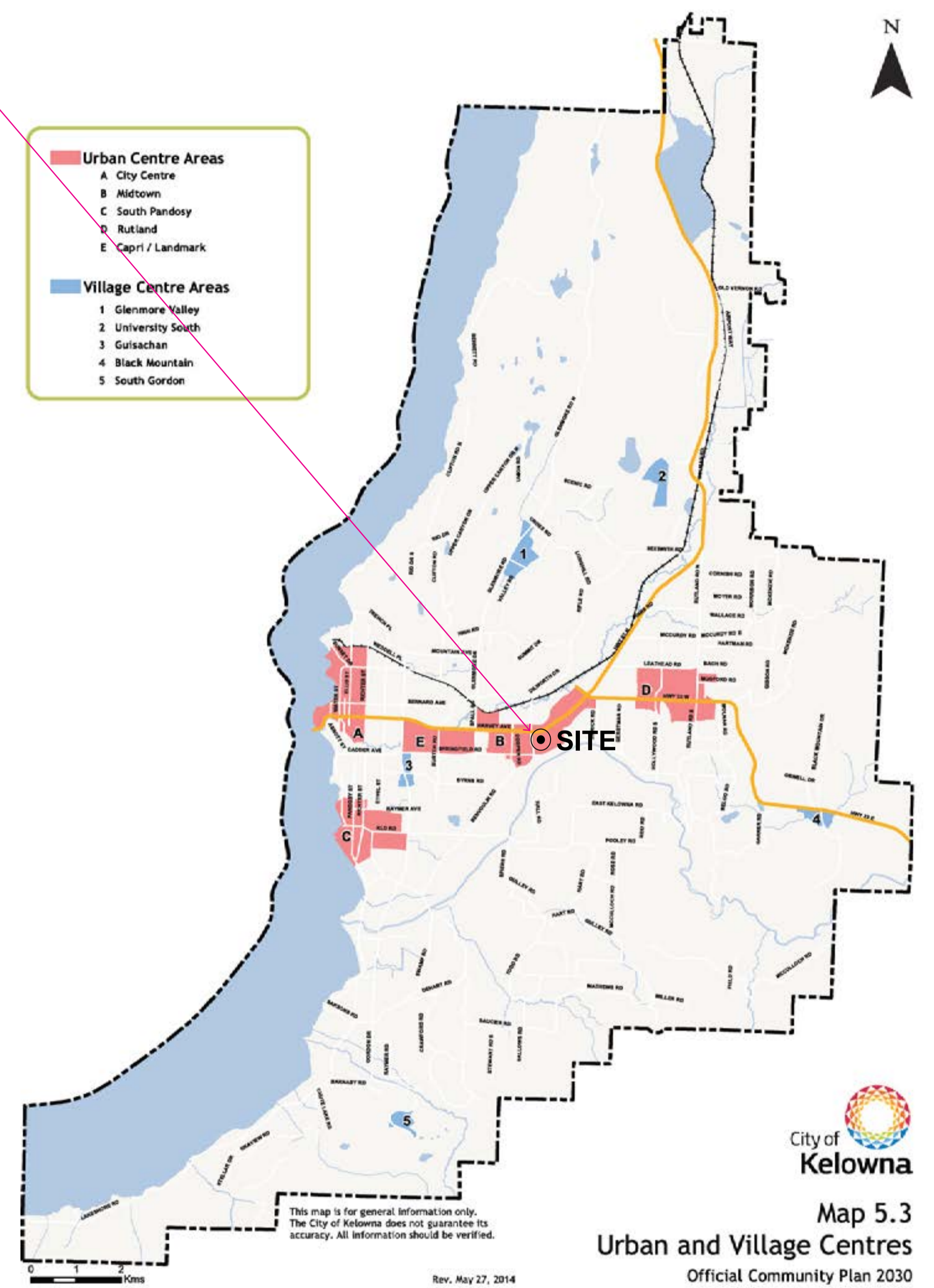
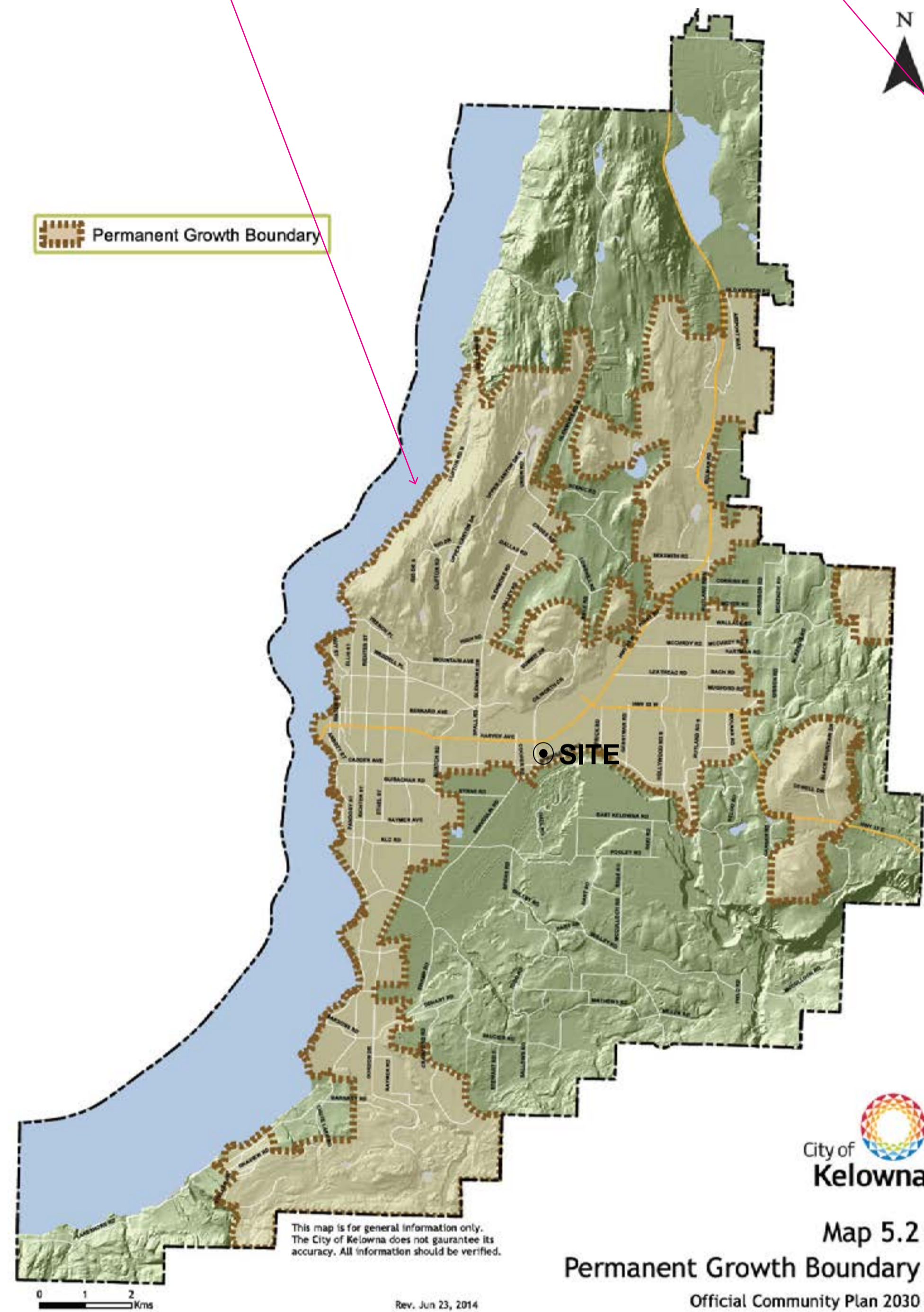
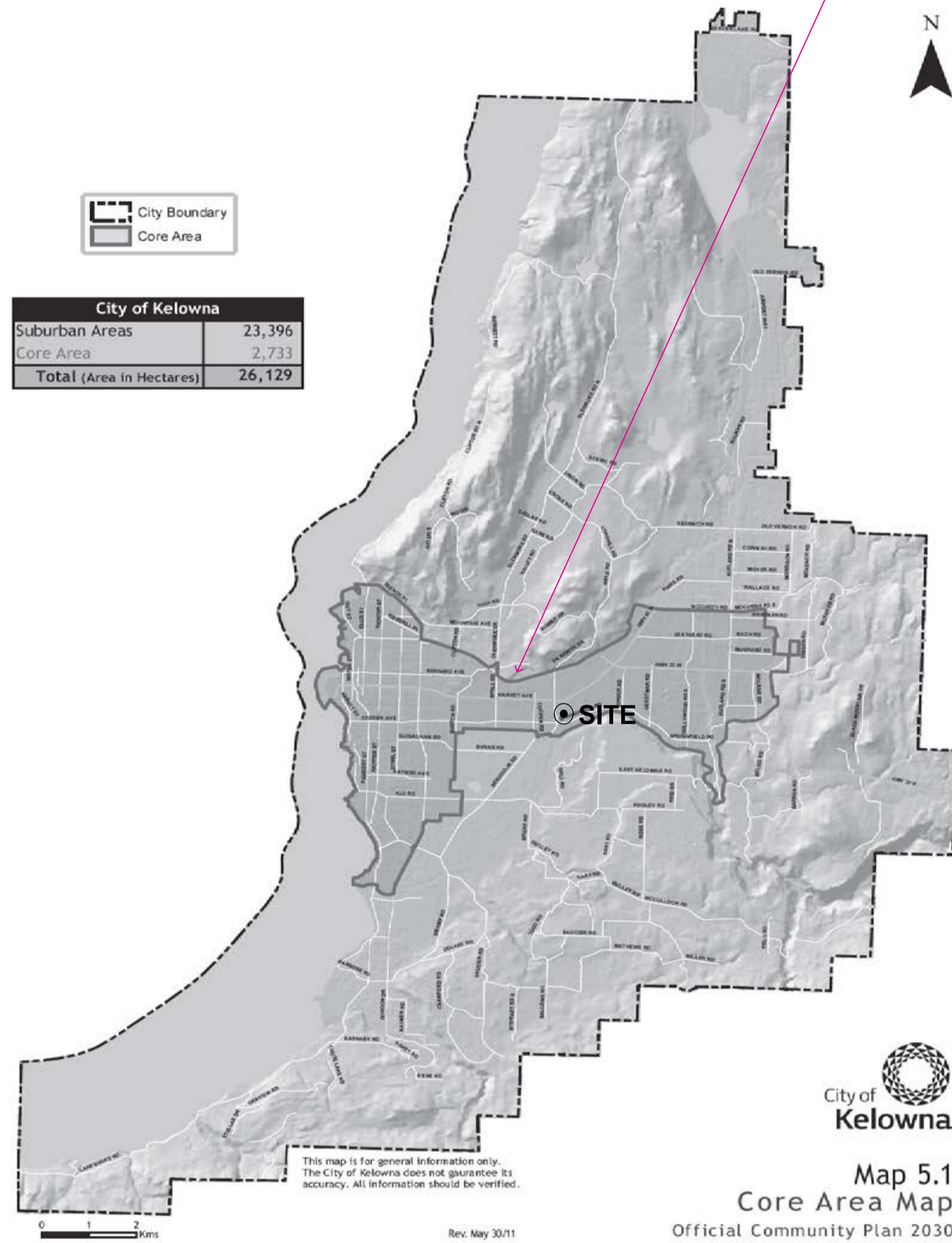
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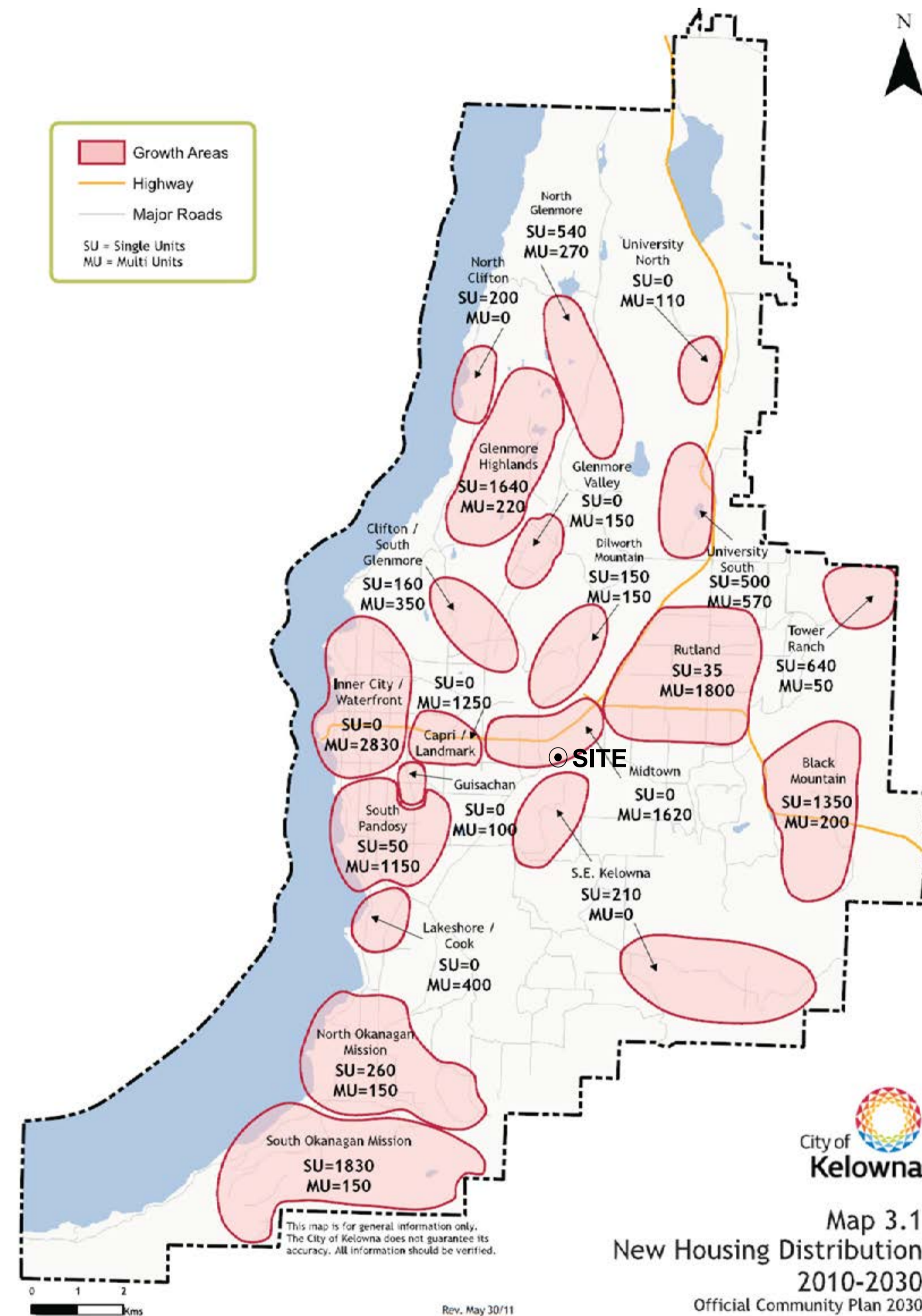
01

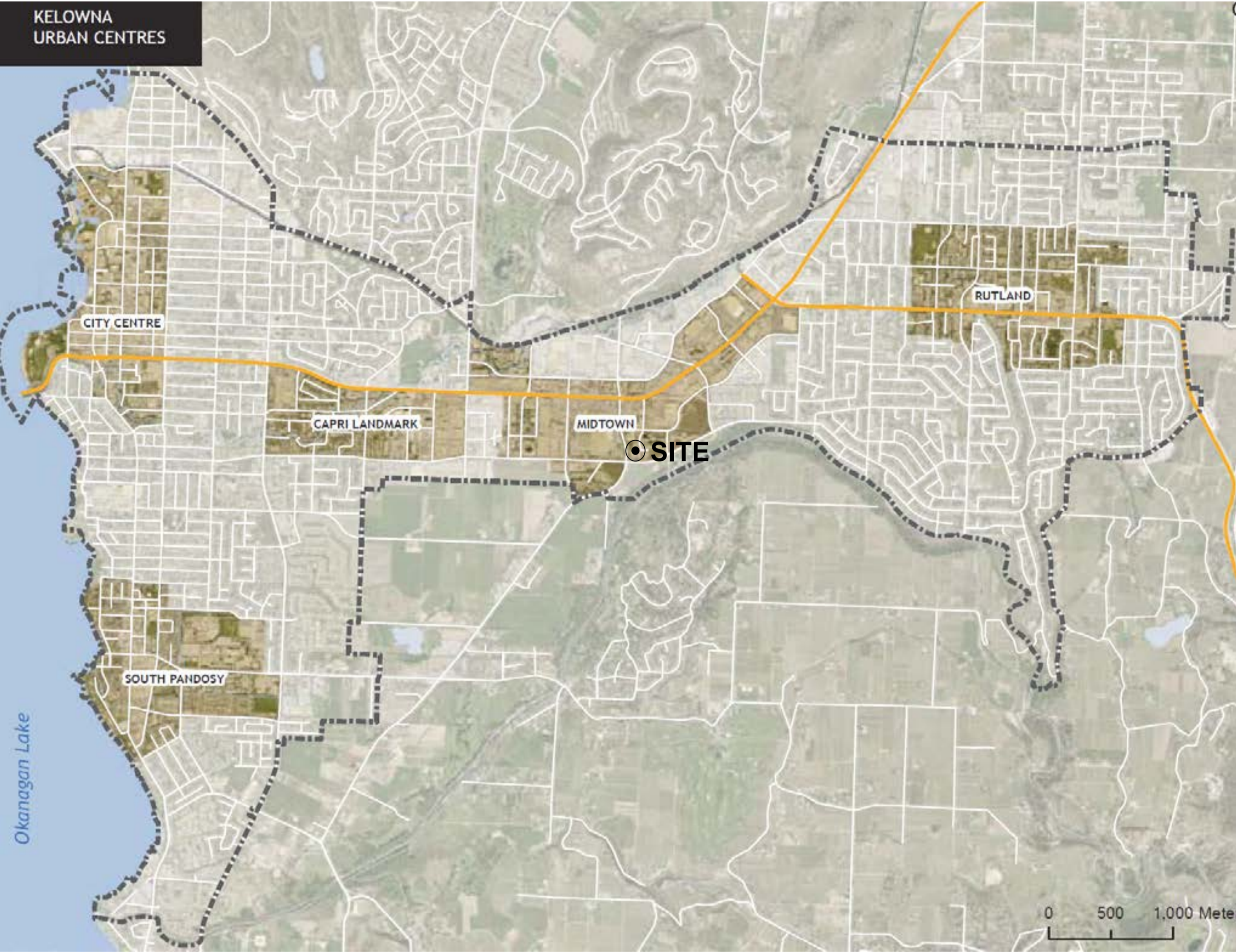
CITY CONTEXT

The maps above are from Kelowna's Official Community Plan ("Kelowna 2030") and indicate the City's urban structure strategies on a citywide basis. These maps illustrate that our site is located within the "Core Area," within the "Permanent Growth Boundary," within one of the only five designated "Urban Centre Areas," and within the "Central City" sector.



OCP 2030 Vision for Urban Centres. A vibrant, amenity-rich area wherein different land uses frequently occur within the same building and almost always occur within a one-block area. Urban centres contain a variety of housing types, the presence of which contributes to social diversity. Urban centres are highly urbanized, pedestrian friendly environments that draw people for work, shopping, and recreation from a broad community of approximately 25,000 residents living within approximately 2 kilometres.





Principles for Urban Centre Development

- Principle 1: Mix it Up
- Principle 2: Places for People
- Principle 3: Healthy Housing Mix
- Principle 4: Social Spaces
- Principle 5: Placemaking
- Principle 6: Going Green
- Principle 7: People First Transportation
- Principle 8: Make it Walkable

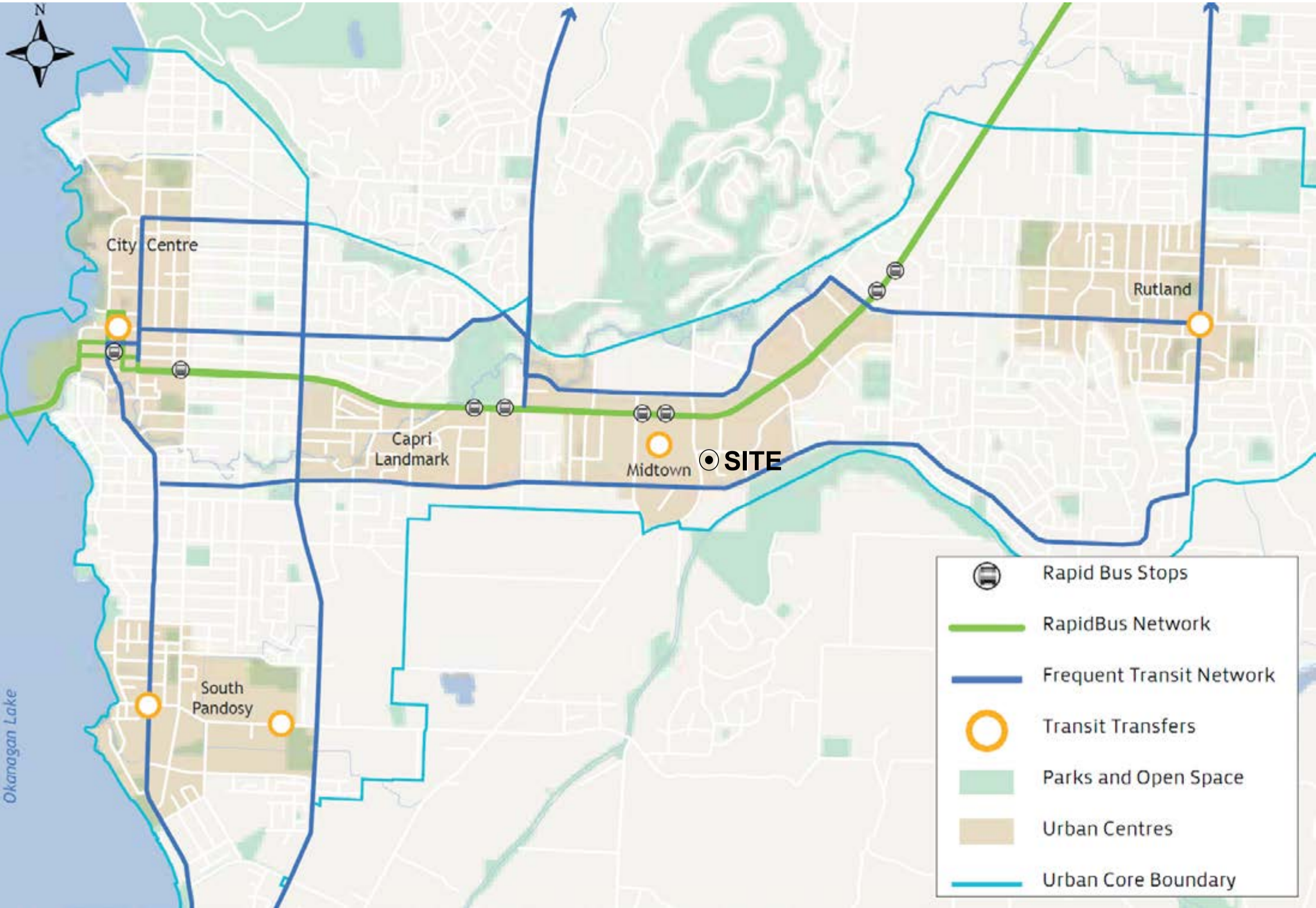
Data in this page is from Urban Centers Roadmap (July 2016) by the City of Kelowna

Urban Centre Metrics	City Centre	South Pandosy	Capri-Landmark	Rutland	Midtown
Population	3,791	4,184	2,249	5,607	1,846
Population Density (people per hectare)	22.8	30	23	33	9.8
Employment	10,142	3,895	8,523	1,400	6,733
Employment Density (jobs per hectare)	61	25	87	14.2	35.9
Major Parks and Public Spaces	City Park, Waterfront Park, Stuart Park, Rowcliffe Park	Boyce-Gyro Park, Kinsmen Park, Osprey Park, Raymer School, Fascieux Park	Pacific Court Park, Parkinson is just outside boundary of Capri-Landmark	Ben Lee Park, Rutland Centennial Park, Rutland Lions Park, Roxby Plaza	Mill Creek Linear Park, Barlee Park, Mission Creek Park is just outside boundary of Midtown
Existing Active Transportation Corridors (ATCs)	Cawston Ave, Waterfront / Abbott, Art Walk	Lakeshore / Abbott, KLO	Sutherland	Houghton, Hollywood	No ATC exists (Dilworth Planned)
Frequent and Rapid Transit Stops	Queensway, Harvey, Pandosy	Pandosy, KLO, Gordon	Harvey, Springfield	Rutland, Exchange, Highway 33, Rutland	Orchard Park, Exchange, Harvey, Springfield
Housing Split % (Multi / Single Family)	88 / 12	80 / 20	80 / 20	76 / 24	94 / 6

" We need to build on the potential that is there, make sure each centre has a heart or focus area."

- Stakeholder workshop participant

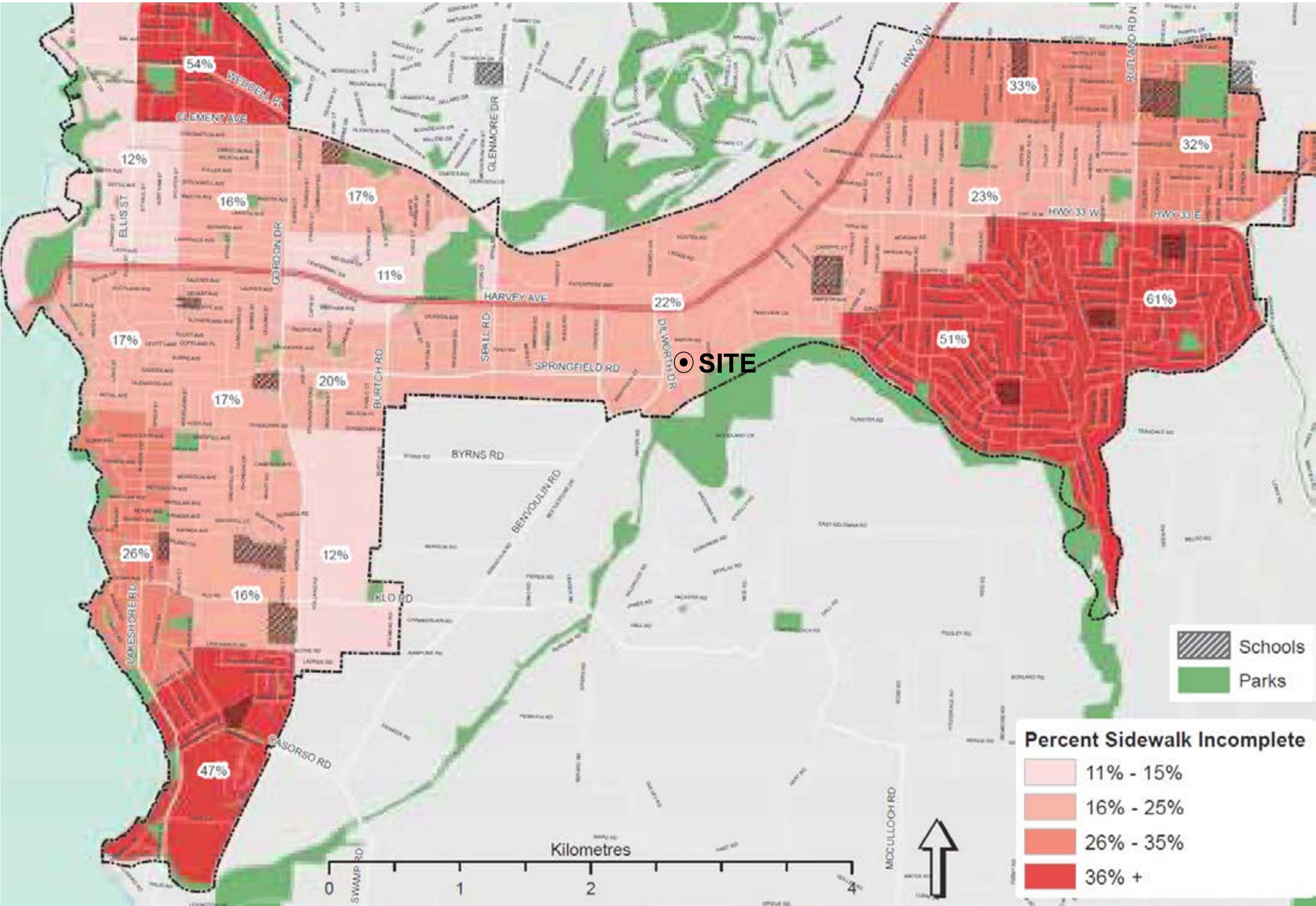
FREQUENT TRANSIT LINKING FIVE URBAN CENTRES



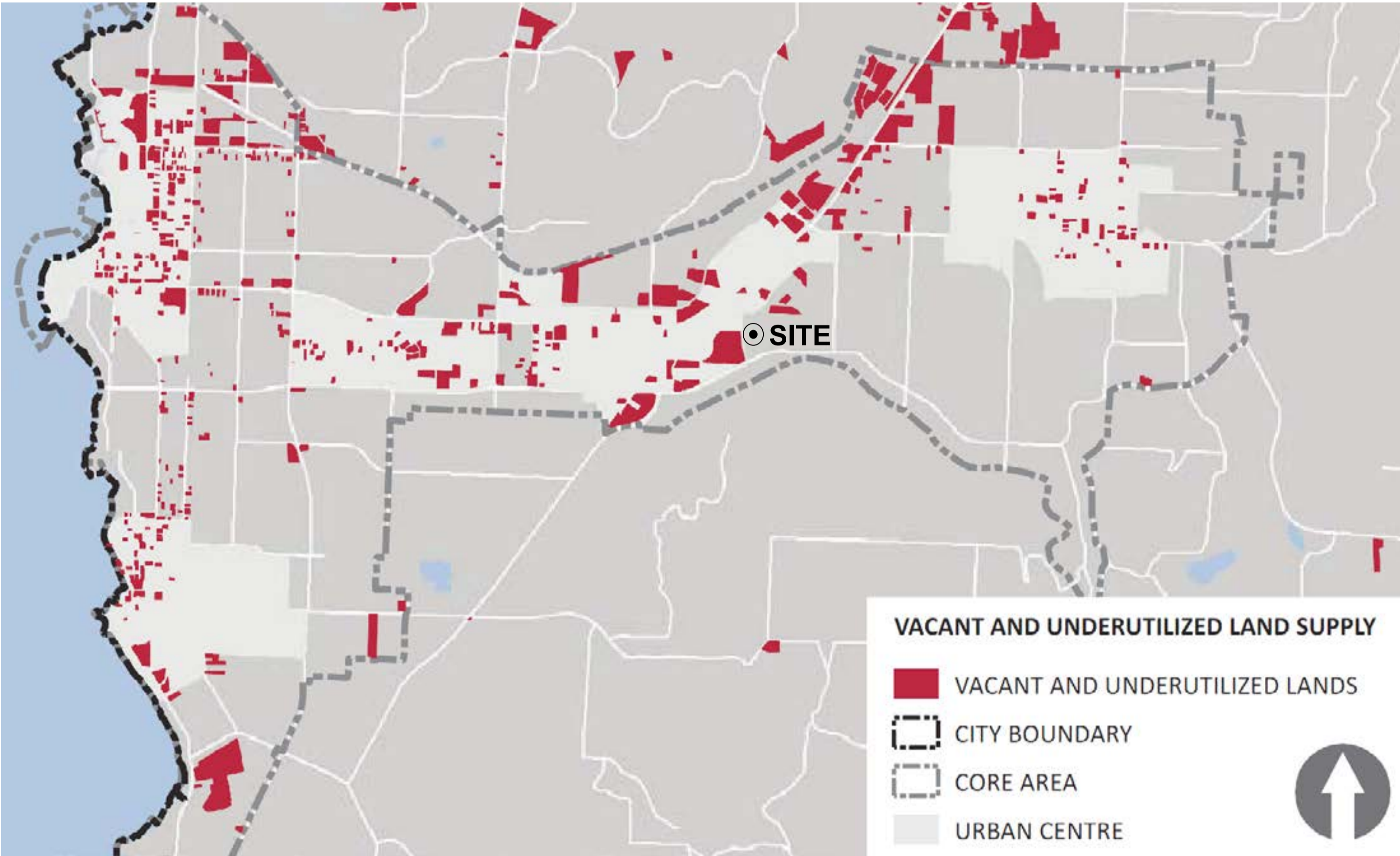
The urban centres are also well-positioned from a transit perspective with Rapid-bus and frequent transit corridors linking all five urban centres. The urban centres will also be linked by existing or planned ATCs that will form the primary pedestrian and bicycle network as identified by the Pedestrian and Cycling Master Plan.

Data in this page is from Urban Centers Roadmap (July 2016) by the City of Kelowna

WALKABILITY GAPS



The mapping reinforces the need for significant improvements in sidewalk construction in all of the urban centres to create walkable and transit oriented urban centres.



Based on a technical analysis of vacant and underutilized parcels, there is capacity to support 11,000 units and 6,500 jobs in the Urban Core. This information reinforces there is ample development potential in the urban centres to support growth in the short-term and long-term.

Data in this page is from Urban Centers Roadmap (July 2016) by the City of Kelowna

URBAN CENTRE PLANNING PRIORITIZATION MATRIX

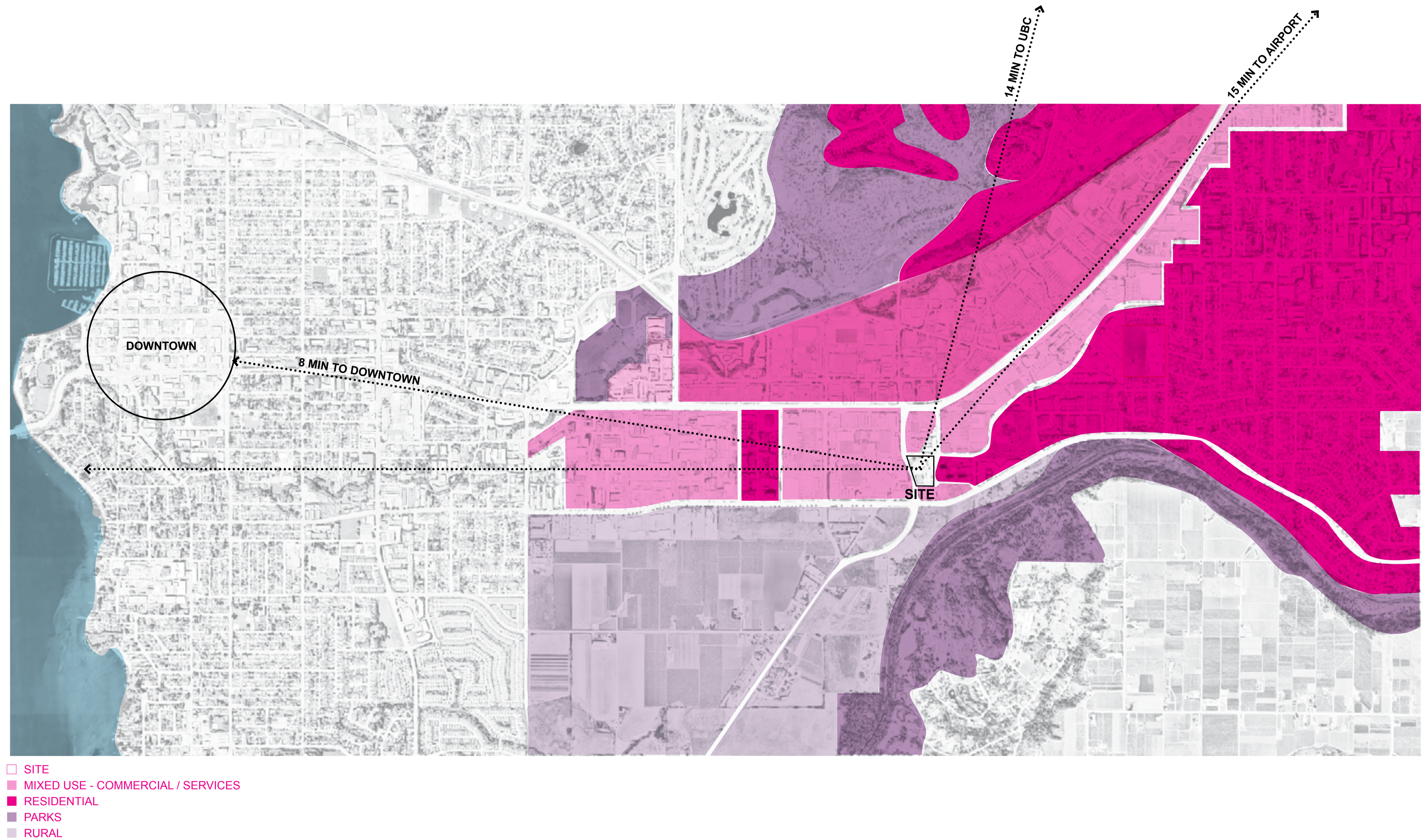
Urban Centre	Degree of Change and Development Pressure Expected (land use and transportation)	Need for Community Amenities (parks, public space, streetscaping)	Need to Define Civic Investment Priorities (parks, transit, streetscaping)	Age of Existing Plan
City Centre	High	Low	Low	2012, 2016
Capri-Landmark	High	High	High	No Plan
Midtown	High	High	High	1998
South Pandosy	Medium	Low	Low	1997, 2013
Rutland	Medium	Medium	Medium	2005, 2009

CURRENT CHARACTER

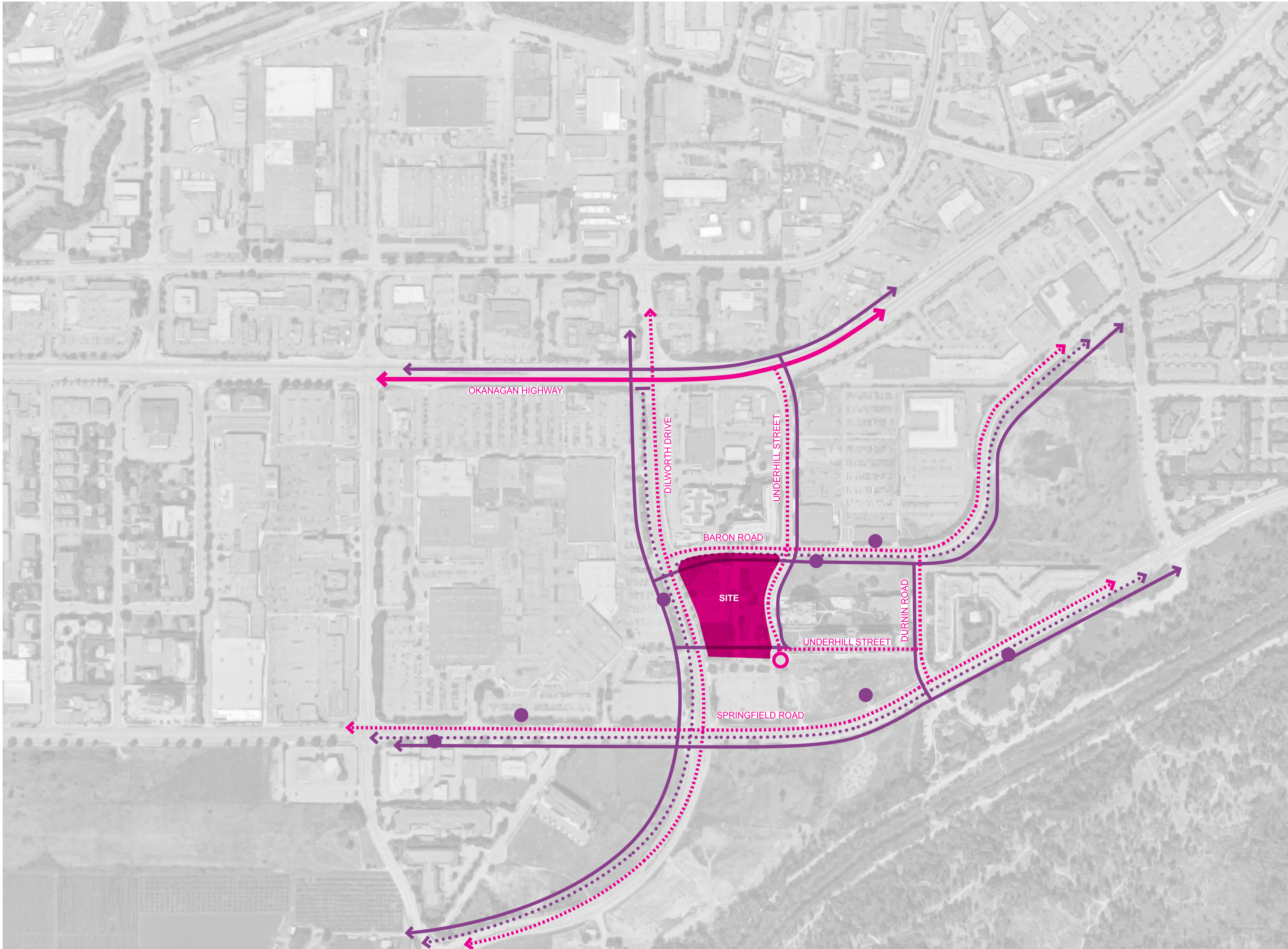
Urban Centre	Strengths	Challenges
City Centre	<ul style="list-style-type: none">Proximity to transit exchangeAccess to public and open spaceActive transportation routes and walkabilityDistinct identityHigh employment densityCultural and civic heartAccess to waterfront	<ul style="list-style-type: none">Below residential population objectives for downtownGaps in sidewalk infrastructureHighway serves as a barrierHomelessnessSmall lot sizes (Leon Ave and Lawrence Ave)
South Pandosy	<ul style="list-style-type: none">Vacant parcels at south boundaryStreetscape on Pandosy StConcentration of distinctive retailRange of public spaces along lakeSurrounding residential areasParking management plan in place	<ul style="list-style-type: none">Connections to waterfront from Pandosy StLow residential densityLack of east-west cycling connectionsLack of community facilitiesEast-west transportation connectivity east of Richter St
Capri-Landmark	<ul style="list-style-type: none">Proximity to frequent transitProximity to Parkinson Recreation CentreSutherland ATC expansionHigh employment densityCapri redevelopmentCommercial nodes along Sutherland	<ul style="list-style-type: none">Limited public and open spaceDiscontinuous street networkLack of sidewalks and street treesLarge block sizesLack of permeable surfaces in LandmarkLack of pedestrian crossings on arterials
Rutland	<ul style="list-style-type: none">Access to park spaceRecent investments in Roxby Plaza and Rutland Centennial ParkTransit exchange improvementsCommunity market	<ul style="list-style-type: none">Highway 33 bisects the areaLack of defined core for the areaWalkability of Highway 33Pedestrian and cycling connections are limitedDiscontinuous street network
Midtown	<ul style="list-style-type: none">Access to Rapid busMajor employment centreFarmers' marketMajor opportunity sites for development	<ul style="list-style-type: none">Lack of public space and green spaceVery poor pedestrian environmentPoor street connectivityLack of sense of place



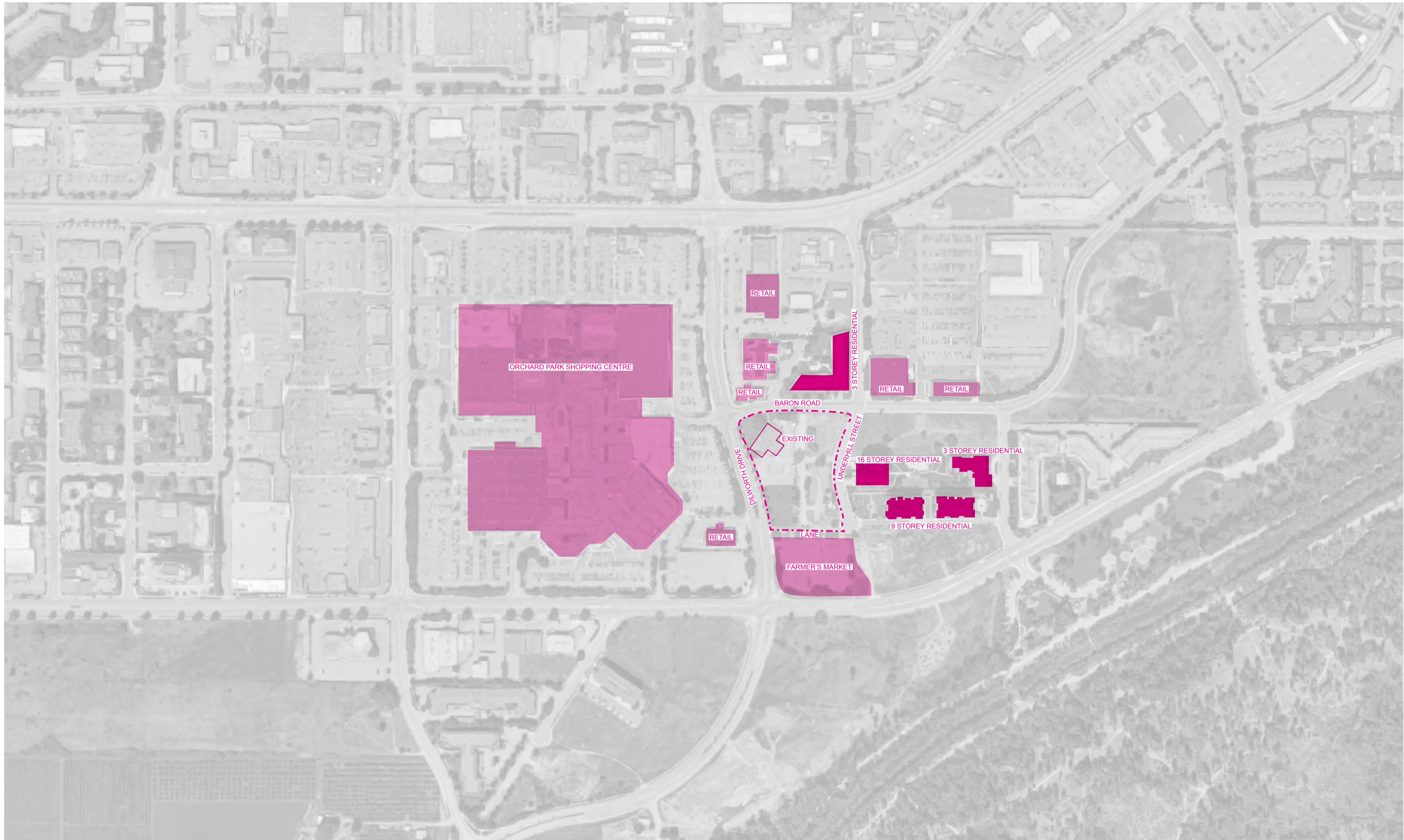
02 SITE CONTEXT



- SITE
- MIXED USE - COMMERCIAL / SERVICES
- RESIDENTIAL
- PARKS
- RURAL



- HIGHWAYS
- ROADS
- PEDESTRIAN
- BIKE ROUTES
- BUS STOPS





01



02



03



04



01



02



03



04



03 ZONING DATA

SITE DATA

LEGAL DESCRIPTION

PLAN KAP74477 LOT A DISTRICT LOT 127 & DL 4646
PID 025-799-657
KID 606118

CIVIC ADDRESS

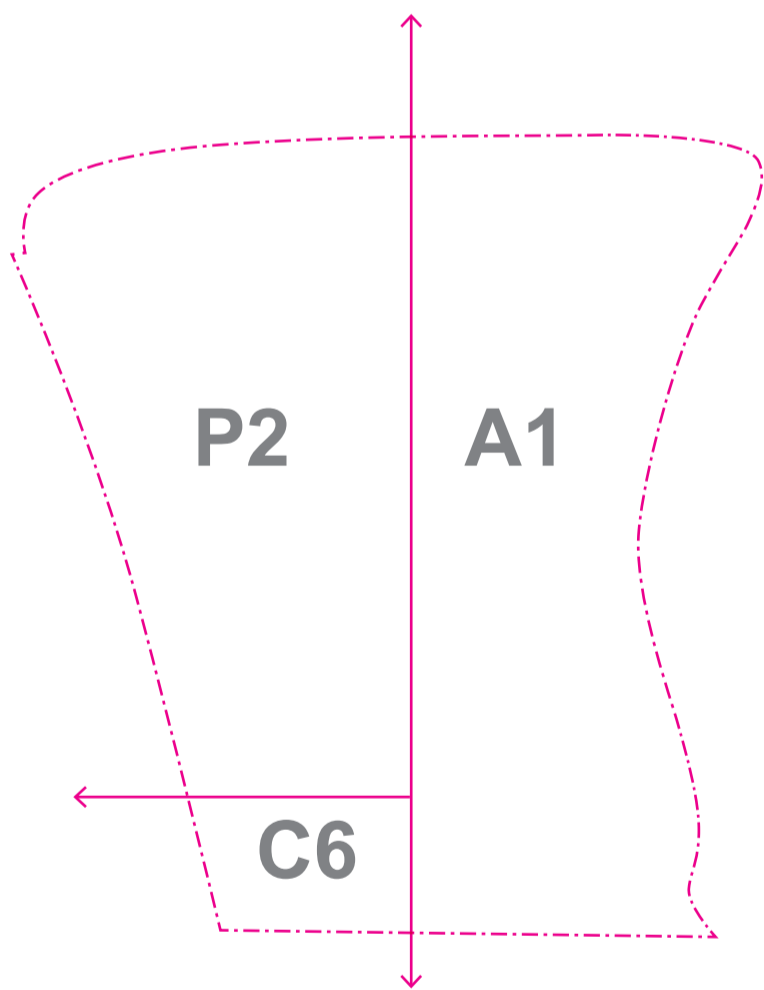
1940 UNDERHILL STREET, KELOWNA

CURRENT ZONING

A1 (AGRICULTURAL 1);
P2 (EDUCATIONAL AND MINOR INSTITUTIONAL)
C6 (REGIONAL COMMERCIAL)

SITE AREA

16244.80m² (174857.57SF)



PROPOSED ZONING

C4

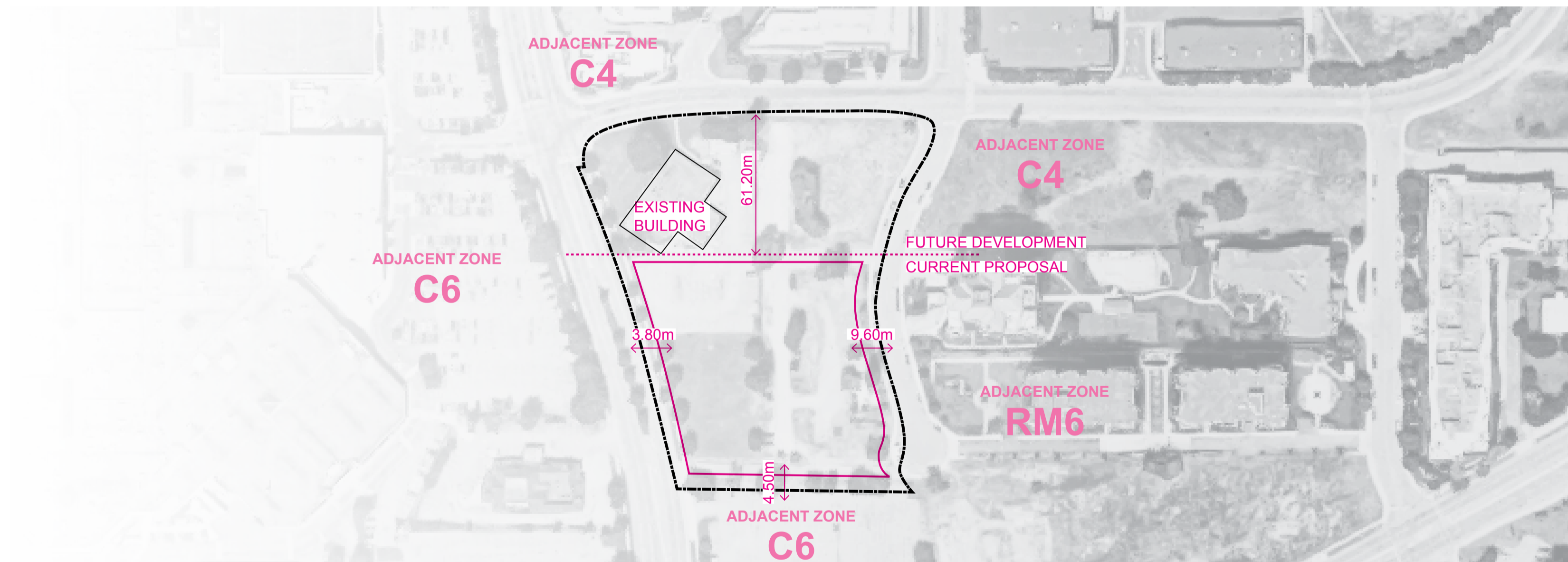
C4 ZONING DATA

MAX FAR 1.3 + bonuses = max 2.35	2.35
SITE COVERAGE	max 75%
BUILDING HEIGHT	15m
SETBACKS	
FRONT YARD	0.0m
SIDE YARD	0.0m
SIDE YARD FROM RM6	2.0m
REAR YARD	0.0m

PROPOSED

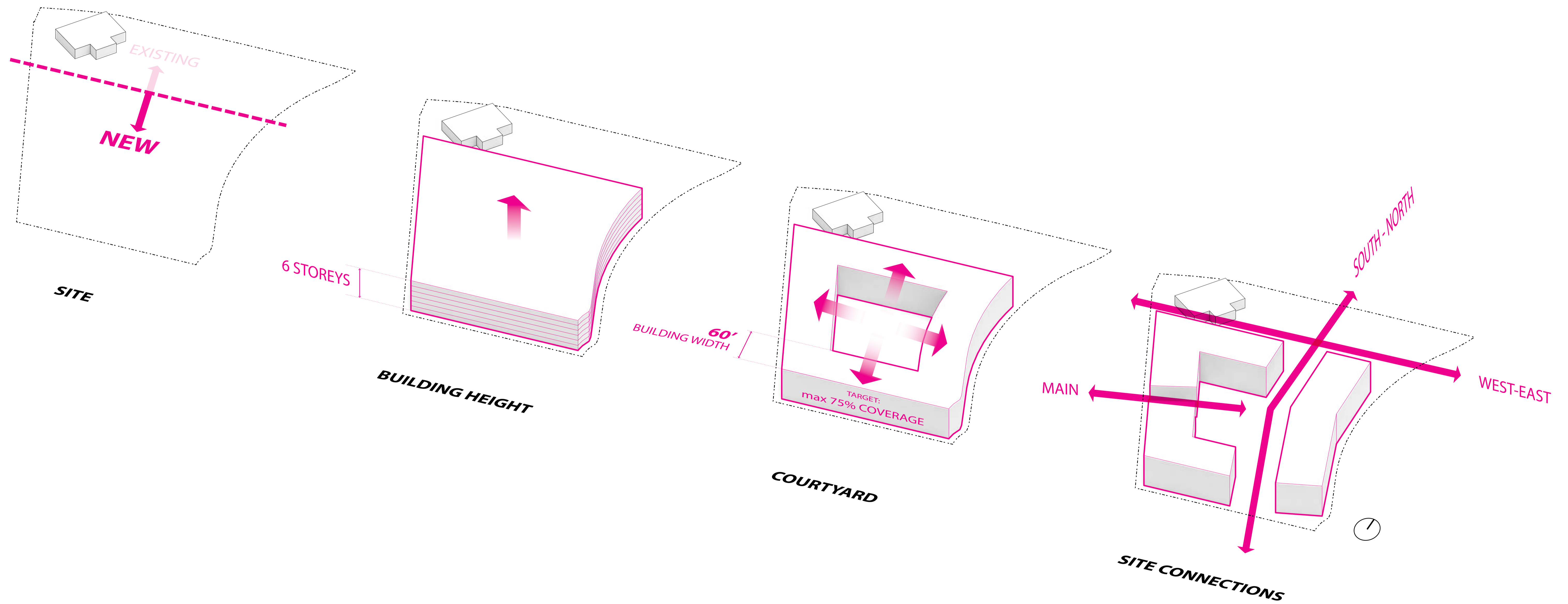
FAR PROPOSED DEVELOP.	1.20
SITE COVERAGE CURRENT + PROPOSED DEVELOP.	28.87%
BUILDING HEIGHT	19.35m
SETBACKS	
FRONT YARD	61.20m
SIDE YARD	9.60m / 3.80m
REAR YARD	4.50m

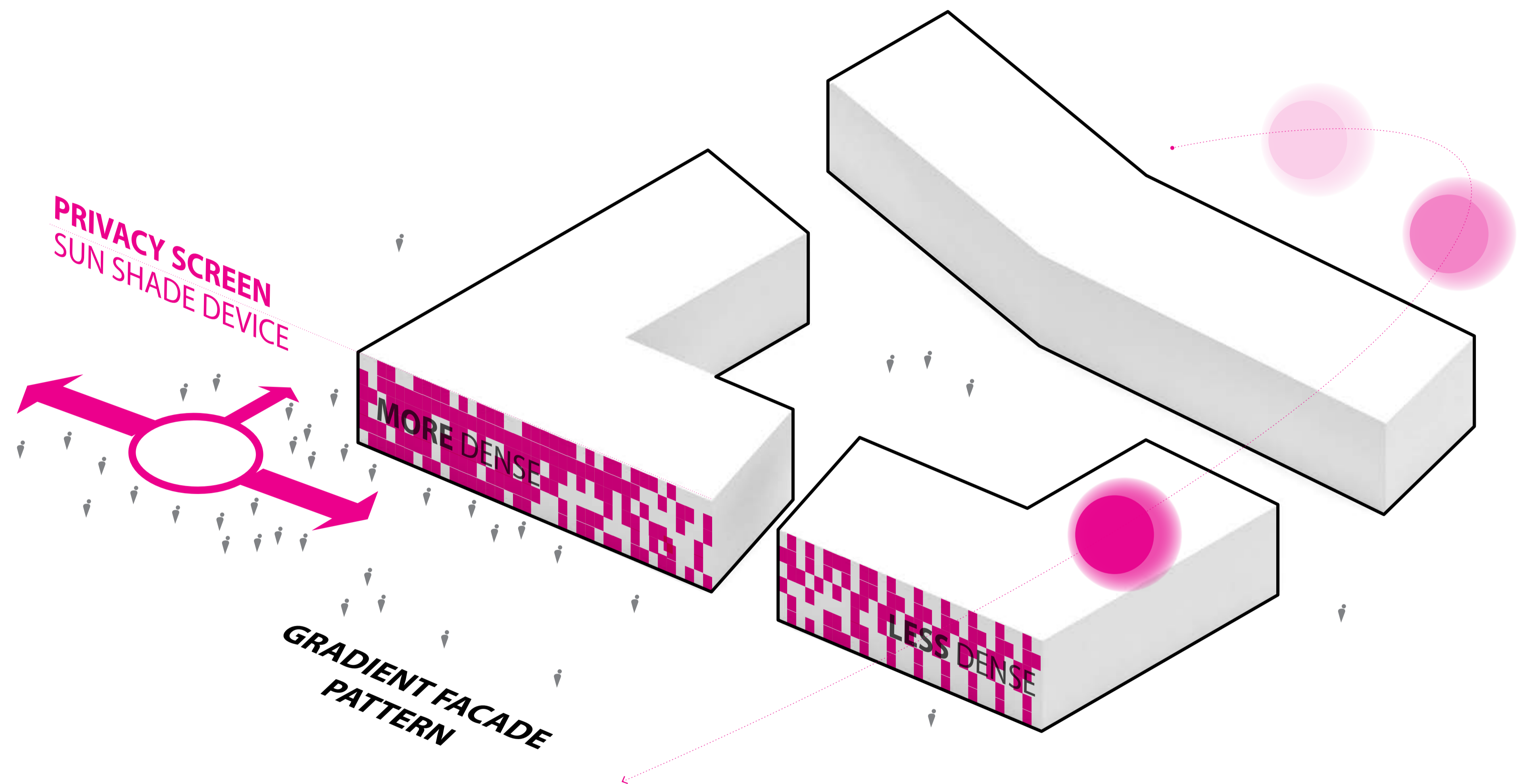
NOTE: CURRENT DATA REFLECTS PROPOSED DEVELOPMENT FOR THE SOUTH PORTION OF THE LOT. FUTURE DEVELOPMENT TO INCLUDE PROPOSAL FOR THE NORTH PORTION OF THE LOT.

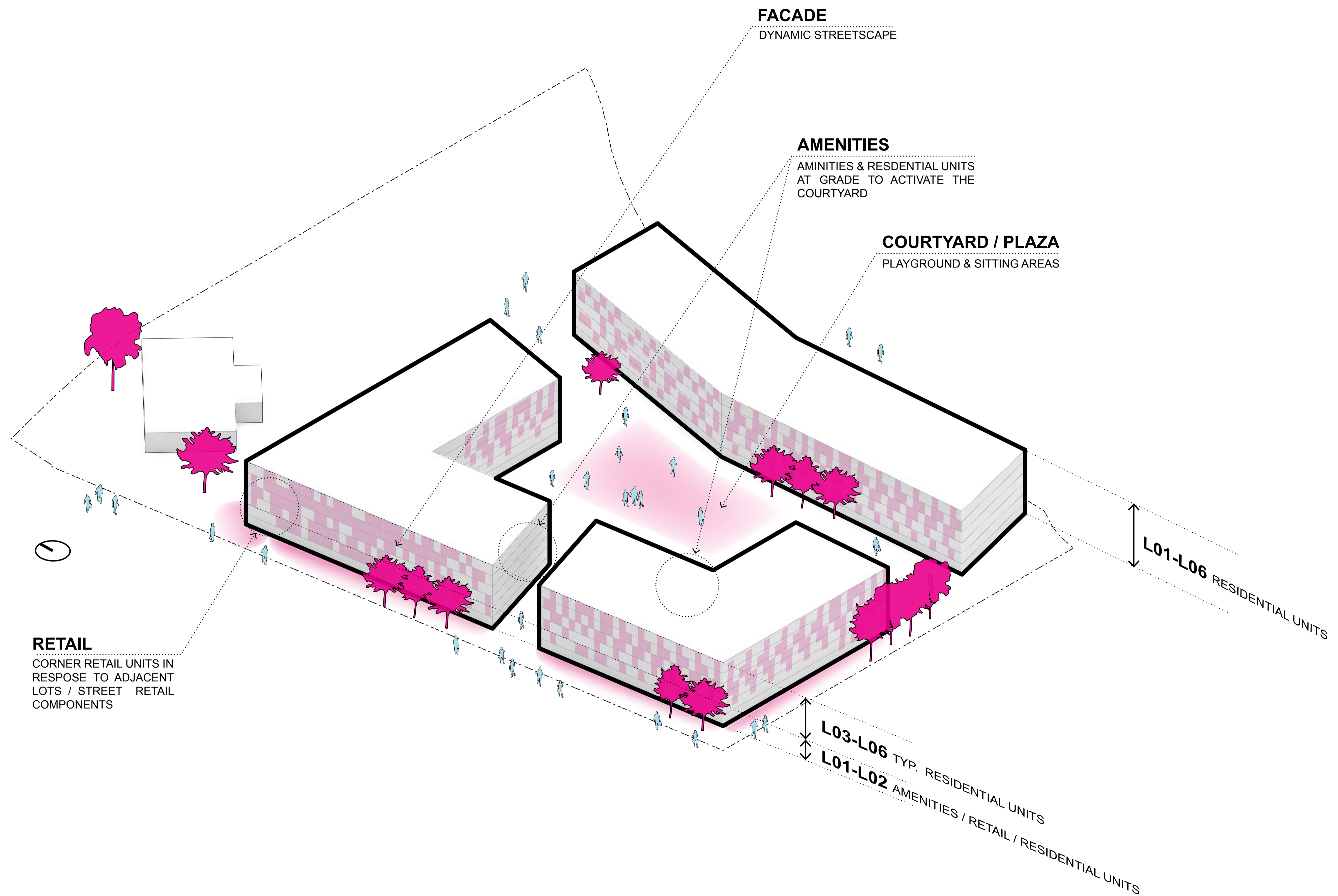




04 DESIGN RATIONALE







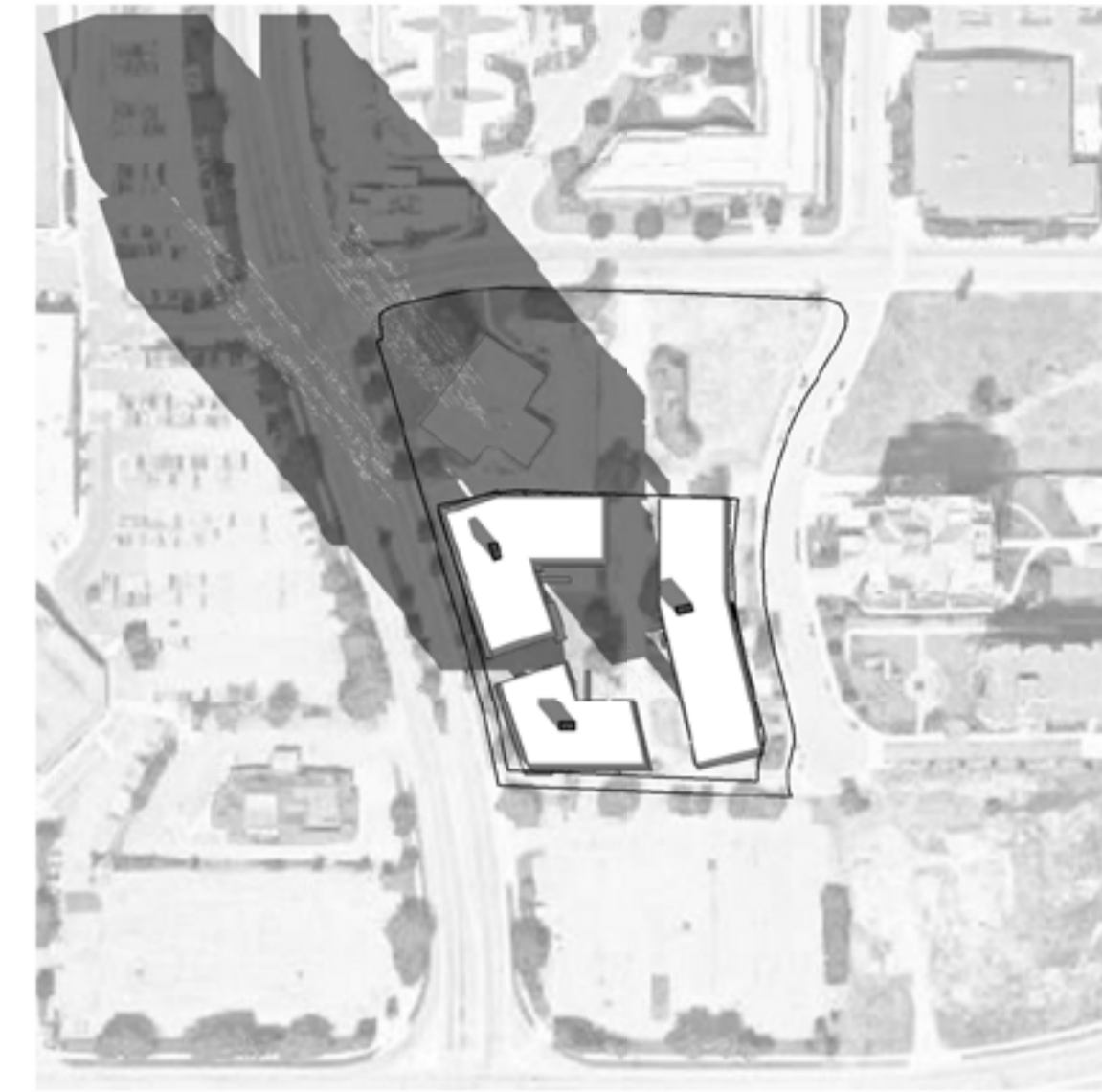
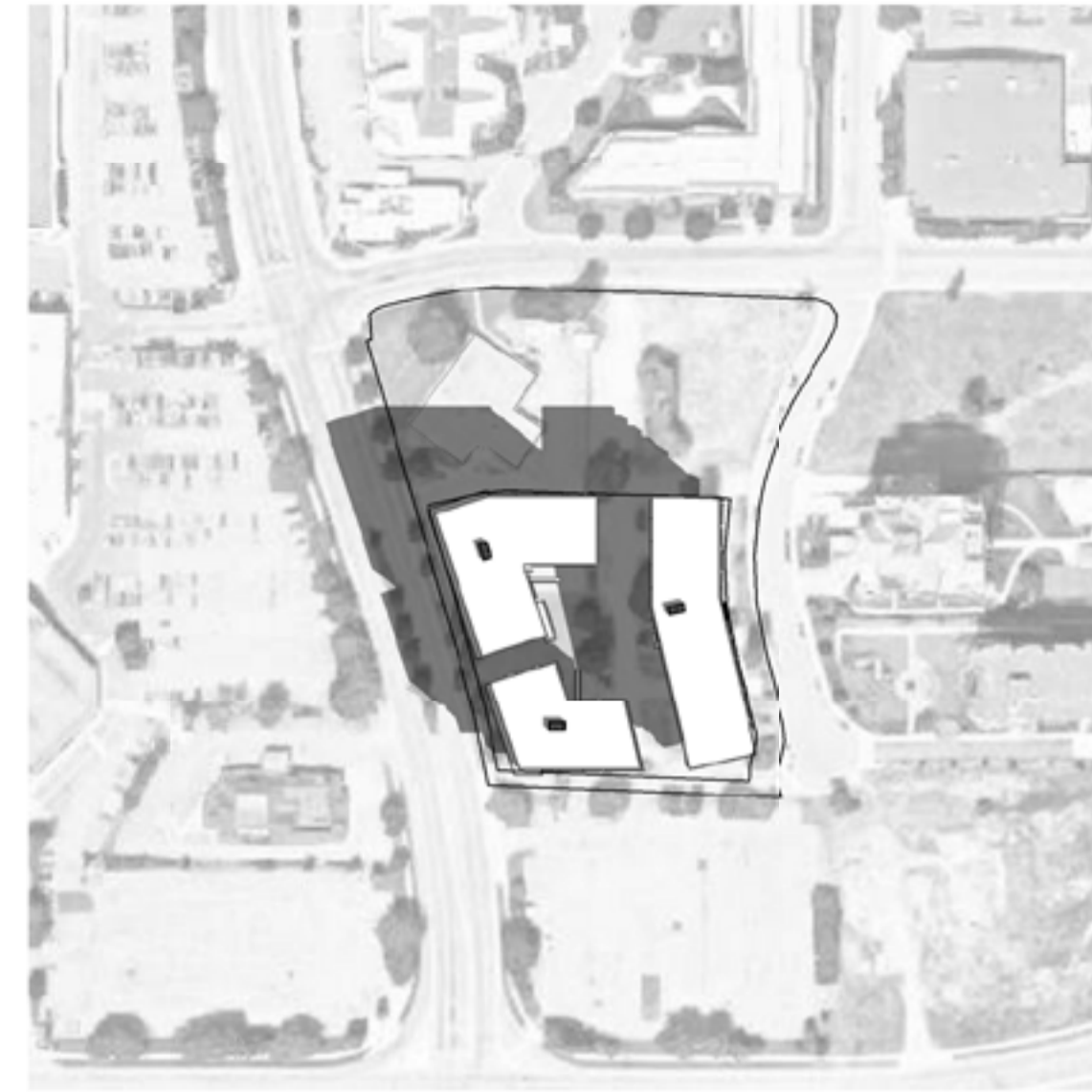
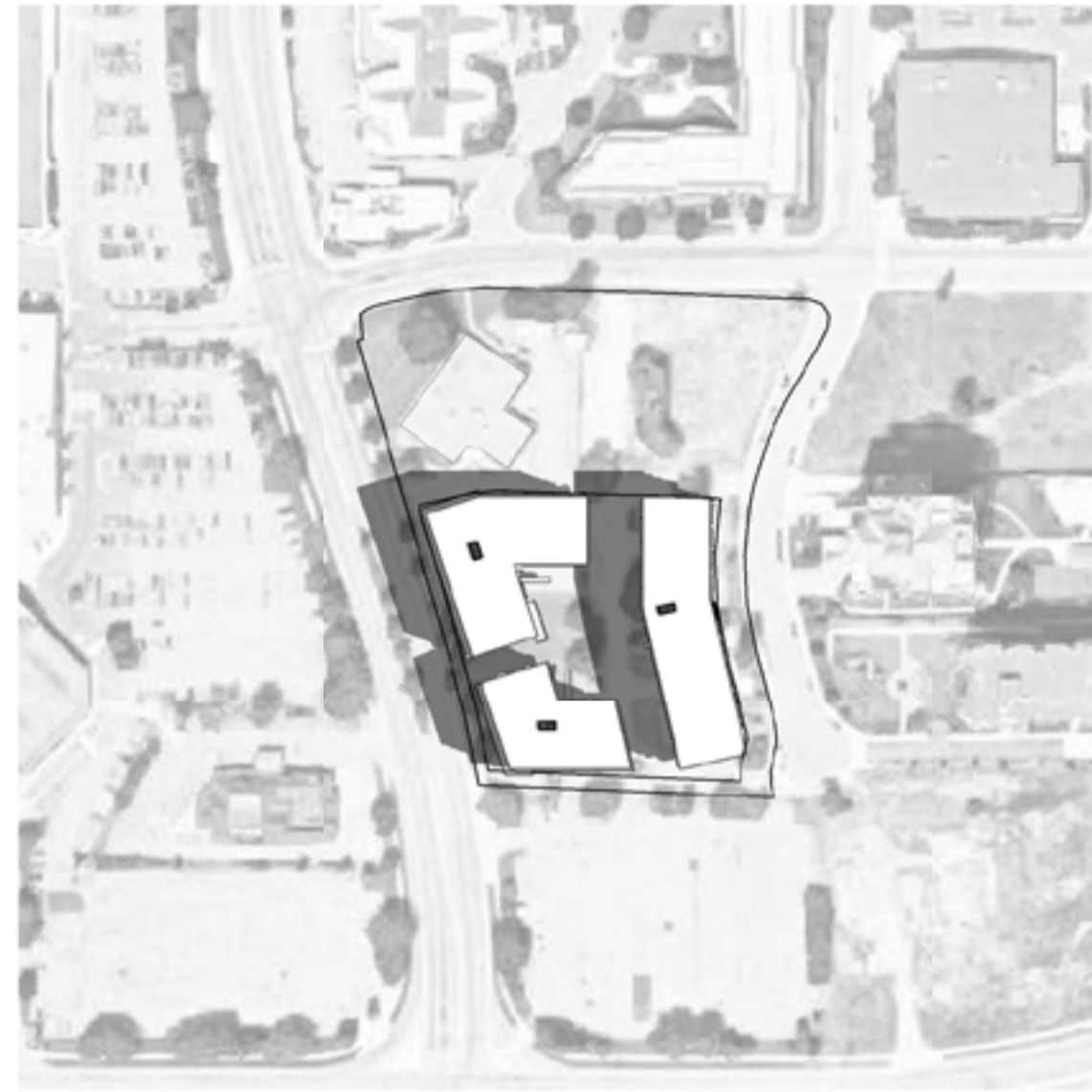


1940 UNDERHILL STREET

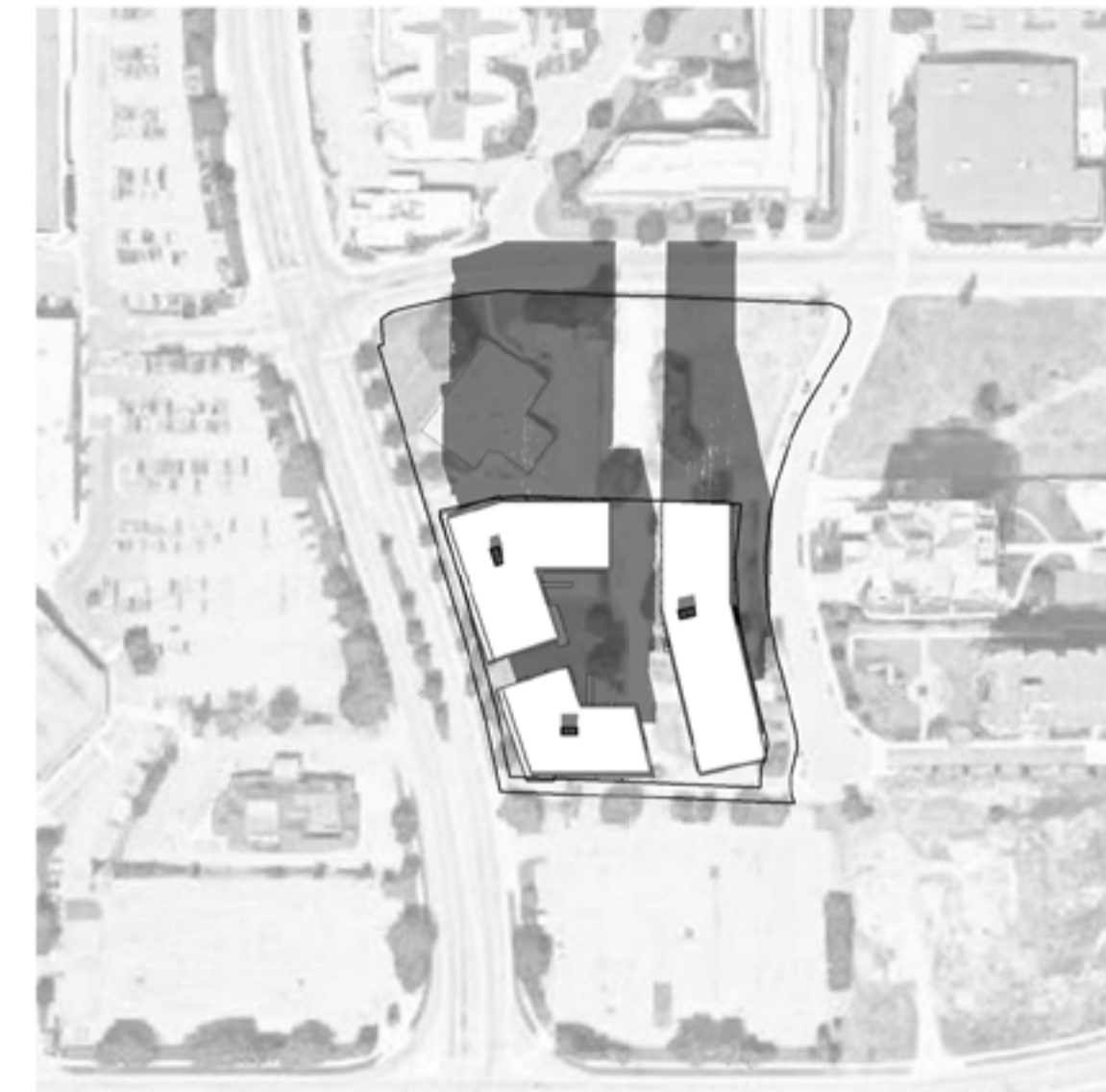
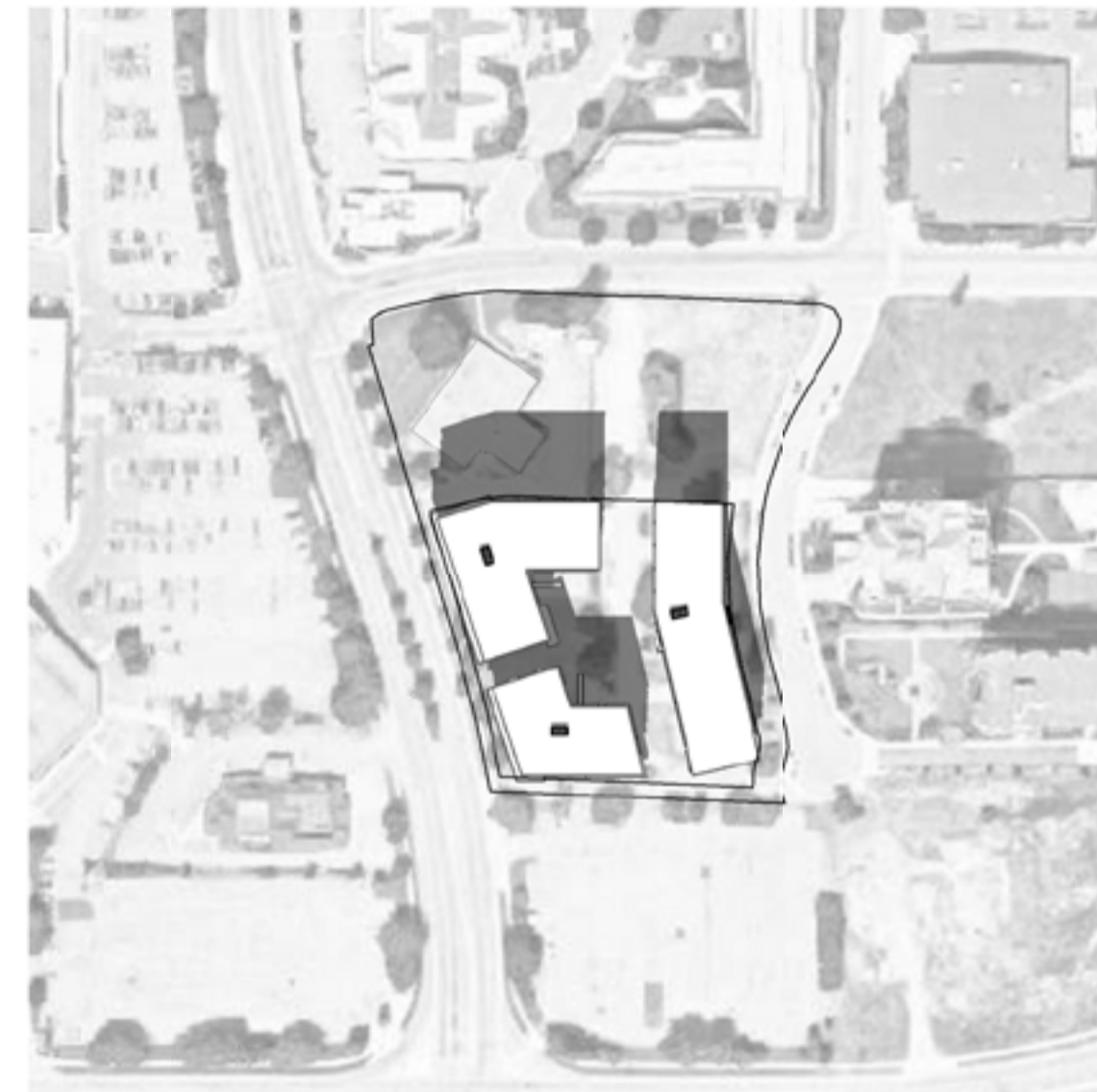
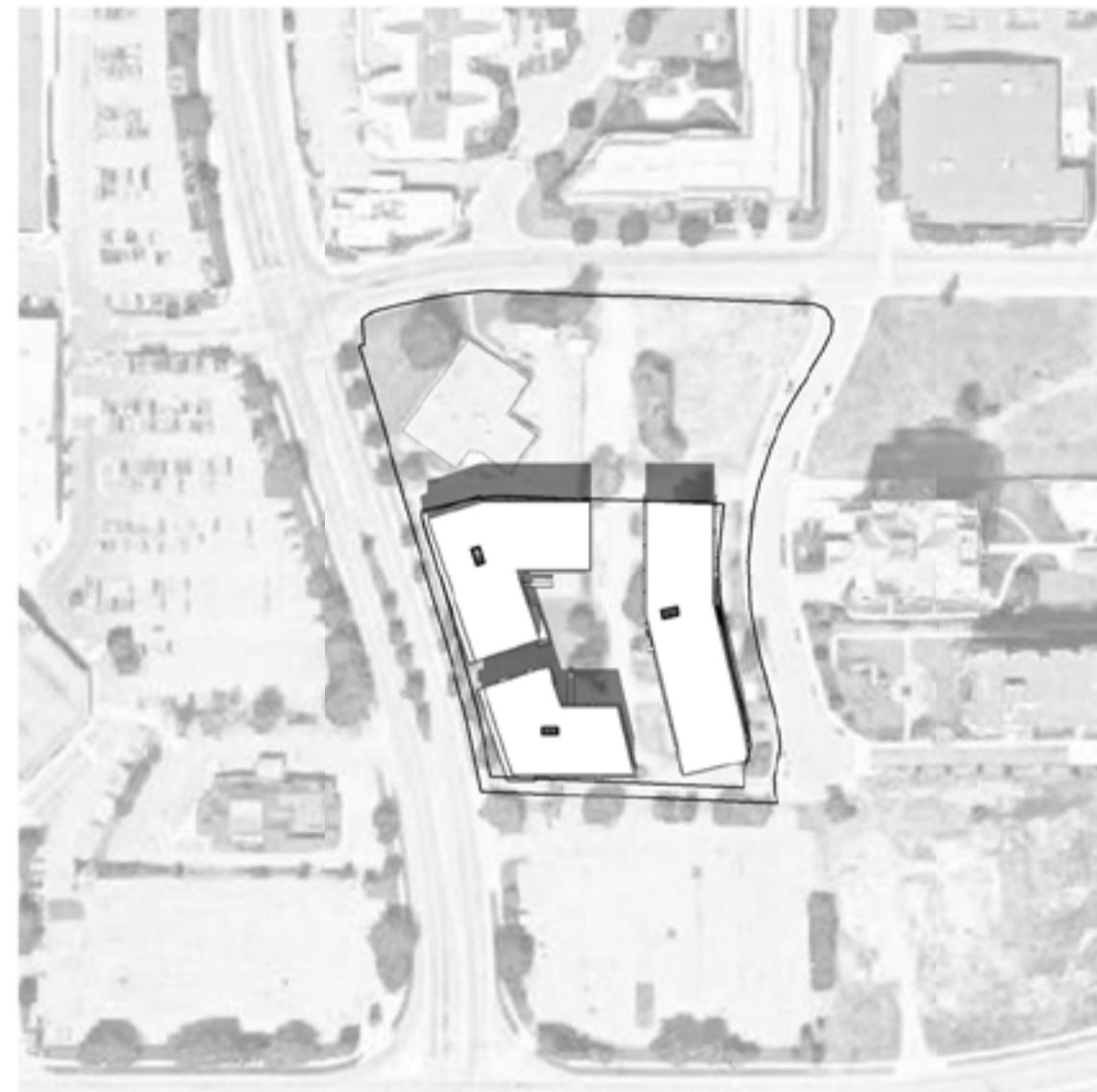
VISUALIZATION - DILWORTH DRIVE

DIALOG
DISTRICT
PROJECT NUMBER 04738V
JUNE 13, 2018 10:38 AM

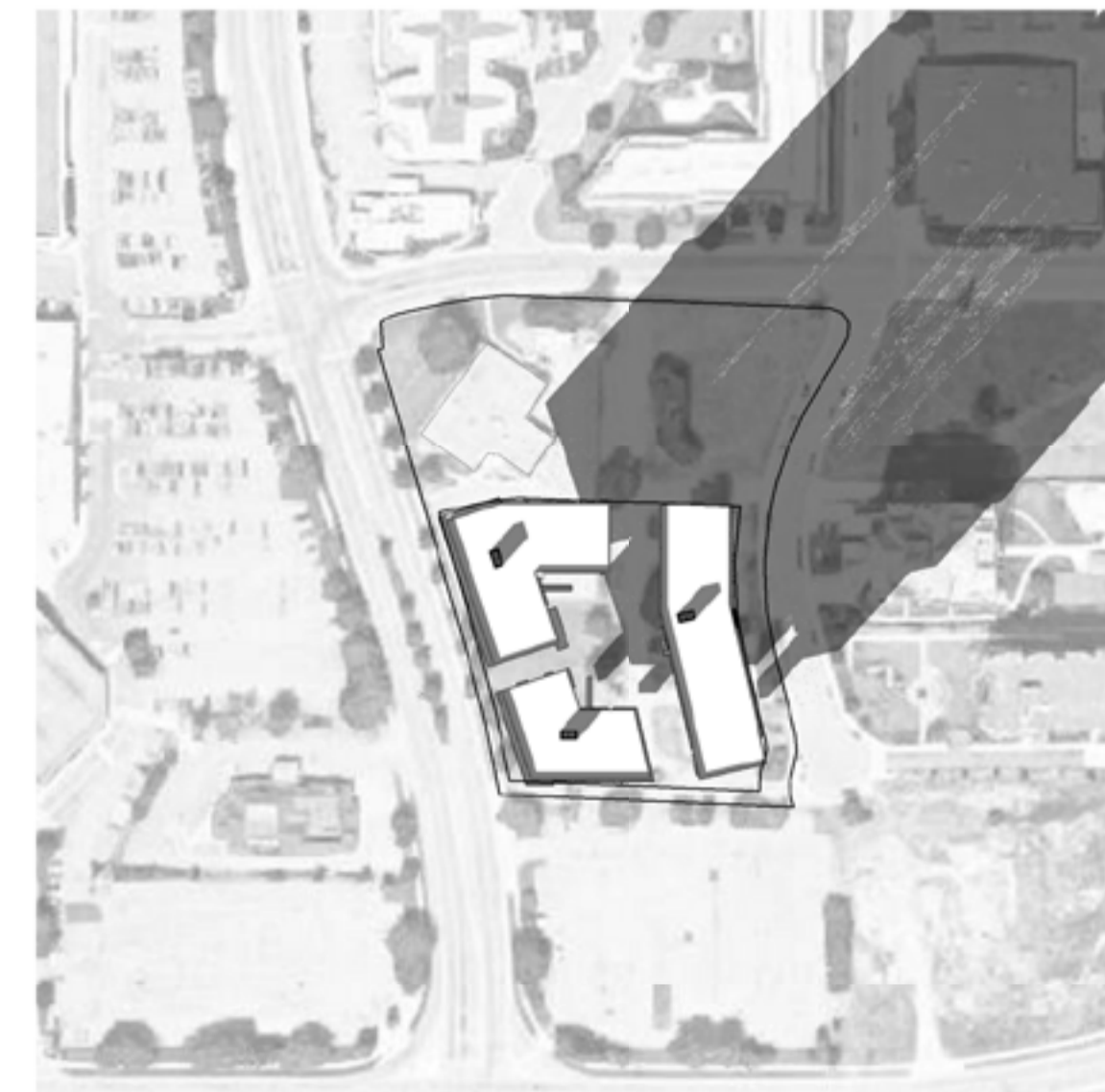
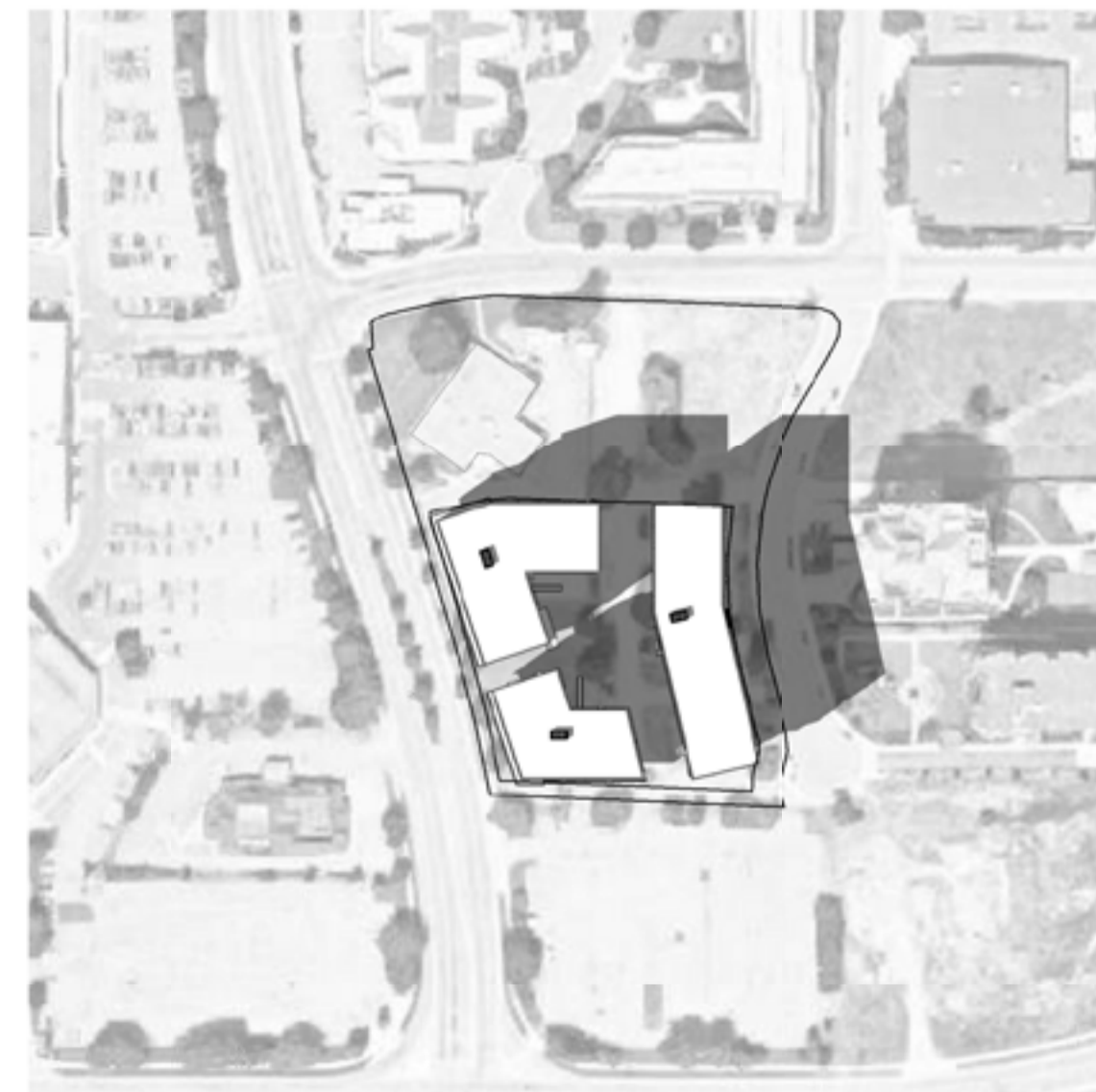
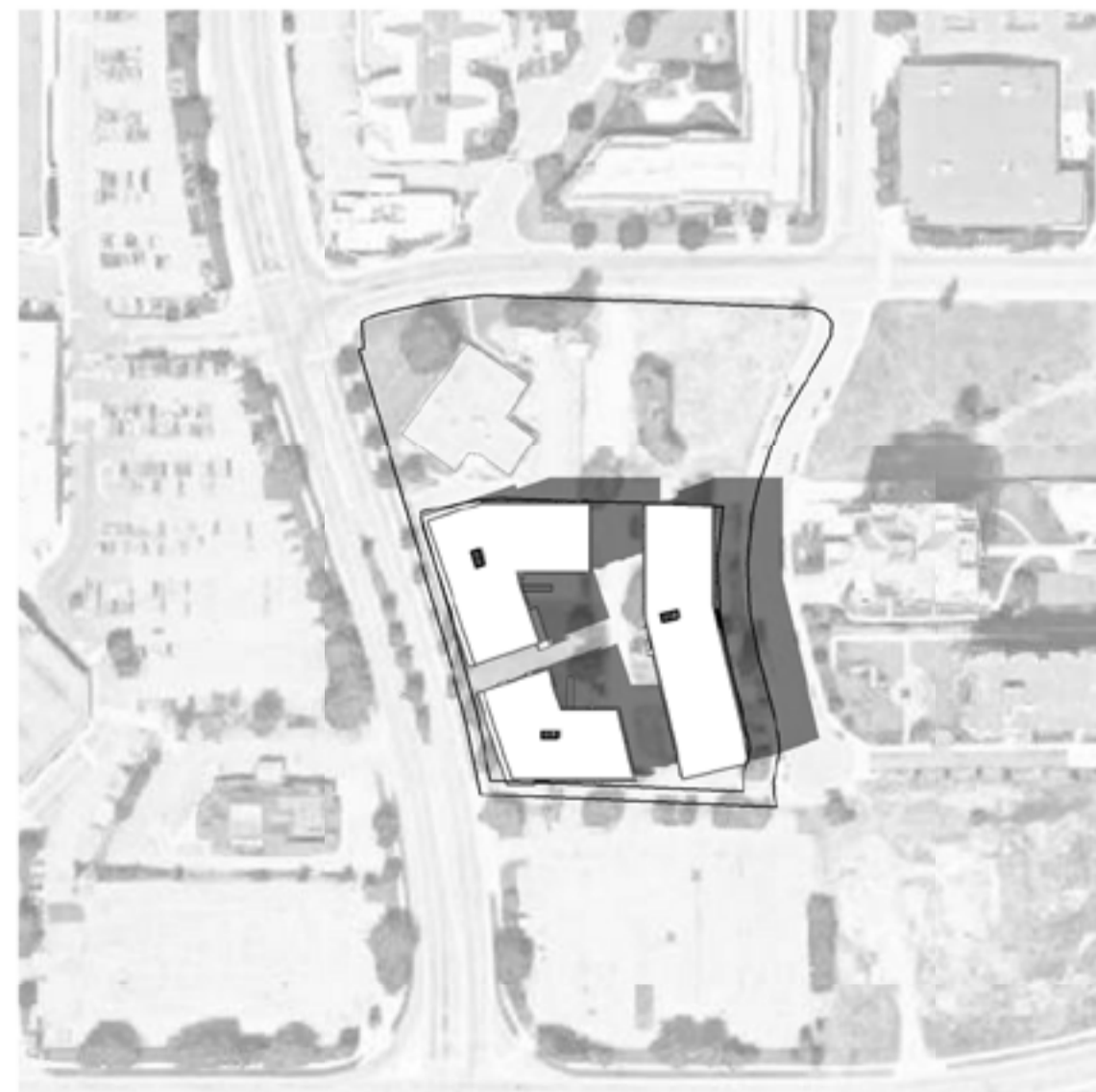
9AM



12PM



3PM



JUNE 21

EQUINOX

DECEMBER 21

🕒 1940 UNDERHILL STREET

SHADOW STUDIES

DIALOG
DISTRICT
DESIGN
PROJECT NUMBER 04738V
JUNE 13, 2018 10:38 AM



Milanofiori Residential Complex, Milano, Italy



Ceil, Sydney, Australia



Ceil, Sydney, Australia



Edificio Rua Simpatia, Sao Paulo, Brazil

A scenic landscape featuring a lake, mountains, a town, and a vineyard. The foreground shows a vineyard with rows of grapevines. In the middle ground, a town is situated on the shore of a lake, with buildings and trees reflected in the water. The background consists of a range of mountains under a clear sky.

05

PROJECT STATISTICS

AREA DATA:

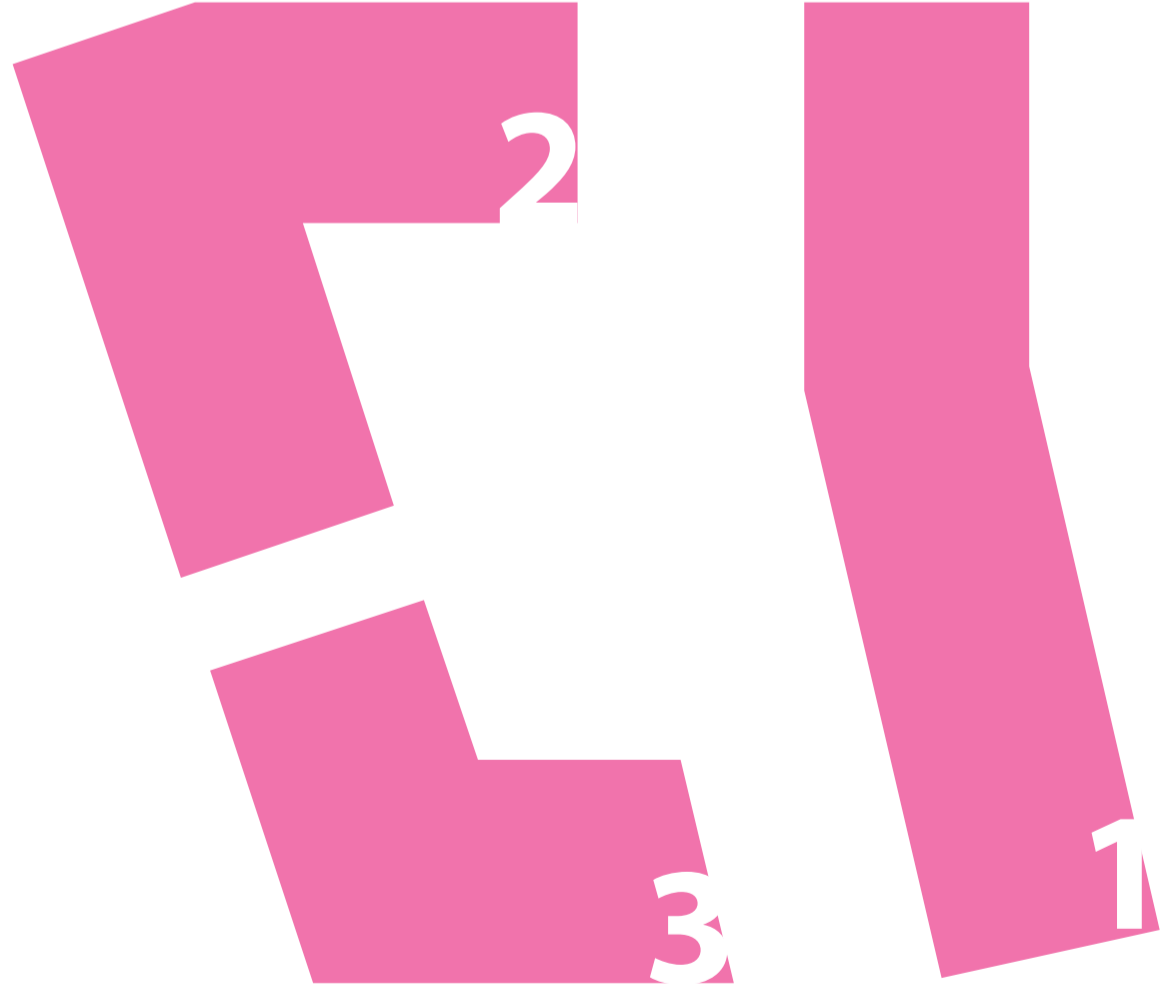
BUILDING 01					
GROSS AREA	NET RESIDENTIAL	NET RETAIL	OFFICE	CIRCULATION	EFFICIENCY %
95,298SF	83,214SF	-	247SF	11,838SF	87.58%
BUILDING 02					
GROSS AREA	NET RESIDENTIAL	NET RETAIL	AMENITY	CIRCULATION	EFFICIENCY %
83,660SF	70,477SF	2,263SF	1054SF	9,866SF	88.21%
BUILDING 03					
GROSS AREA	NET RESIDENTIAL	NET RETAIL	AMENITY	CIRCULATION	EFFICIENCY %
58,026SF	52,854SF	-	840SF	7,610SF	86.28%
TOTAL					
GROSS AREA	NET AREA		EFFICIENCY		
236,985SF	209,054SF		87.6%		
	LOT AREA	FAR			
	174,857.57SF	1.20			

PARKING COUNT:

VEHICLE		
REQUIRED		
C4 DWELLING UNITS:	297 RESIDENTS	43 VISITORS
RESIDENT - 1.0 STALL PER DWELLING UNIT		4 RETAIL
VISITOR - 1.0 STALL PER 7 UNITS	344 STALLS	
C4 COMMERCIAL:	PROVIDED	
1.75 PER 100m ²	319 STALLS	
	L01 34 STALLS	P01 285 STALLS
	9% COMPACT SIZE	40% MEDIUM SIZE 51% FULL SIZE
BICYCLE		
REQUIRED		
APARTMENT HOUSING:	RESIDENTIAL	
CLASS I - 0.5 STALLS PER UNIT	149 CLASS I	30 CLASS II
CLASS II - 0.1 STALL PER UNITS	COMMERCIAL	
RETAIL, GENERAL:	1 CLASS I	2 CLASS II
CLASS I - 0.2 STALLS PER 100m ²	182 STALLS	
CLASS II - 0.6 STALL PER 100m ²	PROVIDED	
	185 STALLS	

UNIT COUNT:

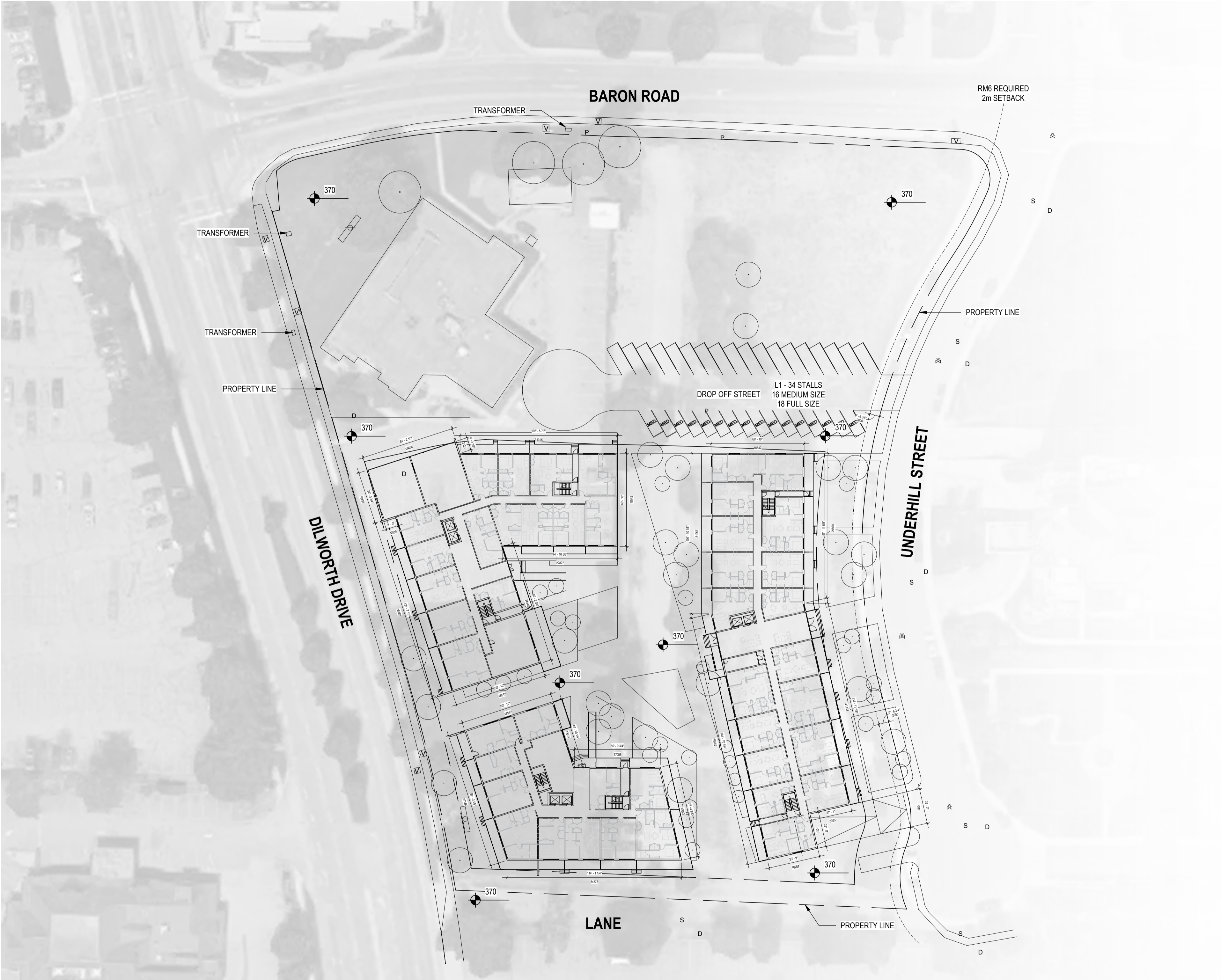
BUILDING 01				
STUDIO	1 BED	1BED +DEN	2 BED	3 BED
0	72	1	40	5
118 UNITS				
BUILDING 02				
STUDIO	1 BED	1BED +DEN	2 BED	3 BED
6	60	27	15	0
108 UNITS				
BUILDING 03				
STUDIO	1 BED	1BED +DEN	2 BED	3 BED
12	32	10	12	05
71 UNITS				
TOTAL				
STUDIO	1 BED	1BED +DEN	2 BED	3 BED
18	164	38	67	10
6.1%	55.2%	12.8%	22.6%	3.4%
297 UNITS				





06

DRAWING PACKAGE



AREA DATA

SITE:
174,857.57SF

BUILDING 01:
95,298SF

BUILDING 02:
83,660SF

BUILDING 03:
58,026SF

(GROSS AREAS
FOR BUILDINGS)





- Schema 1 Legend
- AMENITY
 - NON-RENTABLE
 - RENTABLE
 - RETAIL
 - SERVICE

Schema 1 Legend

NON-RENTABLE

RENTABLE



Schema 1 Legend

NON-RENTABLE

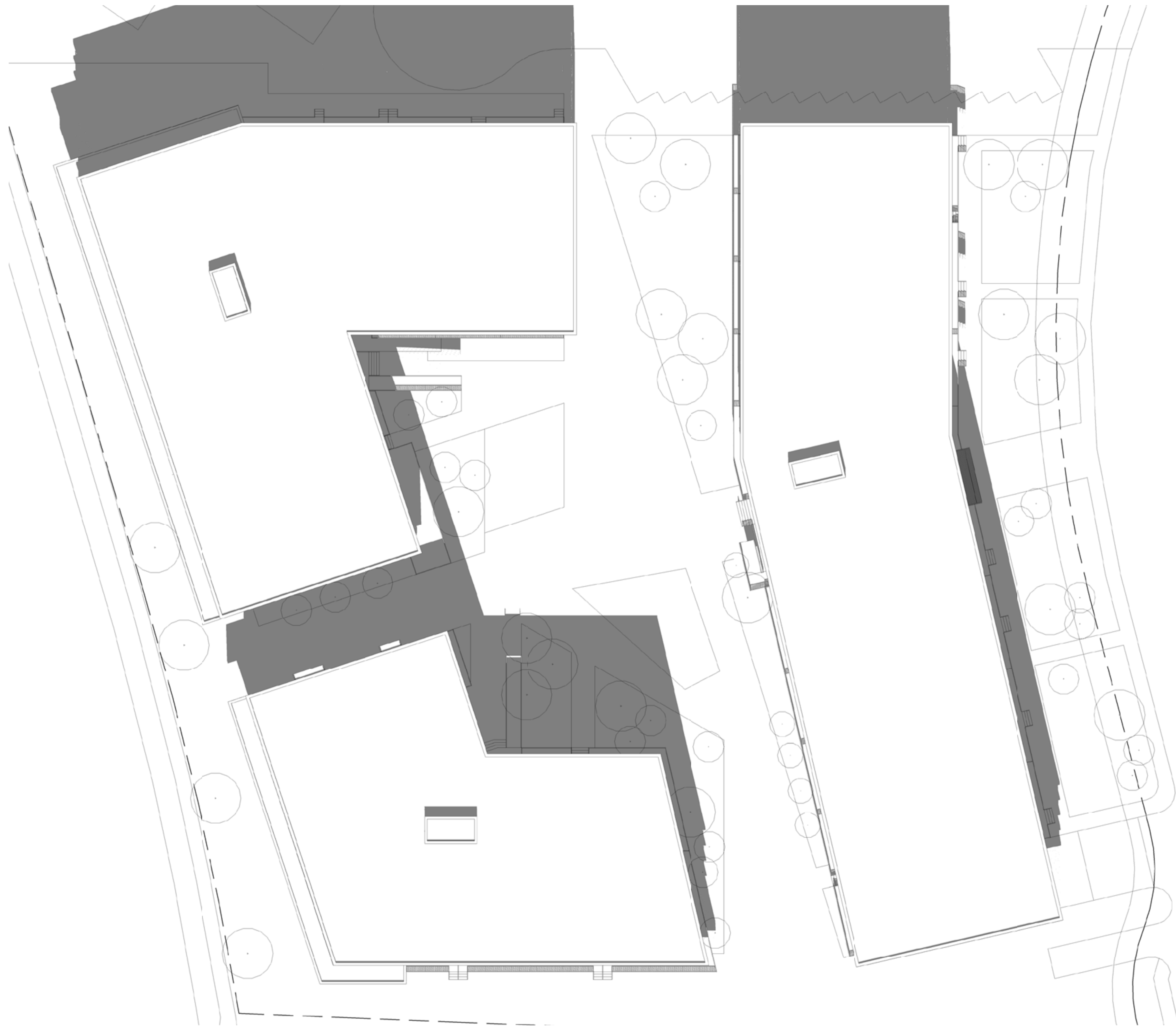
RENTABLE



1940 UNDERHILL STREET
1/16"=1'-0"

L3-L6 TYP. FLOOR PLAN

DIALOG
DISTRICT
PROJECT NUMBER 04738V
JUNE 13, 2018 10:38 AM





DISTRICT PROPERTIES GROUP
Functional Servicing Report
1940 Underhill Street, Kelowna BC

Project No. 17-642
August 02, 2017
Aplin & Martin Consultants Ltd.



APLIN MARTIN
ENGINEERING ARCHITECTURE PLANNING SURVEYING

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1 INTRODUCTION

This Servicing Brief is to support the proposed development located at 1940 Underhill Street in Kelowna. Aplin and Martin has reviewed the relevant documentation to produce the following Engineering Servicing Brief. The following is a list of some of the included documentation:

- City of Kelowna Official Community Plan Bylaw No. 10500
- City of Kelowna Zoning Bylaw No. 8000
- City of Kelowna Subdivision, Development & Servicing Bylaw No. 7900
- British Columbia Building Code
- British Columbia Plumbing Code
- Preliminary Site Layout Sketches

From the research completed on the above documentation and preliminary design works completed for the site, A&M presents engineering analysis and feasibility recommendations for the following:

- Site Access;
- Offsite Roadworks;
- Pavement Analysis;
- Sanitary Servicing;
- Water Servicing;
- Drainage;
- Lot Grading;
- Geotechnical; and,
- Outside Agencies.

The scope of work undertaken includes assessing the current onsite conditions and the offsite infrastructure, specifically water, wastewater, stormwater, and roads to identify any existing capacity constraints and anticipate and quantify any upgrades required for the proposed development permit, and subsequent servicing agreement. An analysis of the proposed site plan has also been undertaken to quantify the populations and loads that this development will generate. This study is based on information gathered through a review of relevant land development plans and policies, engineering materials, environmental assessments and on-site analysis.

1.1 SITE INFORMATION

Background Information

The development site comprises one existing property:

Site Area: 16,252 m²

PID: 025-799-657

Address: 1940 Underhill Street

Legal Description: LOT A LAND DISTRICT 41 PLAN KAP74477

1.2 LOCATION

The subject development site is located in Kelowna in the Dilworth-Enterprise area south of Highway No.97.

1.3 SITE DETAILS

The potential development site consists of one lot and is located on the southeast corner of the Dilworth Drive and Baron Road intersection. The potential development property fronts Baron Road on the north side, Dilworth Drive on the west side, Underhill Street on the east side, and Haynes Road on the south side which is currently only developed to a residential lane standard. The property currently has an existing building and parking lot in the northwest corner, with the rest of the property being largely undeveloped. The overall development site is relatively flat with a slight southwestern slope. The elevation ranges from 371m along the Underhill Street frontage to 370m at the west end of Haynes Road.

2 ENGINEERING

The engineering section provides details on the anticipated improvements that will be required to service site build out as depicted in the preliminary site plan information provided by the architect.

2.1 ACCESS

Primary access to the site is from the north from Highway 97 via Dilworth Drive and/or Underhill Street.

Direct access to the development parcel can be provided off of Underhill Street. Removal of the existing access off of Underhill Street may be required depending on the final layout. New accesses may be required to coordinate with the onsite layout and planned access points. It is anticipated Haynes Road from Dilworth Drive to Underhill Street will be maintained for fire access only, with the remaining portion to the east of Underhill Street being dedicated to the property to the south (2275 Haynes Road). If Haynes Road is closed, it is anticipated it will be dedicated to the existing parking lot to the south of the project site as well (2271 Harvey Avenue).

2.2 OFFSITE ROADWORKS

The west side of the site is fronted by Dilworth Drive, classified as a “City of Kelowna 4 Lane Arterial Road”. As Dilworth Drive currently exists as an urban arterial standard, it is anticipated that no further upgrades will be required along this frontage.

The north side of the site is fronted by Baron Road, classified as a “City of Kelowna 2 Lane Major Collector Road”. As Baron Road currently exists as an urban collector standard, it is anticipated that no further upgrades other than boulevard treatments will be required along this frontage.

The east side of the site is fronted by Underhill Street, classified as a “City of Kelowna 2 Lane Local Road”. As Underhill Street currently exists as an urban local standard, it is anticipated that no further upgrades other than boulevard treatments will be required along this frontage.

2.3 PAVEMENT ANALYSIS

Based on a visual review the existing pavement along Dilworth Drive is in good condition. No alligator cracking or other major visible surface deficiencies are present so it is believed that the pavement structure is adequate. The existing pavement along Underhill Street is in good condition. No major visible surface deficiencies are present, so it is believed that the pavement structure is adequate. The existing pavement along Baron Road is in fair visible condition. Alligator cracking and settlement is present along the frontage of the property. Any potential road improvements will need to be confirmed by a geotechnical engineer.

2.4 SANITARY

The site lies within the City of Kelowna service boundary. Existing mains and pump stations are in place to service the overall area.

There is currently a 200mm PVC sanitary service installed in 2002 extending from a 750mm PVC trunk main also installed in 2002 located in the Underhill Street dedication along the east frontage of the development site. This existing trunk main extends from Baron Road and provides service to a large catchment area. The existing 200mm sanitary service has a depth of 3.4m at the property line, and with a minimum grade of 1.0%, minimum cover will be maintained throughout the site.

The flows from Baron Road and Underhill Street are directed into a 750mm PVC sanitary trunk main located within the Haynes Road Right of Way along the south property line of the development site, with the trunk main then extending south down Dilworth Drive.

The development plan includes two residential towers up to 30 stories high, with the first two floors being commercial/retail space, and three six storey buildings with the first floor being commercial/retail space. Assuming building footprints of 10,000 sq.ft. for the towers and 15,000 sq.ft. for the six storey buildings, residential unit footprints of 2,000 sq.ft., and 2 people/unit as per the City of Kelowna design criteria the resulting population is 800 people. An additional population of a 122 people is provided by the proposed commercial space based on 75 people per gross hectare as per the City's design criteria. The population density increase brought about by this development will generate a sanitary flow increase of 9.45 L/s.

The City of Kelowna has confirmed August 1, 2017 that based on their analysis of the sanitary system, the system can accommodate the additional proposed flows without necessitating upgrades at Mayer Road. This information updates the City of Kelowna's original comments dated July 6 2017.

2.5 WATER

The development site is located in the City of Kelowna Water District.

There is an existing 38mm Copper water service installed in 1991 extending from a 250 mm PVC water main also installed in 1991 located along Dilworth Drive. This existing water main loops and connects into the existing 250mm PVC water network on Haynes Road and Underhill Street installed in 2002, as well as the existing 200mm PVC main in Baron Road installed in 1985. In accordance with the City of Kelowna design requirements the minimum fire flow for this type of site use is 150l/s at a maximum velocity of 4.0m/s. The City of Kelowna has confirmed that the 250mm watermain in Dilworth Drive has a water pressure of 60psi based on hydrant tests performed at the south west corner of the property, with a residual pressure of 52psi given 150l/s fireflow. As there is sufficient capacity to attain the required fire flow demand for this parcel no water main upgrades are expected on as part of this proposed development project. The existing water service connection servicing the site will need to be upsized based on mechanical loading calculations or a new water service can be provided off the existing 250mm watermain in Underhill Street and Haynes Road if the existing service is decommissioned.

	Residential	Commercial
Population	800	122
Maximum Day Demand (MDD)(l/s)	16.7	2.5
Min. Fire Flow (l/s)	150	150
Peak Hour Demand (PHD) (l/s)	37.0	5.6
Fire Flow + MDD (l/s)	166.7	152.5

Existing hydrants are located near the southeast intersection corner of Dilworth Drive and Baron Road, the southwest intersection corner of Baron Road and Underhill Street, the northeast intersection corner of Dilworth Drive and Haynes Road, and on the west frontage of Underhill Street across from 1947 Underhill Street.

As the four existing hydrants surrounding the site meet the City of Kelowna maximum fire hydrant spacing requirements of 90m, it is anticipated that no additional offsite fire hydrants will be required. Based on the current site plan an onsite fire hydrant is anticipated to provide fire protection to all buildings. We have not allowed for fire protection systems or measures onsite. A review of FUS requirements will be necessary at the detail design stage.

2.6 DRAINAGE

There is an existing 250mm PVC storm service installed in 2003 extending from a 600mm perforated PVC main main installed in 2002 located along Haynes Road. This existing storm main discharges into the existing 600mm concrete storm main installed in 1991 running south along Dilworth Drive. An existing 375mm perforated PVC storm main with portions installed in 1991 and 1996 also exists running west down Baron Road, as well as a 600mm perforated PVC storm main installed in 2002 running south along Underhill Street that connects into the Haynes Road storm system. The City of Kelowna

has confirmed that the 600mm main in Haynes Road should have sufficient capacity; however downstream constraints may exist along the alignment to Mill Creek. As per the City of Kelowna Bylaw, a storm water management strategy that will limit the post-development runoff to the pre-development levels will be required, so offsite storm main improvements are not anticipated.

All storm water flows will be directed to storm water retention facilities where flows will be released into the municipal system at 5-year pre-development levels. Based on an environmental and geotechnical investigation to determine the hydrogeological characteristics of the ground, infiltration may be incorporated into the onsite system to reduce retention facility sizes.

2.7 LOT GRADING

The site elevation along the Underhill Street frontage is 371m to 370mm and slopes slightly down to 369.7m along the Dilworth Drive frontage at the south-west property corner. The proposed development is not expected to change the overall topography of the site.

2.8 GEOTECHNICAL

A report on existing soil conditions, infiltration rates, ground water levels, and recommended road structure will be required at a later date. It is expected that retention of a geotechnical engineer as part of this development project will be necessary.

2.9 OUTSIDE AGENCIES

2.9.1 Franchise Utilities

Fortis BC Electricity is the power authority in this area. There is no overhead utility infrastructure located in the vicinity of the proposed development site, with the proposed development being serviced underground from the existing infrastructure.

Distribution systems are dynamic and available capacity can change on a frequent basis. Coordination and consultation with the project electrical engineer and Fortis BC Electricity will be required to determine the scope of any upgrades required to service this site.

2.9.2 Street lighting

All road frontages are currently serviced by davit street light poles.

2.9.3 Gas

Apart from the necessary connections to the site for servicing purposes there are no offsite upgrades expected. Although there are no anticipated capacity issues, confirmation will be required from Fortis BC at the time of development application.

3 CONCLUSION

Aplin & Martin Consultants Ltd. has undertaken a comprehensive review of the proposed development plans, as well as the information pertaining to the adjacent and downstream infrastructure. We believe that our designs are complete. The only offsite deficiency is the sanitary main capacity constraint at Mayer Road. There are no further deficiencies or capacity constraints identified that would prohibit the development of this site.

If any additional information or clarification is required, please contact the undersigned.

Sincerely,

APLIN & MARTIN CONSULTANTS LTD.



Ben Rawlinson, ASCT
Project Manager

March 7, 2019

Ministry of Transportation and Infrastructure
Okanagan-Shuswap District
#300- 358 St. Paul Street,
Kelowna, B.C. V1Y 2E1

Attention: Audrie Henry, District Development Technician

Response to Ministry Comments of January 11, 2019

My apologies for the delay in responding but I was overseas for the entire month of February and just returned on Tuesday.

I have now reviewed the Ministry's comments provided through Robyn Clifford on January 11, 2019 and discussed each item directly with the author of the comments, Jill Morrison of your Kamloops office in a production telephone conversation later in January. Our responses to each of the items resulting from that discussion and our further review/analysis are as follows:

1. Concept Drawings/Feasibility of Potential Improvements.

- (a) Right-of-Way Widths at Highway 97 Intersections: I understand that the key issue here is to provide some information on the feasibility of any recommended improvements. To address this request, the City of Kelowna's online mapping was used to establish the existing curb-to-curb widths and right-of-way widths on each of the approach legs of the two key intersections on Harvey Avenue/Highway 97 at Dilworth Drive and Leckie Street – see printouts included in this document at the end of the letter. The measurements so obtained are as follows:

<u>Intersection Leg</u>	<u>Right-of-Way</u>	<u>Curb-Curb</u>
Highway 97 east of Dilworth Drive	36.9 m	27.2 m
Highway 97 west of Dilworth Drive	38.8 m	27.4 m
Dilworth Drive north of Highway 97	25.0 m	19.2 m
Dilworth Drive south of Highway 97	26.3 m	18.8 m
Highway 97 east of Leckie Road	40.5 m	35.4 m
Highway 97 west of Leckie Road	40.0 m	28.4 m
Leckie Road north of Highway 97	23.8 m	16.2 m
Leckie Road south of Highway 97	25.0 m	17.8 m

The measurements given in this table indicate that providing additional lanes on Dilworth Drive both north and south of Highway 97, and on Leckie Road both north and south of the highway are not possible, assuming that a minimum of 6 m is required to provide sidewalks, boulevards, etc. on each side in addition to the existing travel lanes. This is unfortunate as the provision of full right turn lanes on the north

and south legs of Dilworth Drive and Leckie Road would be advantageous to the operation of these intersections – and they would be relatively low-cost improvements.

- (b) Property Requirements of Recommended Development Initiated Improvements: It is acknowledged that under background conditions, a number of laning improvements were identified for these two intersections on Highway 97 as given in Table 5.1 of the TIA report. If these were to be implemented, they would require additional property given the constraints indicated above. It should be noted that whilst the scope approved by the Ministry for this TIA study did require the intersections to be analysed under background conditions, it did not require any improvements under these conditions to be identified. As you know, these analysis results are simply the benchmark against which to compare the results with the development traffic superimposed. So they have been identified in this report in order to be thorough. From the perspective of the proposed development's impact, these identified improvements under background conditions should be ignored – although admittedly the Ministry may be interested in them from a long-range planning perspective. However, under combined conditions, the improvements required to these intersections in order to operate at no worse a level of service than under background conditions are all signal phasing and timing changes which do not need any additional property – see Table 5.2 of the original TIA report dated June 7, 2018. So the concern raised in Item #1 of the Ministry's letter of January 11 is moot.
- (c) Provision of Eastbound Right Turn Lane on Highway 97 at Dilworth Drive: The City's webpage mapping indicates that may be possible to provide an eastbound right turn lane on Highway 97 for vehicles turning into Dilworth Drive – see mark-up on the aerial photograph of this intersection at the end. Although our analysis shows that this does little to improve the theoretical capacity of the intersection with the northbound left turn movement still being a problem, it would improve the practical operation of this intersection as well as the safety. From personal experience, often the eastbound curb lane along Highway 97 is stopped because a right turning vehicle at this intersection is blocked from making their turn because there are pedestrians crossing the turn lane. It only needs two automobiles or one longer vehicle (there is a storage length of no more than 9.0 metres) wanting to make the eastbound right turn being delayed by a pedestrian and the entire eastbound curb lane is stopped.
- (d) Road Widening Adjacent to Development Site: The Ministry's response notes that *"The site plan itself appears to leave no room for future expansion. The minimal set backs would not easily accommodate the improvement measures proposed to accommodate background conditions."* It is assumed that this comment refers to Dilworth Drive and/or Baron Street adjacent to the development site. As discussed with Jill, it would seem that there has been some misunderstanding here as the City is requiring the development to dedicate sufficient land to allow for the proposed northbound right turn lane on Dilworth Drive at Baron Street and any other improvements identified for Baron Street to be provided for from the site. These improvements and property requirements were discussed with the City even before

the traffic study was undertaken. The development site does not extend to Springfield Road and so any improvements on this road do not affect the proposed development site. Furthermore, I indicated that double left turn lanes had been recommended for Springfield Road at Dilworth Drive in a similar TIA for the lands on the south side of Springfield Road back in 2008. No changes have been made to this intersection to-date, and yet the traffic volumes have increased over the intervening 10 years. However, the City has stated in their response to the TIA that the Underhill Street development will be required to make a contribution towards the future upgrade of this intersection, assuming that it proceeds as proposed. This, in my opinion is a very reasonable proposal, given that this intersection is already a problem, caused by the numerous other developments that have been approved over the years that have contributed to the traffic volume increases.

- (e) Kelowna & Environs Development Impact on Highway 97: During our conversation, Jill expressed her concern that the proposed development was going to add traffic onto Highway 97 and that it appeared it would be difficult to make adequate improvements to the highway to accommodate this additional traffic. Unfortunately, Highway 97 has become the backbone of the City of Kelowna's transportation network. In a simplistic sense, any development that takes place anywhere in Kelowna or West Kelowna impacts Highway 97 between Gordon Drive and Highway 33. Had this proposed development on Underhill Street been located on a site outside of the 800 m corridor along Highway 97 that comes within the Ministry's zone of influence, it would have generated the same amount of traffic that would have had the same orientation to Highway 97, and yet the Ministry would have no input and no improvements would be required on the highway as a result of the development. From a personal perspective, I live in Lake Country in a development that is going to consist of 1,300 single-family homes when finished. The majority of shopping by both my wife and myself is made along this same Highway 97 Corridor, whether at Costco, Home Depot, Walmart, London Drugs, Staples, Bank of Montreal, Save-on-Foods, or Orchard Park Mall. This development is beyond the reach of the Ministry and therefore it has contributed nothing to any Highway 97 upgrades, and, for that matter, little to the Lake Country roads either.
- (f) Master Plan for Highway 97 Signal Phasing: The comment was made during the January 2019 conversation that the Ministry has an established Master Plan for Highway 97 through Kelowna specifying which intersections were to have advance left turns in either the east-west direction along the highway or the north-south direction across the highway, and that the left turn phases recommended in the TIA report as given in Table 5.2 are not included in this Plan. It is unfortunate that the contents of this plan were not provided to the consultant team when approving the scope of the study so that they could be taken into consideration. On the other hand, given the results of the analysis in this study, the Ministry should perhaps consider updating their plan to reflect current conditions.

2. Comparison of V/C Background versus Combined Conditions. As was noted in our conversation, the first table presenting a summary of the analysis results under background

conditions provides two sets of V/C ratios. The first column of numbers starting with 1.38 are the ratios with no improvements whilst the second column starting with 0.95 are the resultant ratios with the improvements mentioned in the table. The second table presenting a summary of the results of the combined conditions also provides two sets of V/C ratios. The first column of numbers starting with 1.56 are with the development traffic included but no improvements whilst the second column starting with 1.11 are with the improvements mentioned. This means that the 1.11 of the last column in the second table, i.e., combined with improvements, should be compared to the 1.38 of the fourth column in the first table, i.e., background with no improvements. This shows that combined with improvements is lower than background with no improvements. You indicated that you now understood these tables, and this was no longer an issue.

We have now done further analysis of alternative improvement scenarios and have not found any others that provide a better result. These have included:

- Eliminating a pedestrian crossing from one or more legs,
- Adding an eastbound right turn lane on Highway 97 at Dilworth Drive,
- Adding a second southbound left turn lane on Dilworth Drive, and
- Adding a second westbound left turn on Highway 97 at Dilworth Drive.

However, some traffic impact study textbooks suggest reassigning some of the development traffic if considered appropriate in order to reduce problem v/c ratios for critical movements. This makes sense in practice as drivers will tend to change their routes over time when alternatives exist to select the route that has the least congestion and the smallest delays. This is particularly true when applied to residential trips where the drivers take the same route every day. This concept is captured in this reassignment process and was investigated for both the intersections along Highway 97. It was found that if the development generated traffic travelling southbound on Dilworth Drive through the Highway 97 intersection destined to the development site is reassigned to make a left turn onto Highway 97 and then a right turn into Underhill Street, then this intersection performs better than under background conditions with no improvements. Similarly, if the development generated traffic arriving westbound on Highway 97 and making a left turn into Leckie Road is reassigned to continue westbound and make the left turn at Underhill Street instead, the same finding applies. In reality, this is what is going to occur as these drivers are regular residents of the Underhill Street development and will find the route with the least delays. If we were dealing with impulse buyers such as shoppers, this idea may not apply, but we are dealing with residents making their regular daily trip.

A summary of the analysis results of some of the above improvement scenarios is provided in Table 1 in Appendix A at the end of this report.

3. **Synchro Files – 2022.** We both agreed that the horizon year of 2022 was not to be included in the study as an analysis year and that no Synchro files for this year of 2022 should be included in the files submitted.
4. **Peak Hour Factors.** In your email you requested that "if you would like an exception to this to reflect what is actually happening then please show the calculated PHF using

multiple days of data,...”. After submitting our response to your first set of comments on October 9, 2018, I requested my analysis engineer to re-analyse a sampling of Highway 97/Dilworth Drive intersection scenarios at 2020 as a sensitivity analysis reducing any PHF values that were above your stated maximum of 0.95 down to 0.95. A comparison of the original set of results using the actual PHF with the second set of results using the maximum of 0.95 revealed that there was very little difference in the V/C results, i.e., just 0.01 or no difference at all. The results of this sensitivity analysis for 2020 were documented and included in a technical memorandum to the City and it was passed on to your Kelowna office so I assume you received it. This sampling has now been extended to cover most of the key original scenarios at the two intersections on Highway 97 (Harvey Avenue) for 2034 and the results are included in Tables 2 through 5 in the appendix at the end of this submission.

5. **Signal Timing Sheets.** Mark Merlo of WSP Consultants in Vancouver, the engineer who did all of the analysis for the study, has confirmed that the only times when the signal timing may have departed from the Ministry’s standards is for some of the background analysis where right turn lanes were added. In these cases, the six second minimum green has sometimes been reduced to five seconds. As the study was not required to identify potential improvements under background conditions since these improvements have no bearing on the outcome of the analysis under combined conditions which seek to identify improvements that enable the intersection to operate no worse than under background conditions, these departures from the Ministry’s standards are moot.
6. **File Naming Convention:** In response to your comment, I have asked Mark to provide a list of the codes he has used for the Synchro files and the list he has provided is as follows:
 - a. 095 means with a max v/c ratio of 0.95.
 - b. Timing means with only signal timing or phasing changes.
 - c. Opt AA: Testing need for new left turn phases.
 - d. Opt BB: Reassigning some traffic where necessary.
 - e. Opt CC: EBR at Dilworth.
 - f. EBR-NBL-Leckie means testing an EBR and NBL at Leckie.
 - g. Dil2WBL means testing a second westbound left at Dilworth.
 - h. DilEBR means testing an eastbound right turn at Dilworth.
 - i. IMP: Dilworth EBR (except 2020), NBR, SBR, NBL phase, SBL phase; Leckie SBR, EBL phase, WBL phase.
 - j. Rev1 (or another number) means a minor correction on a previous scenario.
 - k. Opt 1F: Dilworth 2EBL, EBR, 2 WBL, 2 NBL, free NBR, SBR; Leckie SBR, EBL phase, WBL phase.
 - l. Opt 2A: Dilworth EBR, NBR, SBR, NBL phase, SBL phase; Leckie 2 NBL, SBR, EBR, EBL phase, WBL phase.
 - m. Opt 3A: Dilworth EBR, NBR, SBR, NBL phase, SBL phase; Leckie SBR, EBL phase, WBL phase.
 - n. Opt 3C: Dilworth EBR, NBR, SBR, NBL phase, SBL phase; Leckie SBR, EBL phase, WBL phase.

- o. Opt 3D: Dilworth EBR, NBR, SBR, NBL phase, SBL phase; Leckie SBR, EBL phase, WBL phase.
- p. Opt 4A: Dilworth NBR, SBR, NBL phase, SBL phase; Leckie 2 NBL, SBR, EBL phase, WBL phase.
- q. Opt 4C: Dilworth EBR, NBR, SBR, NBL phase, SBL phase; Leckie 2 NBL, SBR, EBL phase, WBL phase.
- r. Opt 4E: No changes on Hwy 97 intersections.
- s. Opt 9: Dilworth EBR, NBR, SBR, NBL phase, SBL phase; Leckie SBR, EBL phase, WBL phase.
- t. 2EBLWBL: test of protected/permissive double left at Dilworth.

Conclusions and Recommendations: Based on the investigations undertaken in response to the Ministry's second set of comments of January 2019 and the undersigned's very productive conversation with the Ministry's traffic engineer on this file, Jill Morrison of your Kamloops office, as well as additional analysis undertaken, the following are the conclusions and recommendations:

- A. Based on available on-line mapping, there is very little opportunity to add additional lanes of any type to Dilworth Drive or Leckie Road on either side of Highway 97. However, right turn lanes on the highway at either intersection would be feasible.
- B. The introduction of the advance green phases at the two intersections on Highway 97 at Dilworth Drive and Leckie Road as originally recommended back in the TIA of June 2018 are still the recommended, and most effective, improvements needed in order to better accommodate the additional traffic generated by the proposed development. As was noted in the original TIA, this development only adds 121 vehicles to this intersection in the pm peak hour when fully developed, and this is only a 1.6% increase over the 2034 pm peak hour volume of 7,468 vehicles through this intersection.
- C. It is understood that the Ministry has a master plan designating which intersections are to have advance green phases. If this plan conflicts with the recommendations of this TIA, it is recommended that the Ministry undertake a review of their plan and update where appropriate.
- D. Highway 97 between Spall Road and Highway 33 is probably one of the two most important elements of the City of Kelowna's road network, the other being the approach to the Lake Bridge. Because of the retail stores and centres that exist along this section of the highway corridor, almost all developments in Kelowna as well as beyond, for example Lake Country, add to the traffic volumes that pass through this section of highway.
- E. The City of Kelowna has already given notice that they are requiring a cash contribution from the developer towards the upgrading of the intersection of Springfield Road/ Dilworth Drive.
- F. If the Ministry is ultimately requesting some form of physical improvement on the highway as a result of the proposed Underhill Street development, it is recommended that the


developer be asked to add an eastbound right turn lane on Highway 97 at Dilworth Drive. This will go a long way to improving the operation and safety of the eastbound traffic flow along Highway 97 since this movement at this intersection is one of the most congested along Highway 97.

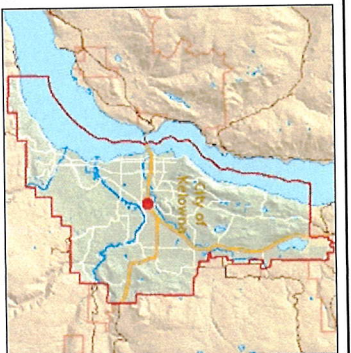
- G. Using the Ministry's guideline of a maximum PFH of 0.95 makes very little difference to the analysis results and makes no difference to the recommended improvements.
- H. The only times that the minimum green time was reduced below the Ministry's standard minimum was for right turn lanes added under background conditions. This analysis was not a requirement of the approved scope for the study.

I trust that this now addresses all of the Ministry's concerns and that this development project can now move forward. Please feel free to contact me if you have any other questions or concerns.

Yours truly,

T. J. WARD CONSULTING GROUP INC.


Trevor J. Ward, P. Eng., M.B.A.
President



Legend



Notes

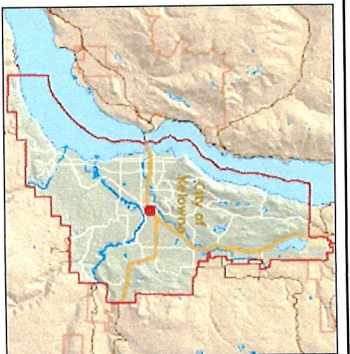
This map is for general information only. The City of Kelowna does not guarantee its accuracy, currency or completeness. All information should be verified.



0 35 70Meters

March 7, 2019

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



Legend



Notes

Neighbour Consultation Form (Council Policy No.367)



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

I, District Development Group, the applicant for Application No. OCP18-0015, Z18-0071

for Change of OCP and Zone to C4

(brief description of proposal)

at 1940 Underhill St. have conducted the required neighbour

(address)

consultation in accordance with Council Policy No. 367.

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

I have consulted property owners and occupants by doing the following: installed development signs on the property

June 13/19, sent a total of 386 mailouts on June 19/19 notifying of the public informaton meeting to all residents within a

50 metre radius, newspaper ads ran in both local papers on June 26 and July 3, public information meeting held on July 10/19

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

Y Location of the proposal;

Y Detailed description of the proposal, including the specific changes proposed;

Y Visual rendering and/or site plan of the proposal;

Y Contact information for the applicant or authorized agent;

Y Contact information for the appropriate City department;

Y Identification of available methods for feedback.

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

CITY OF KELOWNA

BYLAW NO. 11941

Discharge of Land Use Contract LUC76-1039 - (M36871) 1940 Underhill Street

WHEREAS a land use (the "Land Use Contract") is registered at the Kamloops Land Title Office under number M36871 against lands in the City of Kelowna particularly known and described as Lot A, District Lot 127 & 4646, ODYD, Plan KAP74477 (the "Lands"), located on Underhill Street, Kelowna, BC;

WHEREAS Section 546 of the *Local Government Act* provides that a land use contract that is registered in a Land Title Office may be discharged in the manner specified in the Land Use Contract, by bylaw following a public hearing on the proposed bylaw;

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

1. This Bylaw may be cited for all purposes as "Land Use Contract LUC76-1039 Discharge Bylaw".
2. The Land Use Contract is hereby cancelled and of no further force and effect and the City of Kelowna is hereby authorized and empowered to apply for the discharge of the Land Use Contract from the Lands.

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

CITY OF KELOWNA

BYLAW NO. 11942

Official Community Plan Amendment No. OCP18-0015 1940 Underhill Street

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 Lot A, District Lot 127 & 4646, ODYD, Plan KAP74477 located on Underhill Street, Kelowna, BC, from MRH – Multiple Unit Residential (High Density) & EDINST (Education / Major Institutional) to MXR – Mixed Use (Residential / Commercial) 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. 11943
Z18-0071 – 1940 Underhill Street

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, District Lot 127 & 4646, ODYD, Plan KAP74477 located on Underhill Street, Kelowna, BC, from the P2 – Education and Minor Institutional zone to the C4 – Urban Centre Commercial zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

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: October 7, 2019

To: Council

From: City Manager

Department: Development Planning

Application: TA19-0014 & Z19-0070

Owner: Summit Real Estate Holdings Ltd., No. BC 1098449

Address: 1920-1936 Summit Dr

Applicant: The Heartland Group

Subject: Rezoning and Text Amendment Application

Existing Zone: CD3 - Comprehensive Development 3

Proposed Zone: CD3rcs - Comprehensive Development 3 (Retail Cannabis Sales)

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA19-0014 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Development Planning Department dated September 30, 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. TA19-0014 be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

AND THAT Rezoning Application No. Z19-0070 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of all land shown on the Strata Plan EPS4570, located at 1920-1936 Summit Dr, Kelowna, BC from the CD3 - Comprehensive Development 3 zone to CD3rcs - Comprehensive Development 3 (Retail Cannabis Sales) be considered by Council;

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

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

- The proposed location meets local government bylaw requirements and as such, no negative impact is anticipated;
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached; and

Local government recommends that the application be approved because of compliance with local regulations and policies.

2.0 Purpose

To amend the CD3 zone to allow for retail cannabis sales as a primary use and to rezone the subject property from CD3 - Comprehensive Development 3 zone to CD3rcs - Comprehensive Development 3 zone (Retail Cannabis Sales) to facilitate the development of a retail cannabis sales establishment.

3.0 Development Planning

Development Planning Staff recommend support for the rezoning and text amendment application to allow for a retail cannabis sales establishment on the subject property. A text amendment is required to add retail cannabis sales as a primary use in Area 2 – the commercial portion – of the existing CD3 zone. The additional use is consistent with the Future Land Use Designation for the property and the proposal complies with Zoning Bylaw regulations regarding the retail cannabis sales use. There are no other retail cannabis sales establishments located or proposed within 500 m of the property.

The application was processed following the initial intake of retail cannabis sales rezoning applications. As such, it was evaluated with the City's standard rezoning process, established in the Development Application Procedures Bylaw.

Should Council support the proposed text amendment and rezoning bylaws, Staff would send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch indicating support for issuance of a non-medical cannabis retail store license for this property.

The application meets the Zoning Bylaw No. 8000 and there are no variances being requested. Further, the applicant has confirmed the completion of public notification in accordance with Council Policy No. 367.

4.0 Proposal

4.1 Project Description

A retail cannabis sales establishment is proposed in an existing ground-floor commercial retail unit.

4.2 Site Context

The property is located in Glenmore and has a Future Land Use Designation of Commercial. The surrounding area has a mix of residential uses and densities as well as retail and personal service use. A retail liquor sales establishment is located on the same property and is an identified sensitive use.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD3- Comprehensive Development 3	Apartment housing
East	CD27- Comprehensive Development 27	Apartment housing
South	P3- Parks and Open Space	Participant recreation services, outdoor
West	RU1- Large Lot Housing	Single dwelling housing

Subject Property Map:



5.0 Technical Comments

5.1 Development Engineering Department

The application does not compromise any municipal infrastructure.

6.0 Application Chronology

Date of Application Received: November 27, 2018

Date Public Consultation Completed: July 15, 2019

Report prepared by: Jocelyn Black, Planner Specialist

Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Site Plan

Schedule A: Amendments to City of Kelowna Zoning Bylaw No. 8000

Schedule I – Site Plan

Including showing how security and all bylaw requirements are being met # Z19-0070/TA190014

ATTACHMENT

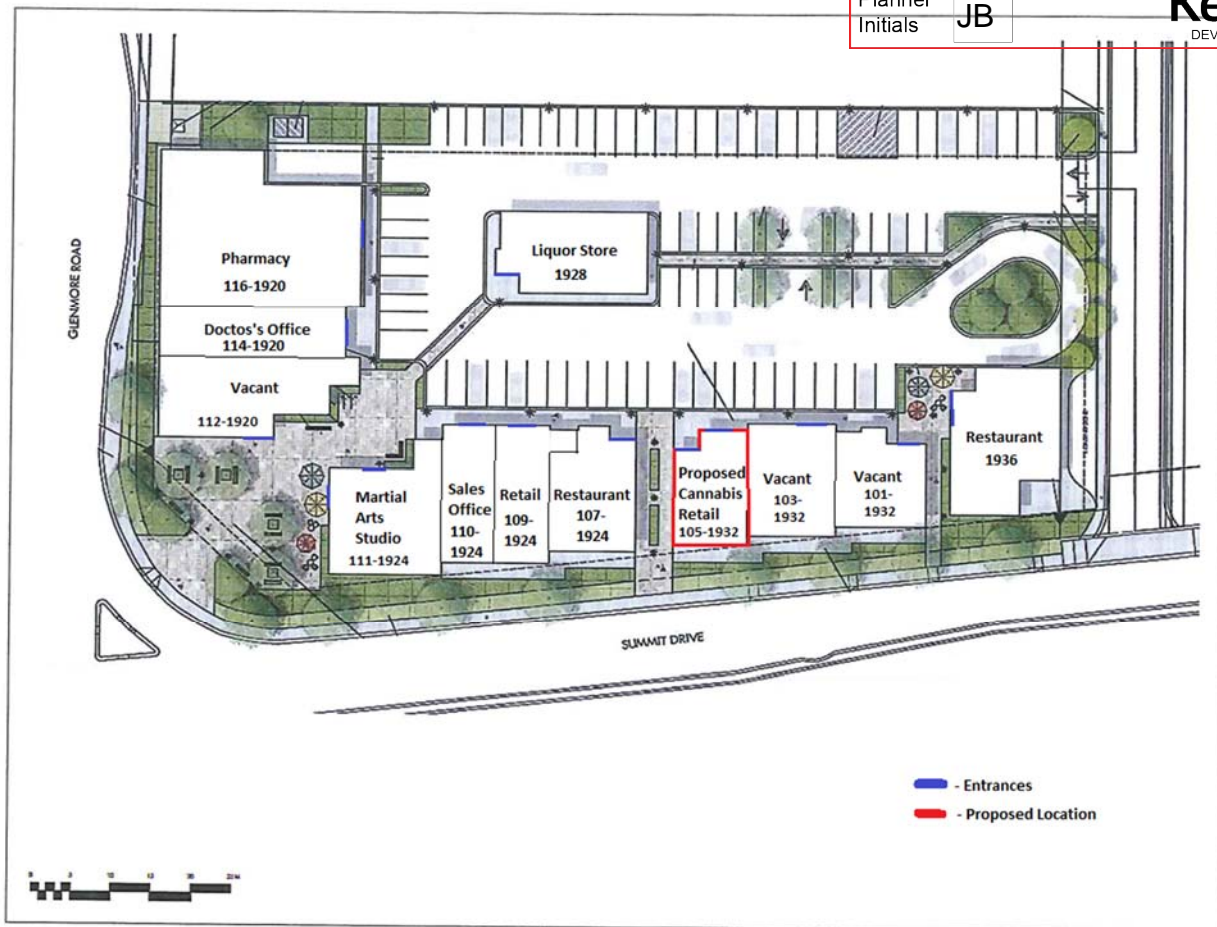
A

This forms part of application

Z19-0070/TA190014

Planner
Initials JB

City of
Kelowna
DEVELOPMENT PLANNING



SCHEDULE "A" – Amendments to City of Kelowna Zoning Bylaw No. 8000

TA19-0014

Zoning Bylaw No. 8000				
No.	Section	Existing Text	Proposed Text	Rationale
	Schedule B- Comprehensive Development Zones	Schedule B- Comprehensive Development Zones	Schedule B- Comprehensive Development Zones	
1.		<p>1.2 Permitted Uses</p> <p>The permitted principal uses in Area 2 of this zone, as shown on Figure CD 3.1, are:</p> <p>Child care centre, major</p> <p>Community recreation services</p> <p>Financial services</p> <p>Food primary establishment</p> <p>Health services</p> <p>Liquor primary establishment, minor</p> <p>Offices</p> <p>Participant recreation services, indoor,</p> <p>Personal service establishments</p> <p>Public libraries and cultural exhibits</p> <p>Retail liquor stores</p> <p>Retail stores, convenience</p> <p>Retail stores, general</p>	<p>1.2 Permitted Uses</p> <p>The permitted principal uses in Area 2 of this zone, as shown on Figure CD 3.1, are:</p> <p>Child care centre, major</p> <p>Community recreation services</p> <p>Financial services</p> <p>Food primary establishment</p> <p>Health services</p> <p>Liquor primary establishment, minor</p> <p>Offices</p> <p>Participant recreation services, indoor,</p> <p>Personal service establishments</p> <p>Public libraries and cultural exhibits</p> <p>Retail cannabis sales establishment</p> <p>Retail liquor stores</p> <p>Retail stores, convenience</p> <p>Retail stores, general</p>	<p>Addition of retail cannabis sales as a primary use in Area 2</p>

CITY OF KELOWNA

BYLAW NO. 11944

TA19-0014 – CD3 Comprehensive Development Three - Zone 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 Schedule 'B' – Comprehensive Development Zones, CD3 – Comprehensive Development Three, Section 1.2 – Permitted Uses, The permitted principal uses in Area 2 of this zone, as shown on Figure CD 3.1, are:** be amended by adding the following in its appropriate location:

"Retail cannabis sales establishment"

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

CITY OF KELOWNA
BYLAW NO. 11945
Z19-0070 – 1920-1936 Summit Drive

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 all land shown on the Strata Plan EPS4570, located on Summit Dr, Kelowna, BC from the CD3 - Comprehensive Development 3 zone to the CD3rcs - Comprehensive Development 3 (Retail Cannabis Sales) zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on

Read a second and third time by the Municipal Council this

First, second and third readings rescinded by the Municipal Council this

Mayor

City Clerk

REPORT TO COUNCIL



Date: October 7, 2019

To: Council

From: City Manager

Department: Development Planning - Urban

Application: HRA18-0001 **Owner:** Davara Holdings Ltd., Inc. No. BCo797640

Address: 1781 Abbott Street **Applicant:** Davara Holdings Ltd., Inc. No. BCo797640

Subject: Heritage Revitalization Agreement

Heritage Register: Included

1.0 Recommendation

THAT Council consider designation of the building located at Lot 2, District Lot 14, ODYD, Plan 2614, located at 1781 Abbott Street, Kelowna, BC, commonly known as the "Murchison House" as Designated Heritage Buildings to Section 611 of the Local Government Act;

AND THAT Council consider a Bylaw which would authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for Lot 2, District Lot 14, ODYD, Plan 2614, located at 1781 Abbott Street, Kelowna, BC, in the form attached as Schedule A to the Report from the Development Planning Department dated October 7, 2019;

AND THAT the Heritage Designation Bylaw No. 11946 be forwarded to a Public Hearing for further consideration;

AND THAT the Heritage Revitalization Agreement Authorization Bylaw No. 11923 be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Heritage Revitalization Agreement Authorization Bylaw No. 11923 be considered subsequent to the Heritage Designation Bylaw No. 11946 being adopted for the Murchison House;

AND FURTHER THAT the Heritage Revitalization Agreement conditions outlined in Attachment D to the Report from the Development Planning Department dated November 14, 2018 be completed prior to adoption of the Heritage Revitalization Agreement Authorization Bylaw No. 11923.

2.0 Purpose

To consider a Heritage Designation Bylaw to formally protect the Murchison House, and to consider a Heritage Revitalization Agreement to rehabilitate and reconfigure the heritage asset into office commercial space, and to allow two dwelling housing in a proposed new semi-detached house on the subject property.

3.0 Development Planning

Staff support the Heritage Designation (HD) and the Heritage Revitalization Agreement (HRA) for the subject property. The applicant has applied to have the existing heritage building, known as the Murchison House designated with an HD Bylaw. This will ensure long-term protection of the heritage asset through municipal bylaw, a power afforded to municipalities by the Local Government Act. Once the property is designated by bylaw, the owner must obtain a Heritage Alteration Permit to make any exterior alterations in the future. This is an acknowledgment that some changes to the protected heritage property will be inevitable over time as heritage buildings must be useful and safe like any other.

The Official Community Plan (OCP) encourages the formal protection of heritage buildings and the consideration of adaptive reuse as a strategy to facilitate it. In exchange for restoring and protecting the heritage building, the property owner is proposing an HRA, which is a formal, written agreement with the City regarding the subject property's land use regulations. An HRA is a powerful and flexible tool under the Local Government Act to suit unique properties and situations. The terms of the agreement will supersede the Zoning Bylaw and propose specific use, density and siting regulations (e.g. landscaping and parking) for mutual benefit between the property owner and City.

The land use and development regulations for the HRA were developed by Staff in collaboration with the applicant. The proposed rehabilitation and adaptive reuse of the heritage building to an office commercial space will be carried out consistent with national heritage standards outlined in the Standards and Guidelines for the Conservation of Historic Places in Canada with the process monitored by a third-party Registered Heritage Consultant.

Given the application timing, the City's Heritage Advisory Committee (HAC) was not in operations, and so in lieu of that typical review, the applicant was required to retain the services of a Registered Heritage Consultant to review and comment on the proposed design (Attachment B). The Heritage Consultant identified that the proposal meets several key Heritage Conservation Area Guidelines and is generally in keeping with the Standards and Guidelines for the Conservation of Historic Places in Canada. Additionally, the proposal is consistent with the City of Kelowna's Adaptive Reuse Guidelines for Residential Heritage Buildings, with its residential component and scale of use.

The residential and modest commercial mixed-use concept is supported by Staff given the subject property's corner location and general proximity to the Downtown, which is in keeping with the OCP's sustainability and urban infill objectives. It is expected to attract residents who want to live close to their place of work, and a small office that is compatible with the neighbourhood setting.

In summary, Staff agree with the Heritage Consultant's professional opinion, that the proposal represents a *"thoughtful and creative development proposal that is a good model of conservation and evolution for a historic neighbourhood"*¹.

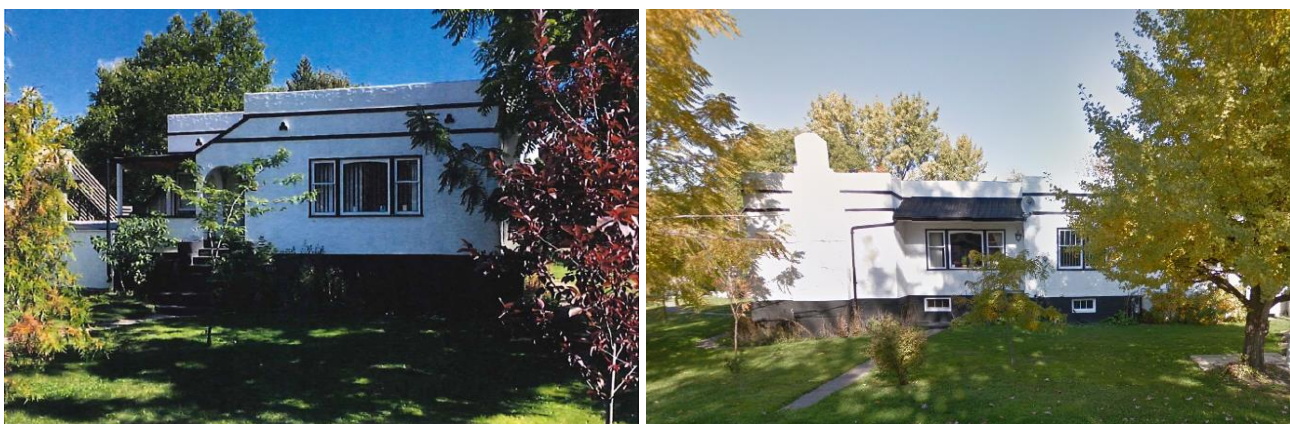
4.0 Proposal

¹ Ance Building Services Co. Inc. – The Heritage Consultant Report, March 29, 2019

4.1 Background

The subject property is located in the Abbott Street Heritage Conservation Area (HCA) and is included on the City of Kelowna's Heritage Register. As detailed in the Heritage Consultant's report, the subject heritage house is a *"unique heritage asset on Kelowna's Heritage Register. It represents the interwar development period in Kelowna when undeveloped residential lots near Kelowna's downtown were being infilled with houses, introducing new architectural styles to the city including Revival styles"*¹.

Built in 1939 for prominent businessman Earle E. Murchison, the Abbott Street and Marshall Street Heritage Conservation Area Guidelines identify the Murchison House as a "Mediterranean Revival" style house. The Murchison House was built at a time when the *"Abbott Street neighbourhood was mostly filled in with earlier residences, and so its non-conforming Moderne design contributes to the eclectic character of the area"*. Furthermore, the heritage value of the subject property and the heritage house *"lies in the building's unique design, its association with Murchison and his business Orchard City Motors, as a long-term home for Murchison (1939 until his death in 1972), and for its unaltered exterior"*¹.



Figures 1 (left): Current eastern (Abbott Street) facing façade. Figure 2 (right): Current northern (Riverside Avenue) facing façade of Murchison House located at 1781 Abbotts Street.

4.2 Project Description

The applicant provided a letter of rational and proposed work plan outlining how the character defining elements of the rehabilitation and restoration measures will be met (Attachment A). The applicant's proposed adaptive reuse for the Murchison Property consist of the following key objectives:

1. rehabilitate and reconfigure the existing Murchison House to accommodate for commercial office use, and;
2. construct a new two-dwelling infill housing on the subject property.

Murchison House:

A primary design goal of the overall project is to keep the heritage building as the primary feature on the subject property and continue to contribute to the Abbott Street HCA. To achieve this goal, the elevation of Murchison House that is currently facing Riverside Avenue will be reoriented to face Abbott Street by repositioning the house onto a new foundation. The proposed new siting will bring the house closer to both

¹ Murchison House Statement of Significance, City of Kelowna Heritage Register.

Riverside Avenue and Abbott Streets. The relocation plan (Figure 3) shows the current footprint outlined in a dashed black line and the proposed new siting and orientation in grey.

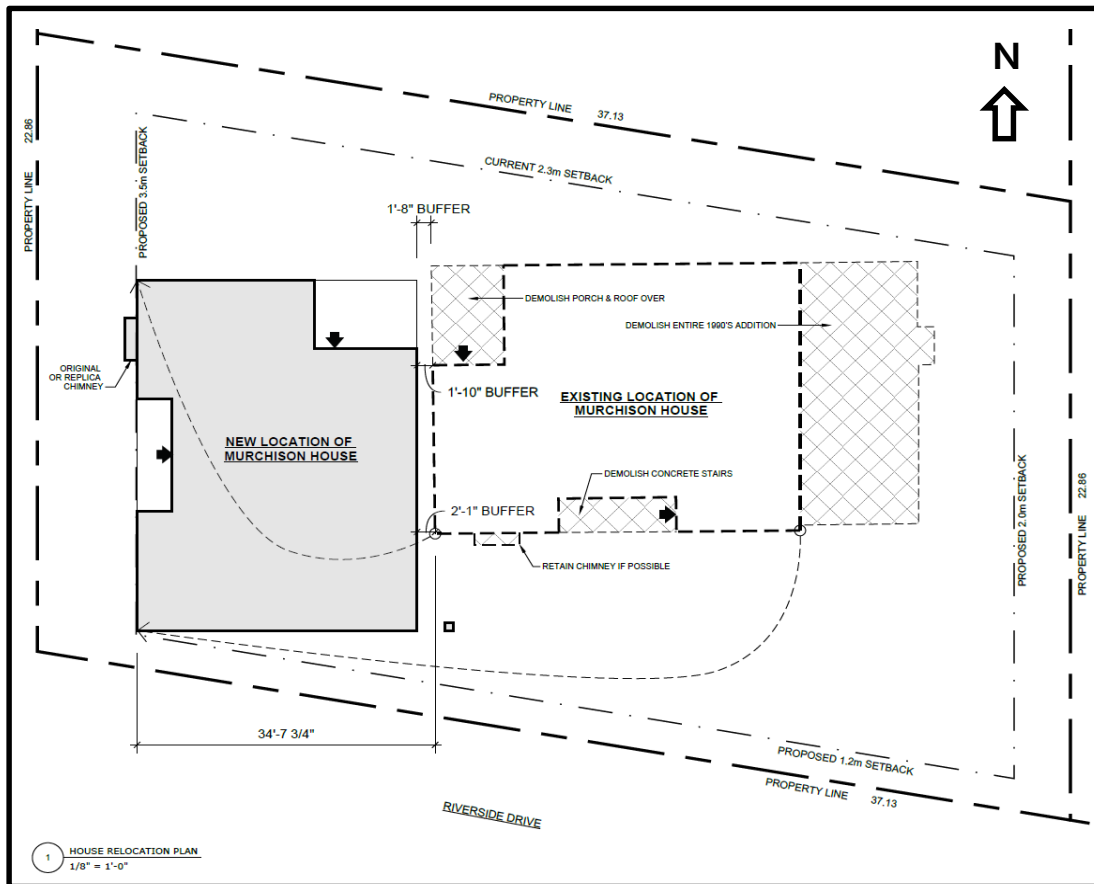


Figure 3: Proposed relocation and orientation of the Murchison House on the subject property.

The size and height of the heritage building will not change, with the exception of an addition to the house that was made in 1994, which will be removed. As the subject property is located within the Mill Creek Flood Plain, the existing basement will be converted to a crawlspace, as a result decreasing the overall floor area of the building. The commercial floor area will be 118 m², which is within the recommended maximum for adaptive reuse along local roads.

The exterior heritage rehabilitation and restoration of the Murchison House will be consistent with the Statement of Significance as set out in the City of Kelowna Heritage Register and according to best practices established in the Standards and Guidelines. As part of the HRA, the applicant has agreed to follow the heritage rehabilitation and restoration recommendations as outlined in the Heritage Consultant's report. Any deviations or changes from the outlined recommendations will first be reviewed and approved by the Heritage Consultant prior to proceeding.

Finally, the Murchison House will have a Heritage Designation as a function of this application, providing a benefit to the City and ensure long term preservation. The designation would allow the applicant to apply for tax incentives through the Heritage Building Tax Incentive Program, which is proposed to be submitted in conjunction with a building permit at a later date.

Infill Housing:

The relocation and reorientation of the Murchison House will create ample space along the eastern portion of the lot to allow for the construction of a duplex house. All vehicular access will be from Riverside Avenue.

Private outdoor living spaces between the units and Riverside Avenue are designed to act as a buffer in addition to setting back one of the units, as a result breaking up the building's street elevation and perceived mass (Figure 4).

Overall Site:

The applicant has worked with Staff to improve both the on-site and boulevard landscape design. Landscaping on the property reflects elements of the Abbott Street Recreational Corridor streetscaping. A row of small deciduous trees will be planted along the eastern property boundary to create privacy with other trees on the site creating attractive outdoor spaces for both the neighbouring property to the east and the proposed new infill housing. Additionally, a medium deciduous feature tree will be located at the northwestern corner of the property creating an inviting outdoor sitting area. Similar level of attention is given to the boulevard landscaping improvements along Riverside Avenue. Taking inspiration from the Abbott Street multi-recreational corridor design, the sidewalk to be constructed along Riverside Avenue will be inset with boulevard trees planted adjacent to the road, thus buffering pedestrians from the road and adding shade to the sidewalk.



Figure 4: Rendering illustrating the proposed location of the Murchison House and the new dwelling on the subject property

Site Context

Located at the northern corner of Abbot Street and Riverside Avenue, the subject property is zoned RU1 – Large Lot Housing, is within the Permanent Growth Boundary, and located immediately south of the City Centre Urban Centre. The subject property is a short walk to the Okanagan Lake and several waterfront parks, downtown, and is on major recreational and transit corridors. The neighbourhood to the east, west and south is generally characterized by single detached residential dwellings, some with carriage houses. To the north of the property is Highway 97 and the City Centre. A number of surrounding properties are on the Heritage Register.

Subject Property Map: 1781 Abbott Street. Blue colour denotes properties that are on the Heritage Register.



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 1: Introduction

Goals for a Sustainable Future:

- 1.0 *Contain Urban Growth* – Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.
- 2.0 *Address Housing Needs of All Residents* – Address housing needs of all residents by working towards an adequate supply of a variety of housing.

Chapter 5: Development Process

Objective 5.3: Focus Development to Designated Growth Areas.

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

Objective 5.7: Identify and Conserve Heritage Resource.

Policy .2 Heritage Designation. Encourage owners of properties listed in the Kelowna Heritage Register and identified as significant to voluntarily provide long-term heritage protection to their properties through the use of a Heritage Designation Bylaw.

Policy .3 Heritage Revitalization Agreements. Consider the adaptive reuse of heritage buildings appropriate within any future land use designation, provided that a Heritage Revitalization Agreement is negotiated with the City and provided that the project meets the criteria established for sensitive neighbourhood integration.

Policy .4 Heritage Conservation Areas. Continue to recognize the established heritage conservation areas of Abbott Street and Marshal Street.

Objective 5.22: Ensure Context Sensitive Housing Development

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

Chapter 9 - Heritage Policies

Objective 9.2: Identify and conserve heritage resources.

6.0 Technical Comments

6.1 Development Engineering Department

Please refer to attached Development Engineering Department Memorandum, dated November 14, 2018.

7.0 Application Chronology

Date of Application Received:	November 5, 2018
Date Public Consultation Completed:	March 26, 2019
Date of Registered Heritage Consultant Report Received:	May 14, 2019
Date of Revised Plans Received:	June 20, 2019

Report prepared by:	Barbara B. Crawford, Planner II
Reviewed by:	Laura Bentley, Urban Planning & Development Policy Manager
Approved for Inclusion:	Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Heritage Revitalization Agreement

Schedule B: Site Plan

Schedule C: Elevations, floor plans and colour board

Schedule D: Landscape Plan and estimate

Attachment A: Applicant's Rationale and Renderings

Attachment B: Ance Building Services Co. Inc. Heritage Consultant's Report

Attachment C: Statement of Significance City of Kelowna

Attachment D: Development Engineering Memo, dated November 14, 2019



1 SITE LOCATION

SITE DETAILS		PROPOSED PROJECT	
CURRENT ZONING		AR	
		ADAPTIVE RE-USE	
SITE AREA	METRIC	836.8	9,007.5
	IMPERIAL	22.8	75' "
		37.1	121' 10"
SITE COVERAGE			
	BUILDINGS	25.0%	2,254.0
	DRIVEWAYS AND PARKING	30.7%	2,771.0
	BUILDINGS, DRIVEWAYS, PARKING	55.7%	5,025.0
TOTAL NUMBER OF UNITS		3 (2 residential + 1 commercial)	

BUILDING HEIGHT	METRES	FEET
	6.8	22'-7"
DUPLEX		
EXISTING BUILDING	4.8	15'-10"
BUILDING SETBACKS	METRES	FEET
	4.5	14' 9"
FRONT	1.2	3' 11"
SIDE FLANKING STREET	2.3	7' 7"
SIDE	2.0	6' 7"
REAR		
PARKING STALLS - UNIT COUNT		
	DUPLEX HOUSING	3.0
	COMMERCIAL	3.0
TOTAL		6.0

2 ZONING ANALYSIS

SCHEDULE

This forms part of application

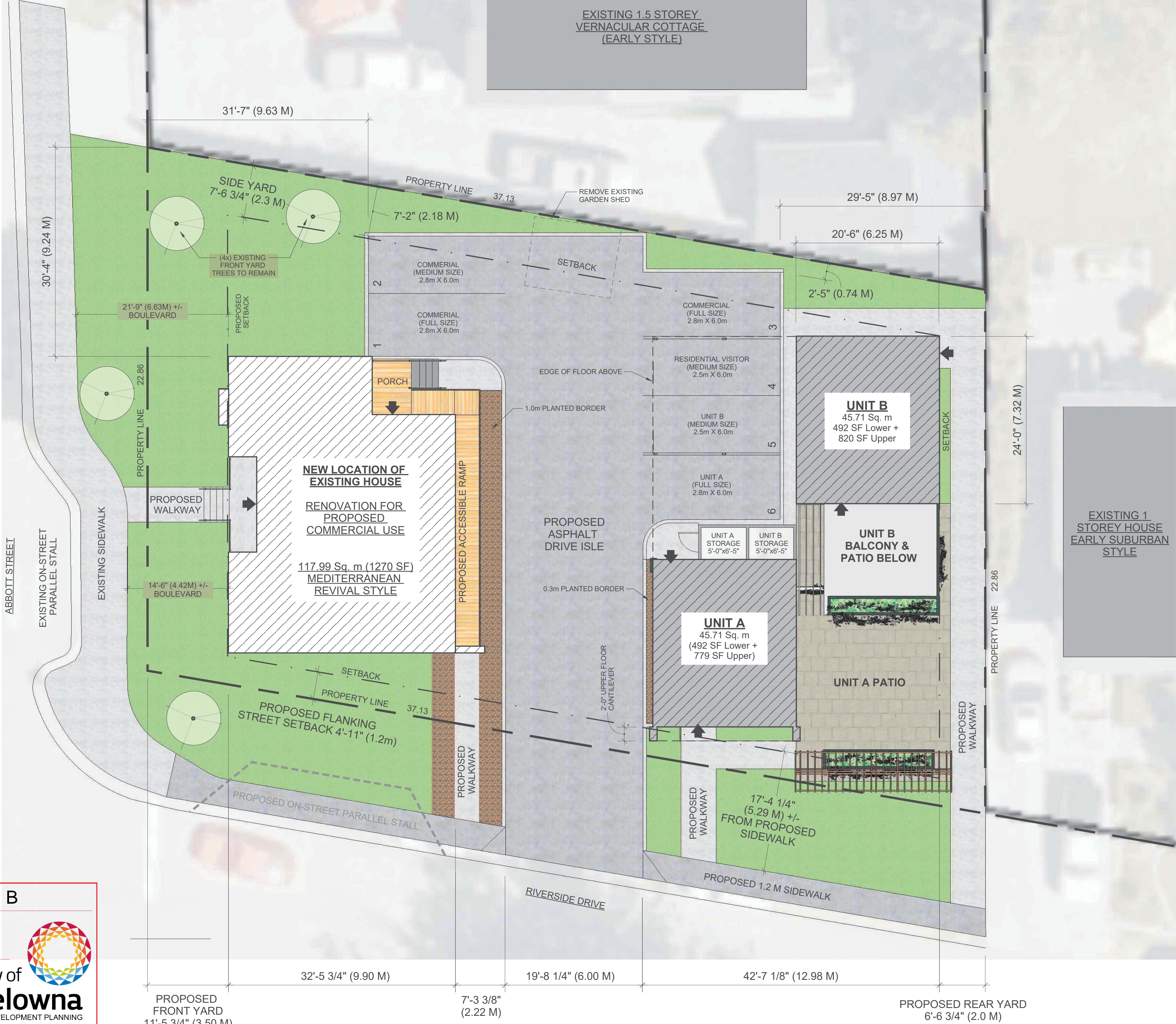
HRA18-0001

Planner Initials

BC

City of Kelowna

DEVELOPMENT PLANNING



3 SITE PLAN
1/8" = 1'-0"

NIDO Design Inc.
203-251 Lawrence Avenue
Kelowna, BC, V1Y 6L2
250.448.4307
hello@nido.design

OWNER / DEVELOPER DAVARA HOLDINGS 911 BORDEN AVENUE KELOWNA, BC 250.575.2994 CONTACT - DAVID SARGENT
DESIGNER NIDO DESIGN 203 - 251 LAWRENCE AVENUE KELOWNA, BC V1Y 6L2 250.448.4307 CONTACT - CLARK WEBB
GENERAL CONTRACTOR SAWCHUK DEVELOPMENTS 486 ADAMS ROAD KELOWNA, BC V1X 7S1 250.765.3838 CONTACT - MARSHALL AZAMA
CIVIL ENGINEER RSB ENGINEERING 1655 ELRIDGE COURT KELOWNA, BC V1W 2Z9 250-450-6597 CONTACT - ROBIN BARNES
LANDSCAPE ARCHITECT OUTLAND DESIGN 206 - 1889 SPALL ROAD KELOWNA, BC V1Y 4R2 250.868.9270 CONTACT - FIONA BARTON

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SITE NORTH	PROJECT NORTH
DATE	ISSUED FOR
2018-03-01	PRELIMINARY SITE PLANNING
2018-07-20	PRELIMINARY FLOOR PLANNING
2018-10-01	HERITAGE REVITALIZATION APPLICATION
2019-06-07	REVITALIZATION D.P. REVIEW

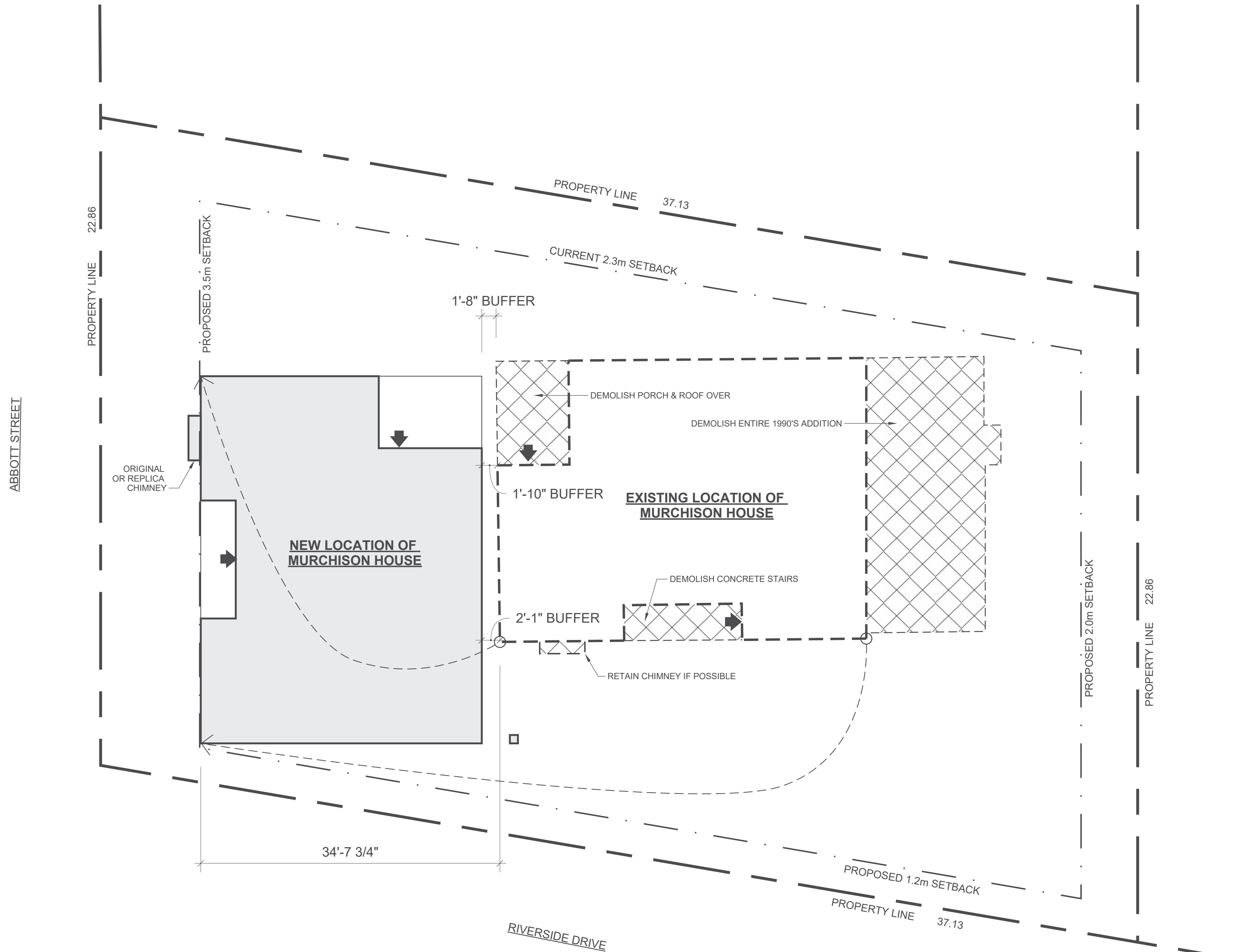
PROJECT TITLE
Murchison House & New Duplex
1781 Abbott Street
Kelowna, BC

SHEET TITLE

Site Plan

SCALE AS NOTED

DRAWING NUMBER



1 HOUSE RELOCATION PLAN
1/8" = 1'-0"

SEQUENCE OF DEMOLITION AND HOUSE MOVING

- 1) DISCONNECT SERVICES TO EXISTING BUILDING
- 2) DEMOLISH 2 SECTIONS OF EXISTING BUILDING, IDENTIFIED ON PLANS
- 3) GUT INTERIOR OF EXISTING BUILDING (EXTERIOR WALL DRYWALL, INSULATION, ELECTRICAL, PLUMBING)
- 4) IF NEEDED, PARTIALLY BACKFILL EXISTING HOUSE BASEMENT TO FORTIFY AGAINST NEW FOUNDATIONS AT THE NEW LOCATION
- 5) EXCAVATE AND PLACE NEW FOUNDATIONS AT THE NEW LOCATION
- 6) STRUCTURALLY PREPARE & FORTIFY EXISTING BUILDING FOR MOVING
- 7) MOVE & ROTATE EXISTING BUILDING CLOCKWISE ON TO NEW FOUNDATION
- 8) DEMOLISH EXISTING FOUNDATIONS AND BACKFILL WITH SUITABLE MATERIAL FOR FUTURE SITE WORK
- 9) REMEDIATE & RENOVATE EXISTING BUILDING TO NEW USE, IDENTIFIED ON PLANS

SCHEDULE **B**

This forms part of application
HRA18-0001

Planner Initials **BC**

City of Kelowna
DEVELOPMENT PLANNING

GENERAL CONDITIONS
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SITE NORTH	PROJECT NORTH
DATE	ISSUED FOR
2018-03-01	PRELIMINARY SITE PLANNING
2018-07-20	PRELIMINARY FLOOR PLANNING
2018-10-01	HERITAGE REVITALIZATION APPLICATION
2019-05-07	REVITALIZATION D.P. REVIEW

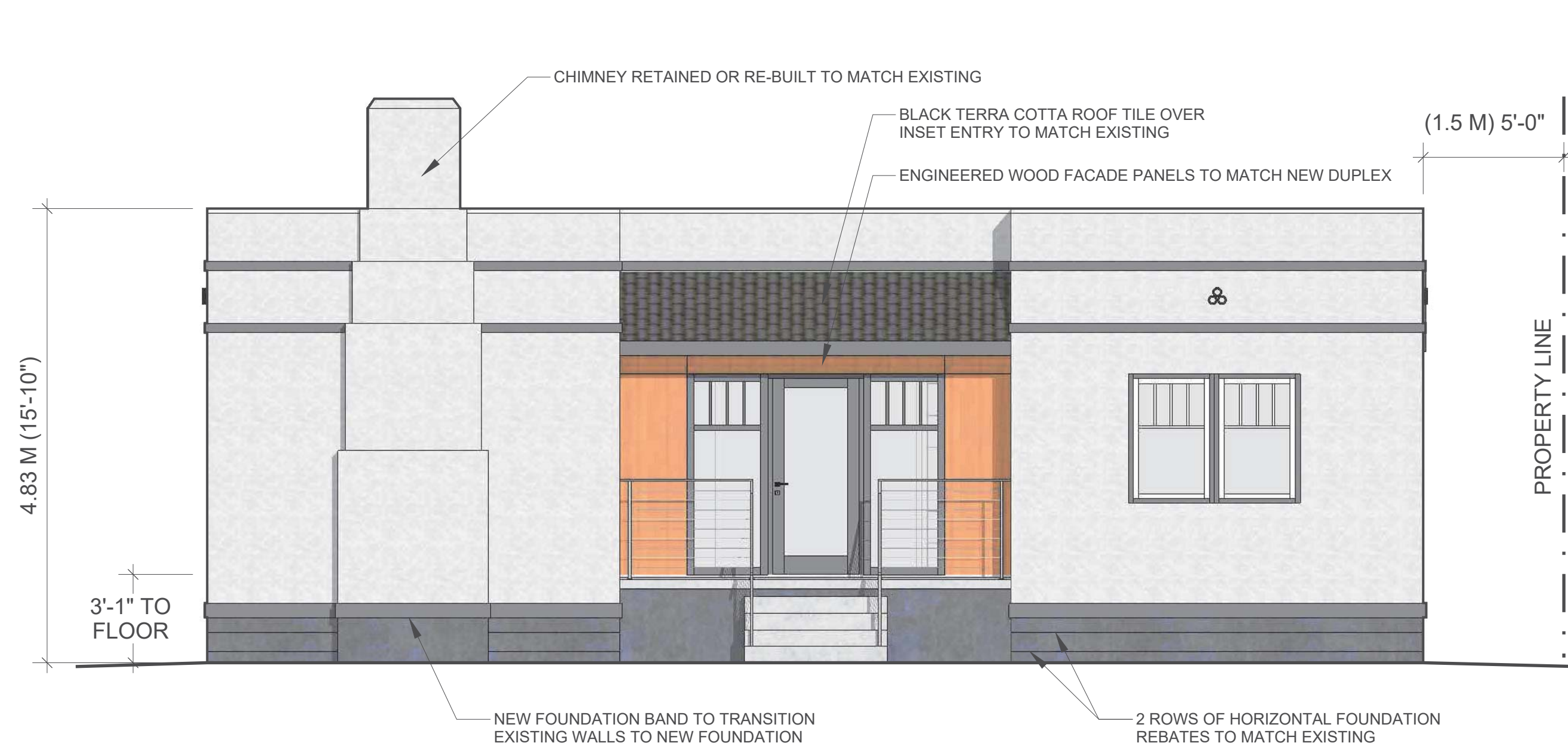
PROJECT TITLE 1802
Murchison House & New Duplex
1781 Abbott Street
Kelowna, BC

SHEET TITLE

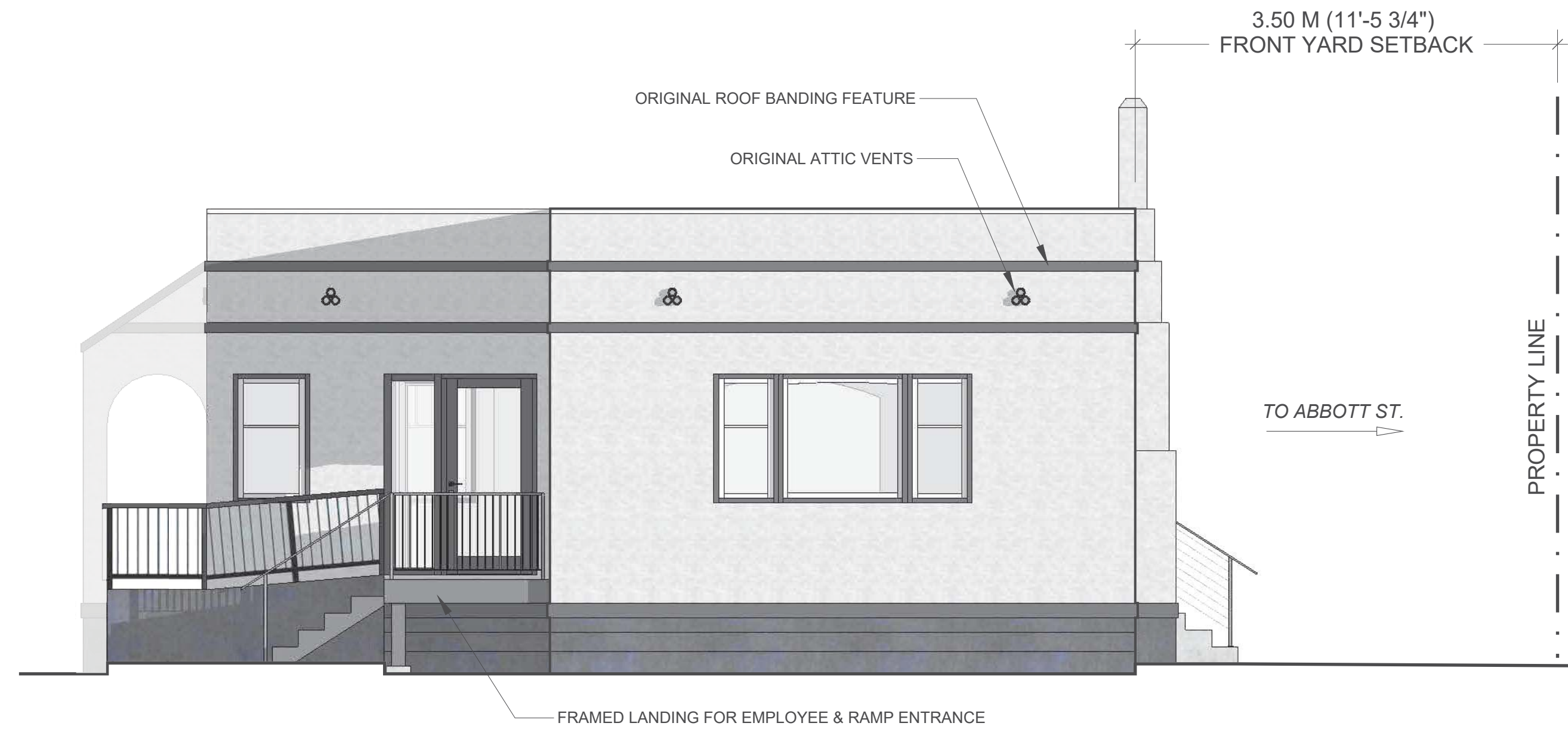
House
Relocation Plan

SCALE

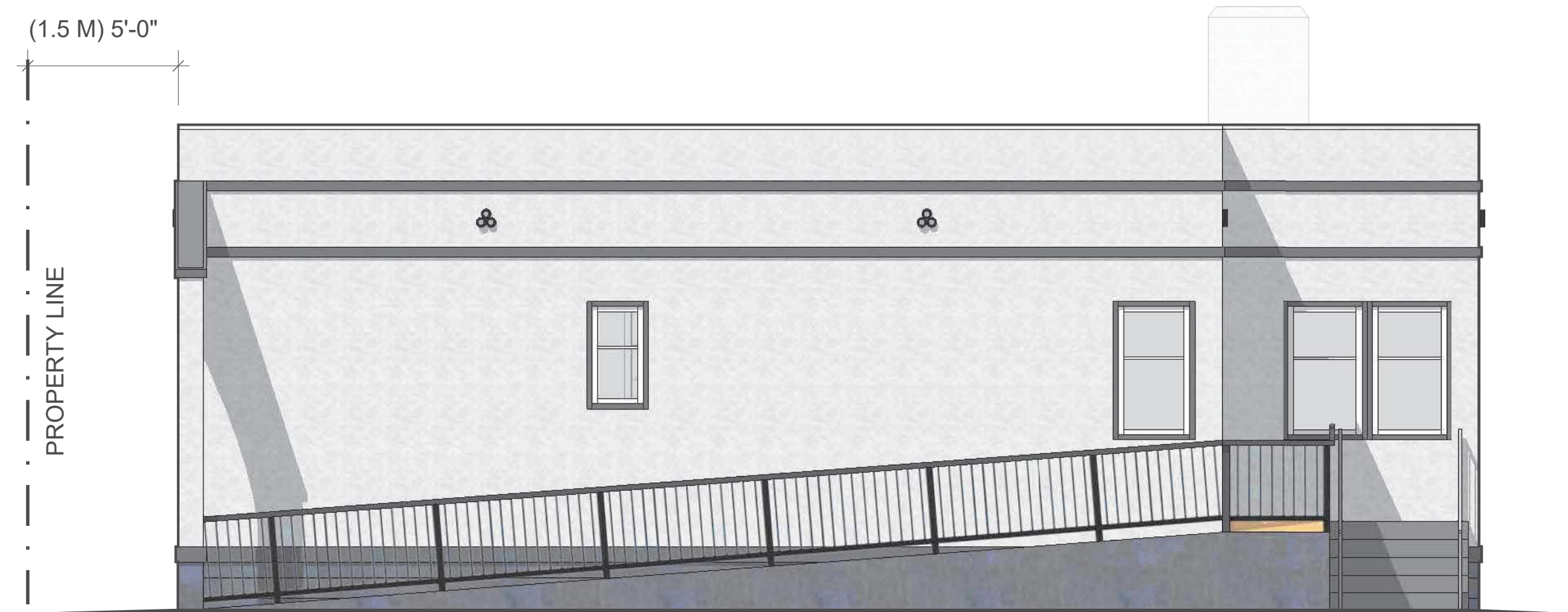
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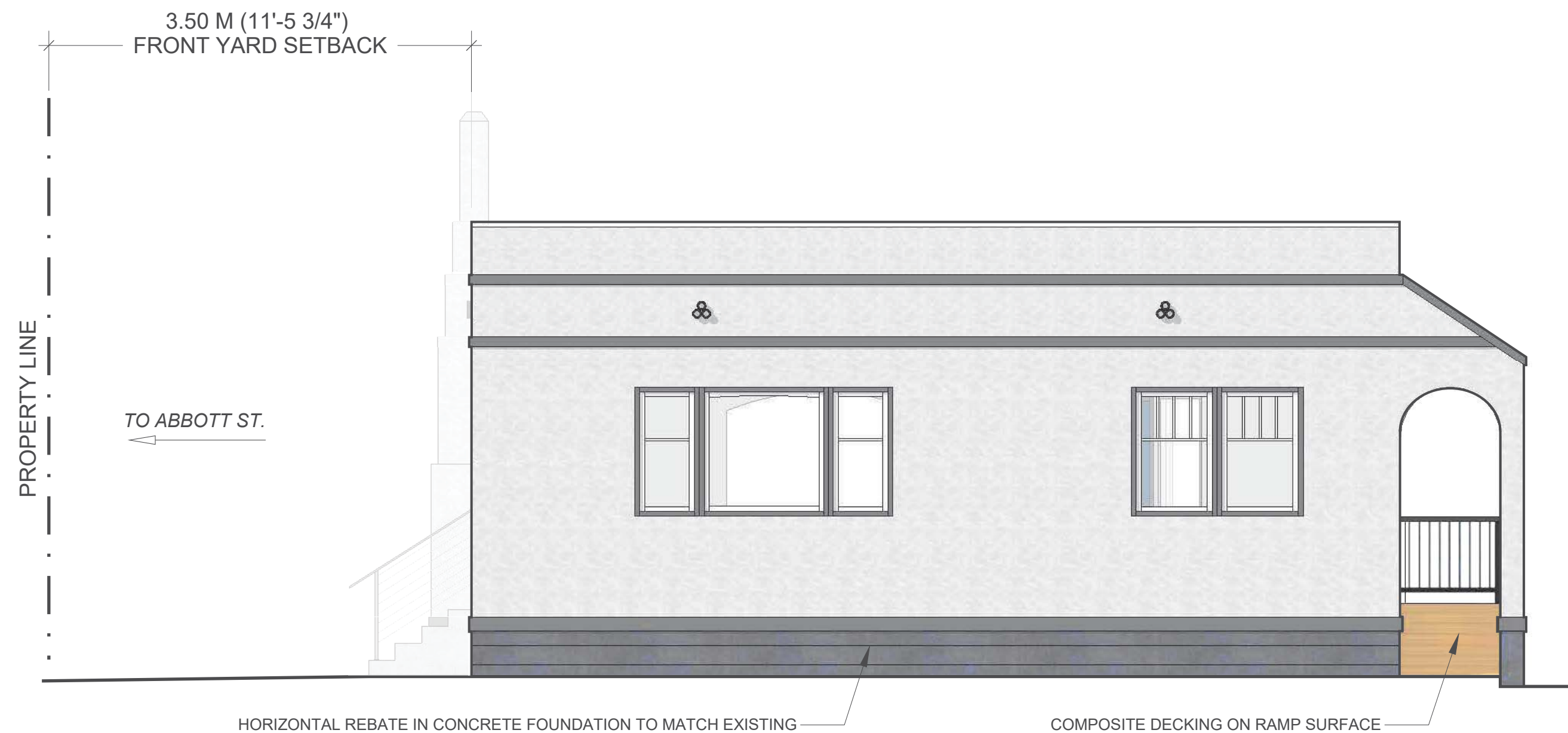
1 WEST ELEVATION
1/4" = 1'-0"



2 NORTH ELEVATION
1/4" = 1'-0"



3 EAST ELEVATION
1/4" = 1'-0"



4 SOUTH ELEVATION
1/4" = 1'-0"

SCHEDULE C

This forms part of application
HRA18-0001

Planner Initials **BC**

City of Kelowna
DEVELOPMENT PLANNING

CLADDING LEGEND

- EXPOSED ARCHITECTURAL CONCRETE STAIRS
- EXISTING or RECREATED STUCCO TO MATCH ORIGINAL COLOUR & TEXTURE
- FOUNDATION PARGING, PAINTED CHARCOAL COLOUR TO MATCH EXISTING

*ALL PREFINISHED METAL FLASHING IN BLACK,
TYPICAL. PARAPET FLASHING TO MATCH STUCCO
*NEW WINDOW COLOUR AND STYLE TO MATCH EXISTING

GENERAL CONDITIONS
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DATE	ISSUED FOR
2018-03-01	PRELIMINARY SITE PLANNING
2018-10-01	HERITAGE REVITALIZATION APPLICATION
2019-05-07	REVITALIZATION D.P. REVIEW

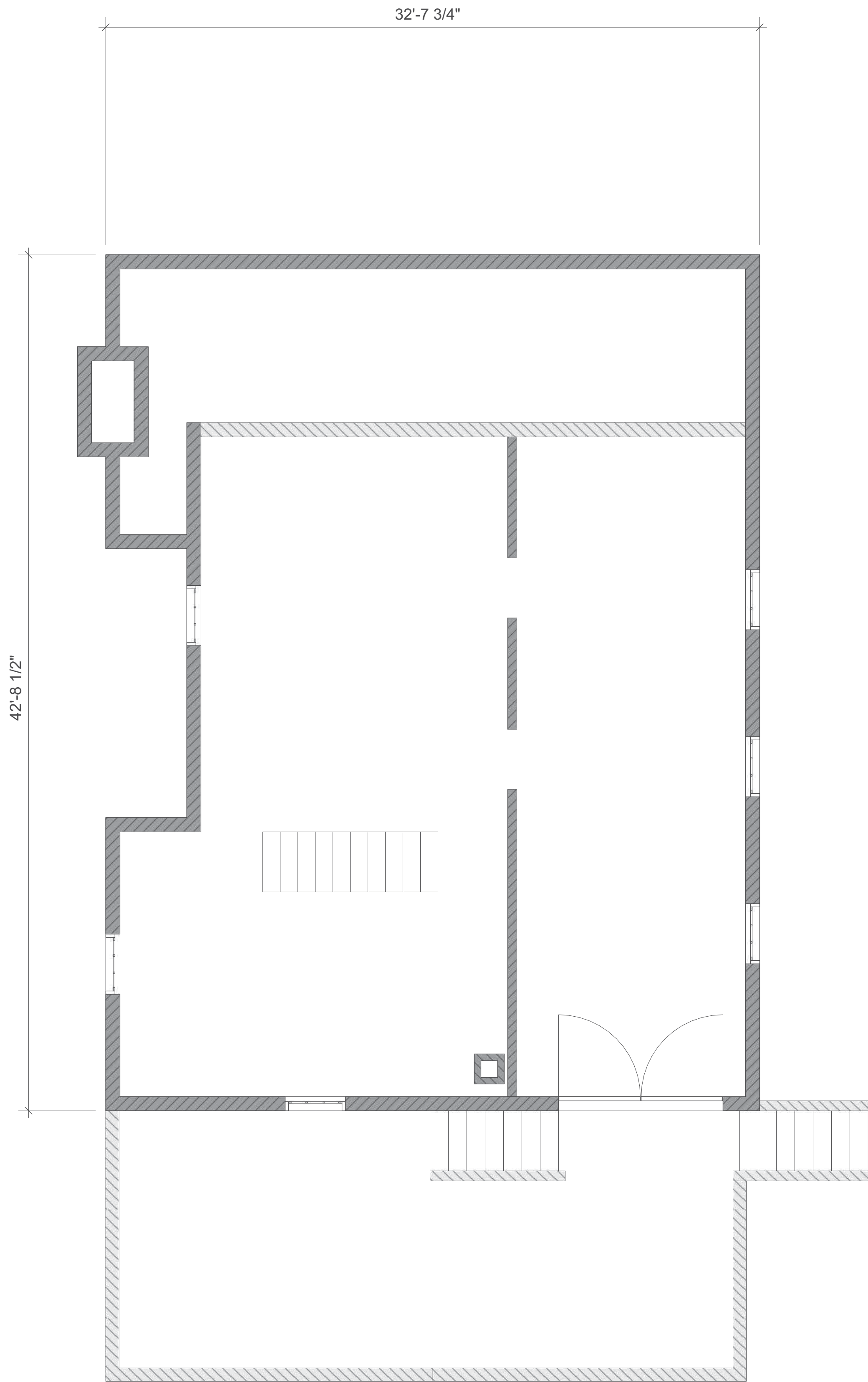
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Heritage House
Renovation
1781 Abbott Street
Kelowna, BC

SHEET TITLE

Elevations

SCALE AS NOTED

DRAWING NUMBER

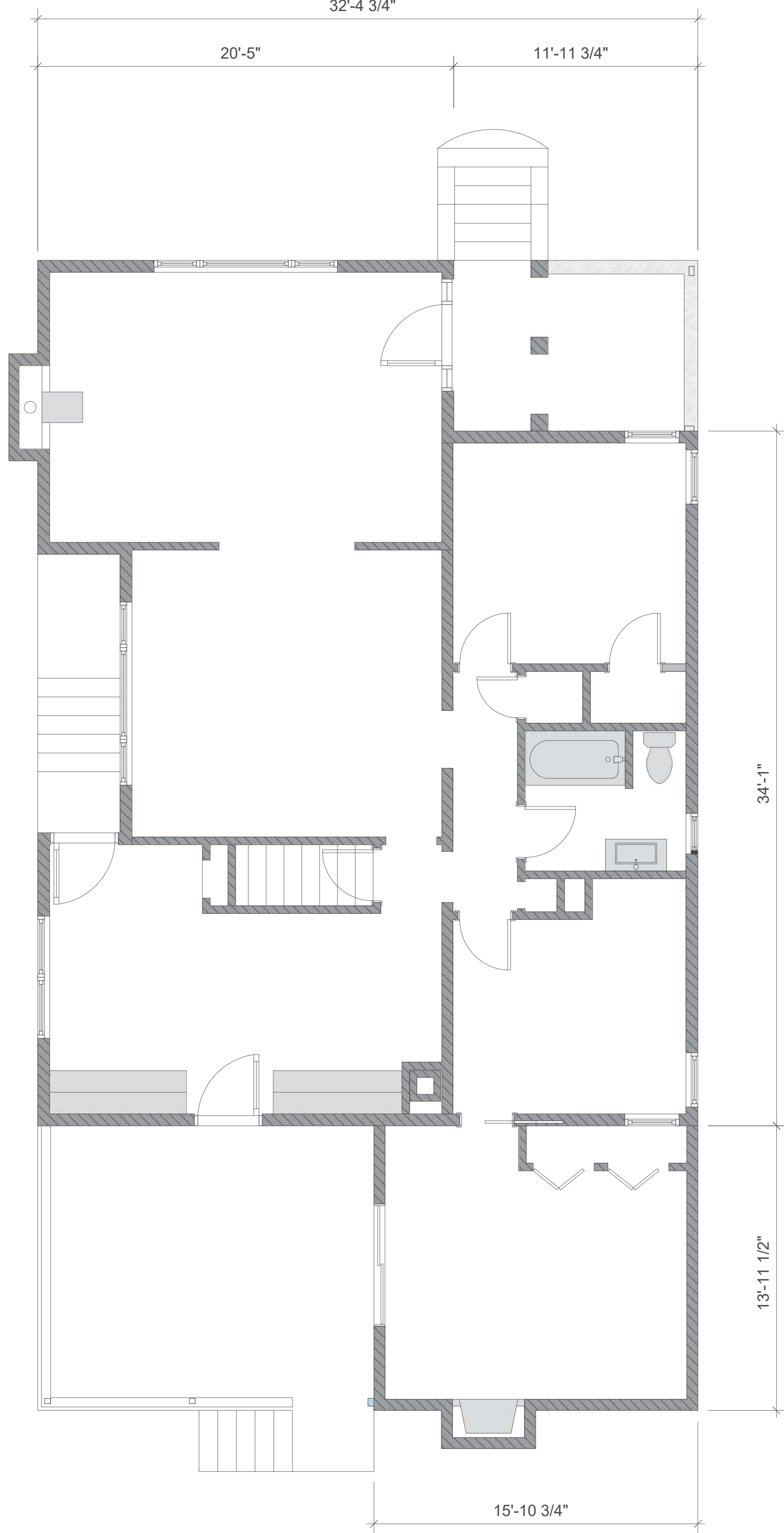


1 LOWER FLOOR / FOUNDATION PLAN
1/4" = 1'-0"

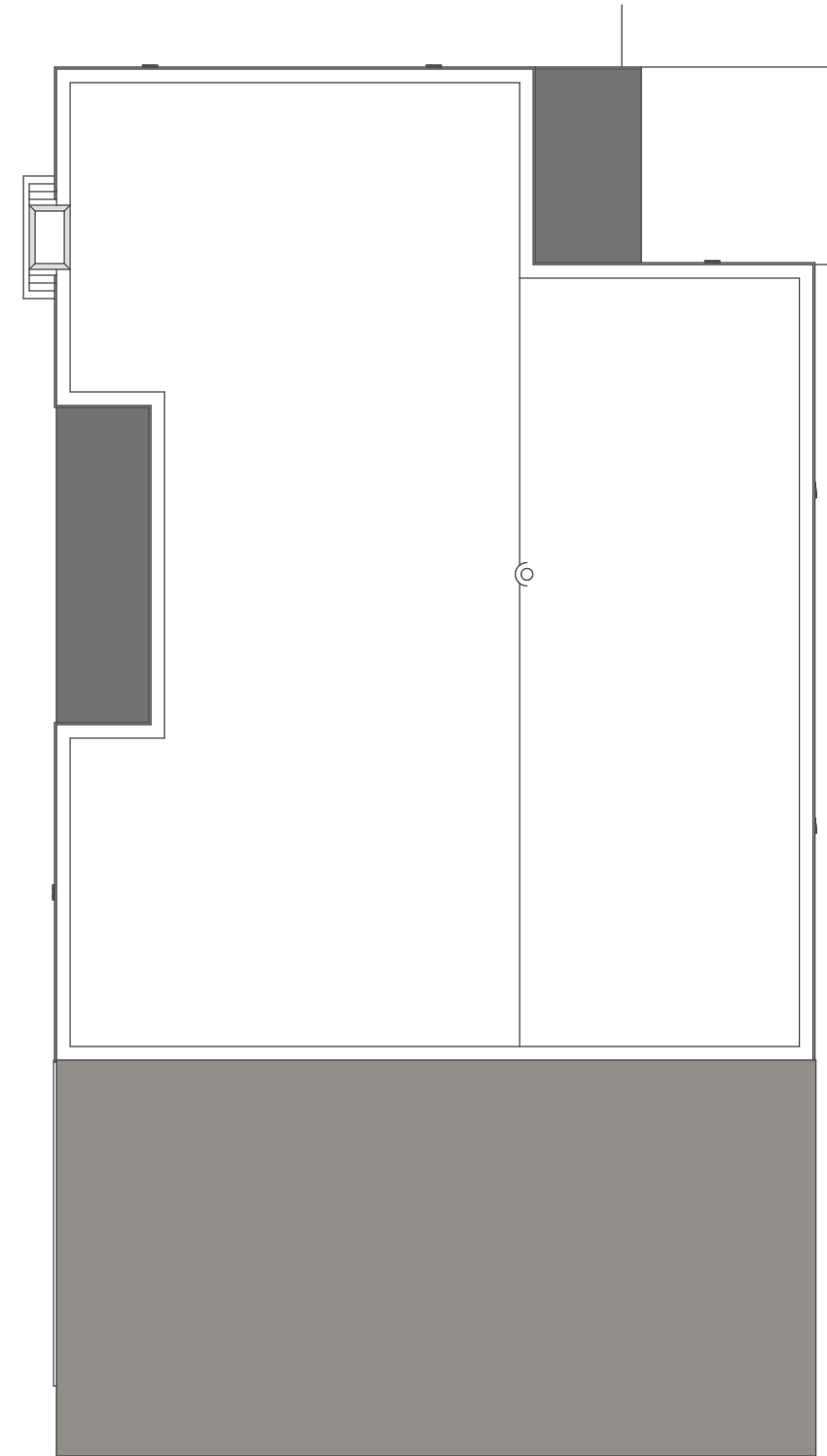
SCHEDULE C

This forms part of application
HRA18-0001

Planner
Initials BC



2 MAIN FLOOR PLAN
1/4" = 1'-0"



3 ROOF PLAN
1/8" = 1'-0"

A. Main Floor Living 1270 SF
B. Lower Floor (Crawlspace) 9 SF
Total Living (A+B) 1,279 SF
C. Exterior Stairs / Ramps 242 SF

GENERAL CONDITIONS

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SITE NORTH PROJECT NORTH



DATE	ISSUED FOR
2018-03-01	PRELIMINARY SITE PLANNING
2018-10-01	HERITAGE REVITALIZATION APPLICATION
2019-05-07	REVITALIZATION D.P. REVIEW

PROJECT TITLE 1802

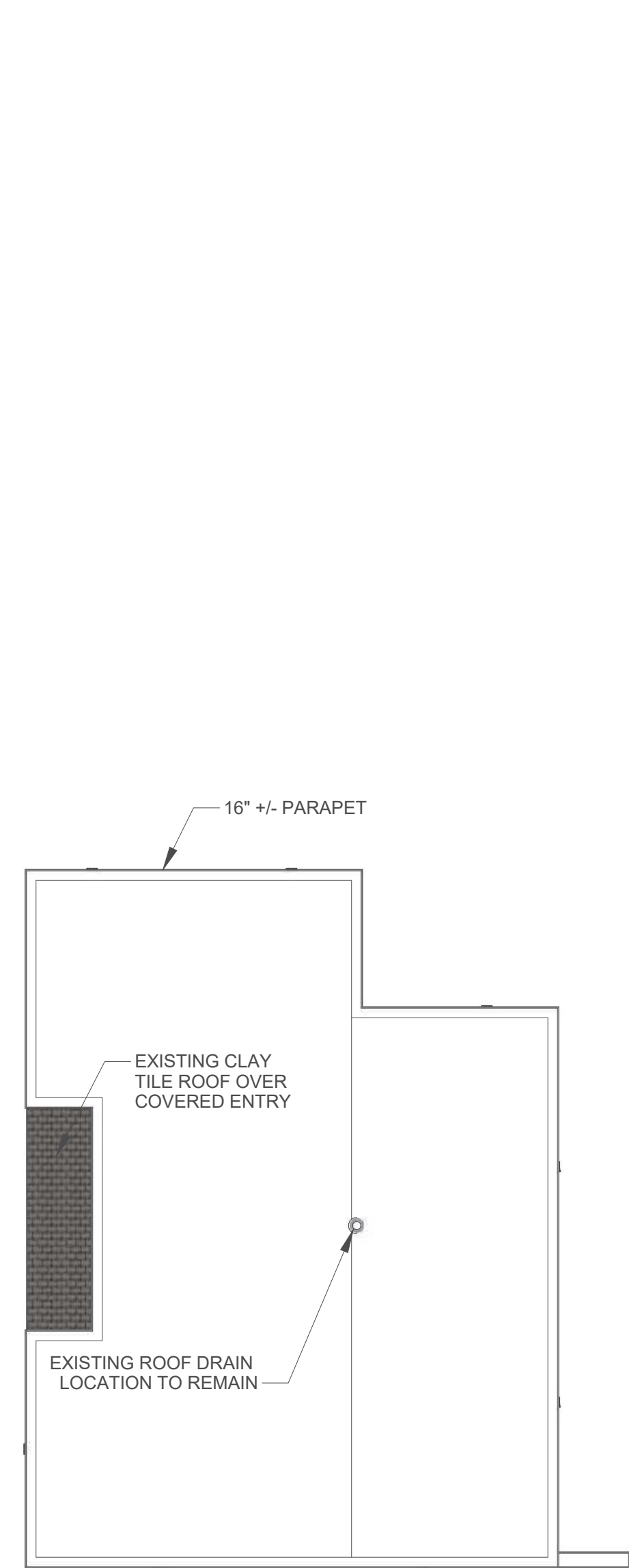
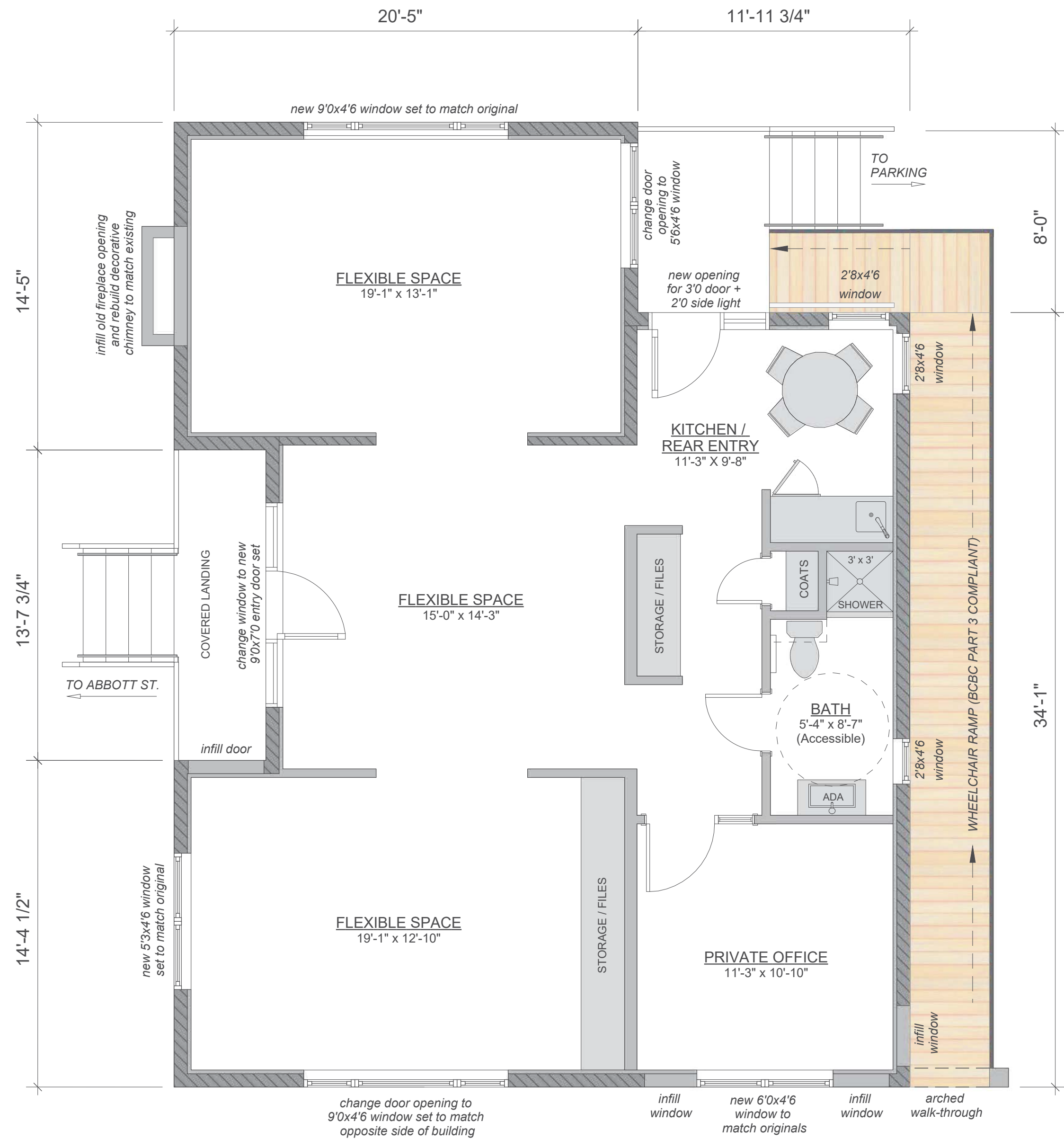
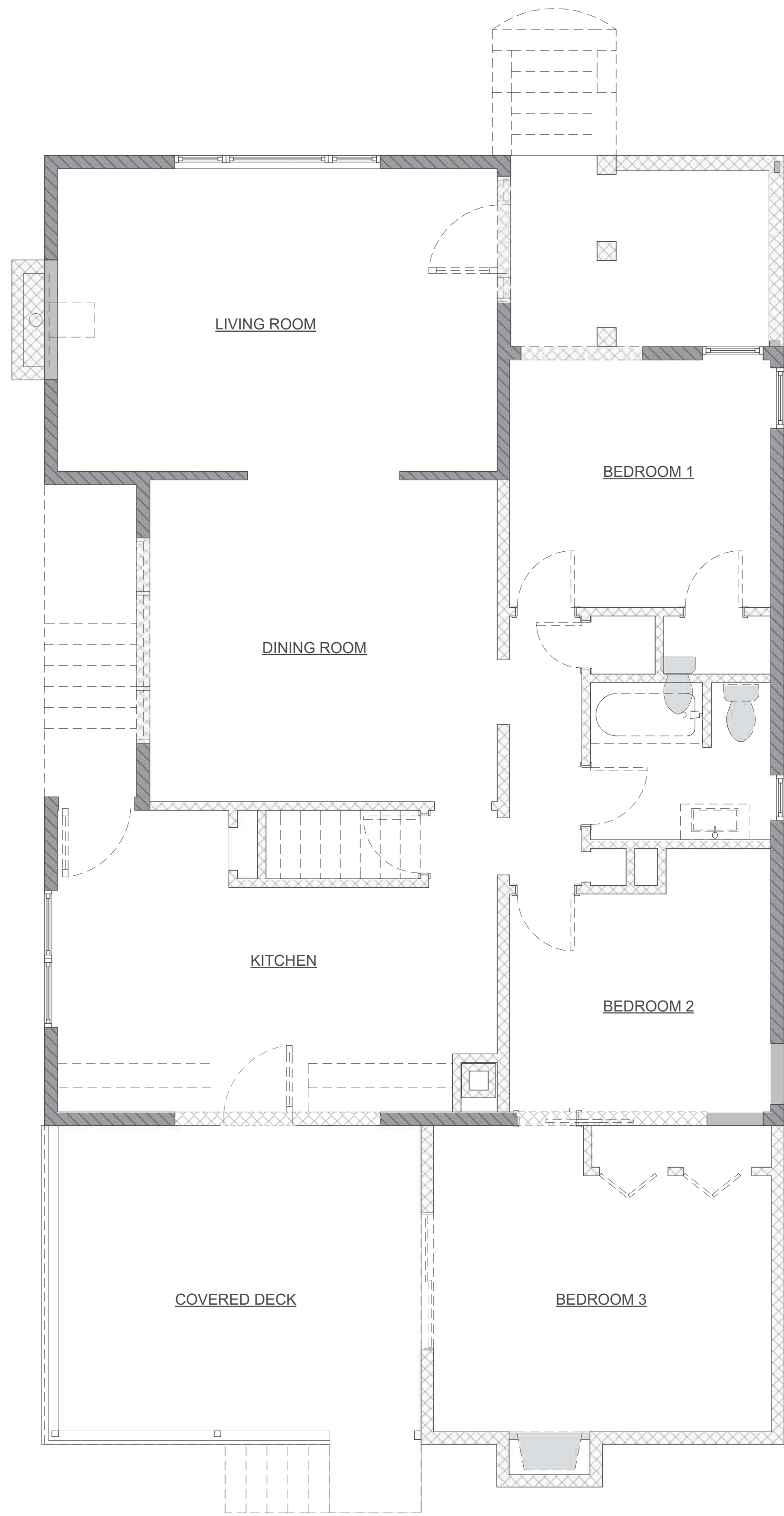
Heritage House
Renovation
1781 Abbott Street
Kelowna, BC

SHEET TITLE

Existing Floor Plans

SCALE AS NOTED

DRAWING NUMBER



EXISTING WALLS / PARTITIONS TO REMAIN
WALLS TO DEMOLISH
NEW PARTITIONS

SCHEDULE C

This forms part of application
HRA18-0001

Planner Initials BC

City of Kelowna
DEVELOPMENT PLANNING

A. Main Floor Living 1270 SF
B. Lower Floor (Crawlspace) 0 SF
Total Living (A+B) 1,270 SF
C. Exterior Stairs / Ramps 242 SF

GENERAL CONDITIONS

Check and verify all critical details and dimensions prior to the start of construction and contact this office if any clarification is required. Written dimensions will always take precedence over scaled dimensions. This drawing must be read in conjunction with all drawings & specs issued for this project. Contractor is responsible to notify designer about conflicting design instructions.

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SITE NORTH PROJECT NORTH



DATE	ISSUED FOR
2018-03-01	PRELIMINARY SITE PLANNING
2018-10-01	HERITAGE REVITALIZATION APPLICATION
2019-05-07	REVITALIZATION D.P. REVIEW

PROJECT TITLE 1802

Heritage House
Renovation
1781 Abbott Street
Kelowna, BC

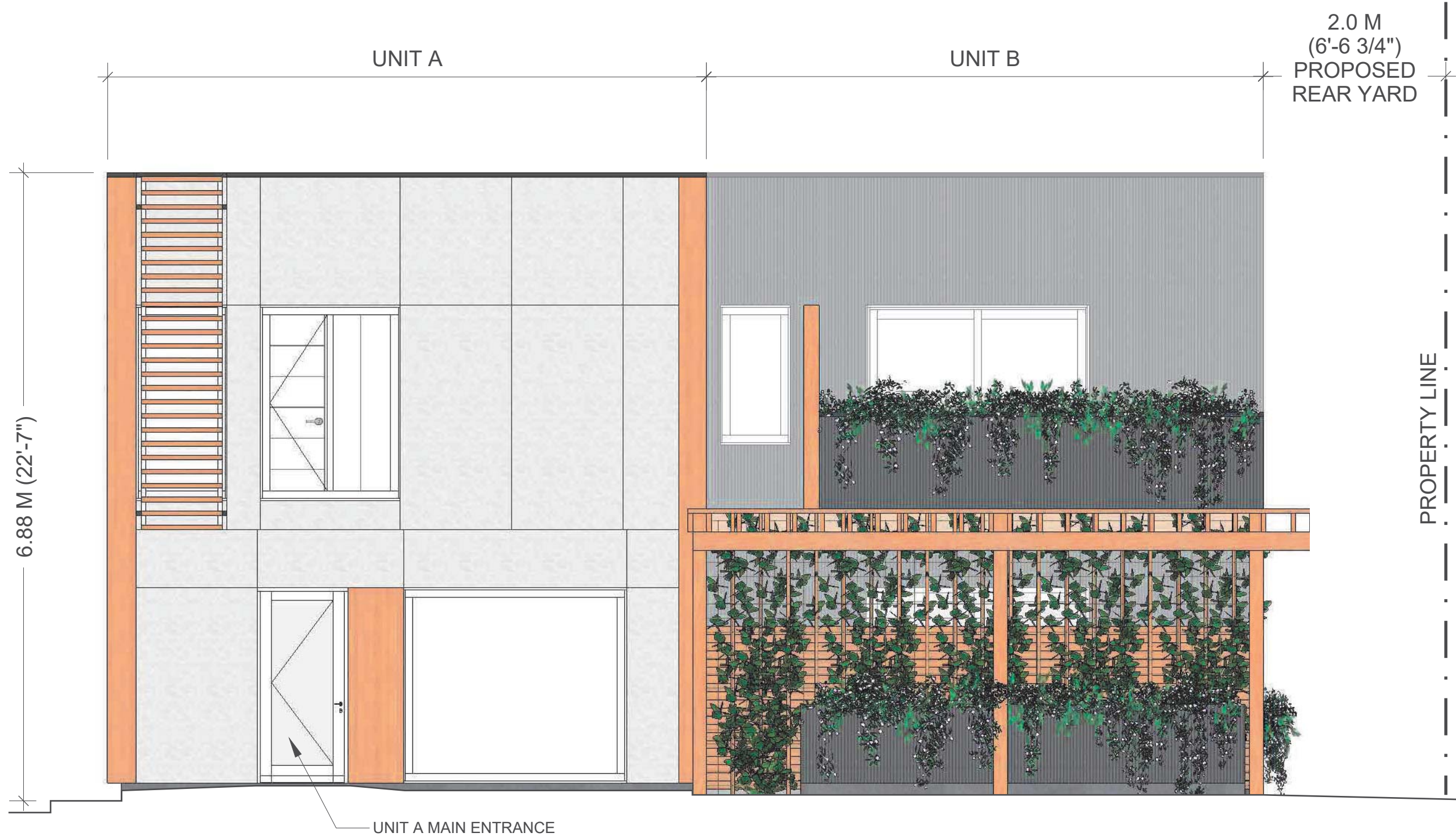
SHEET TITLE

Renovation Floor
Plans

SCALE

DRAWING NUMBER

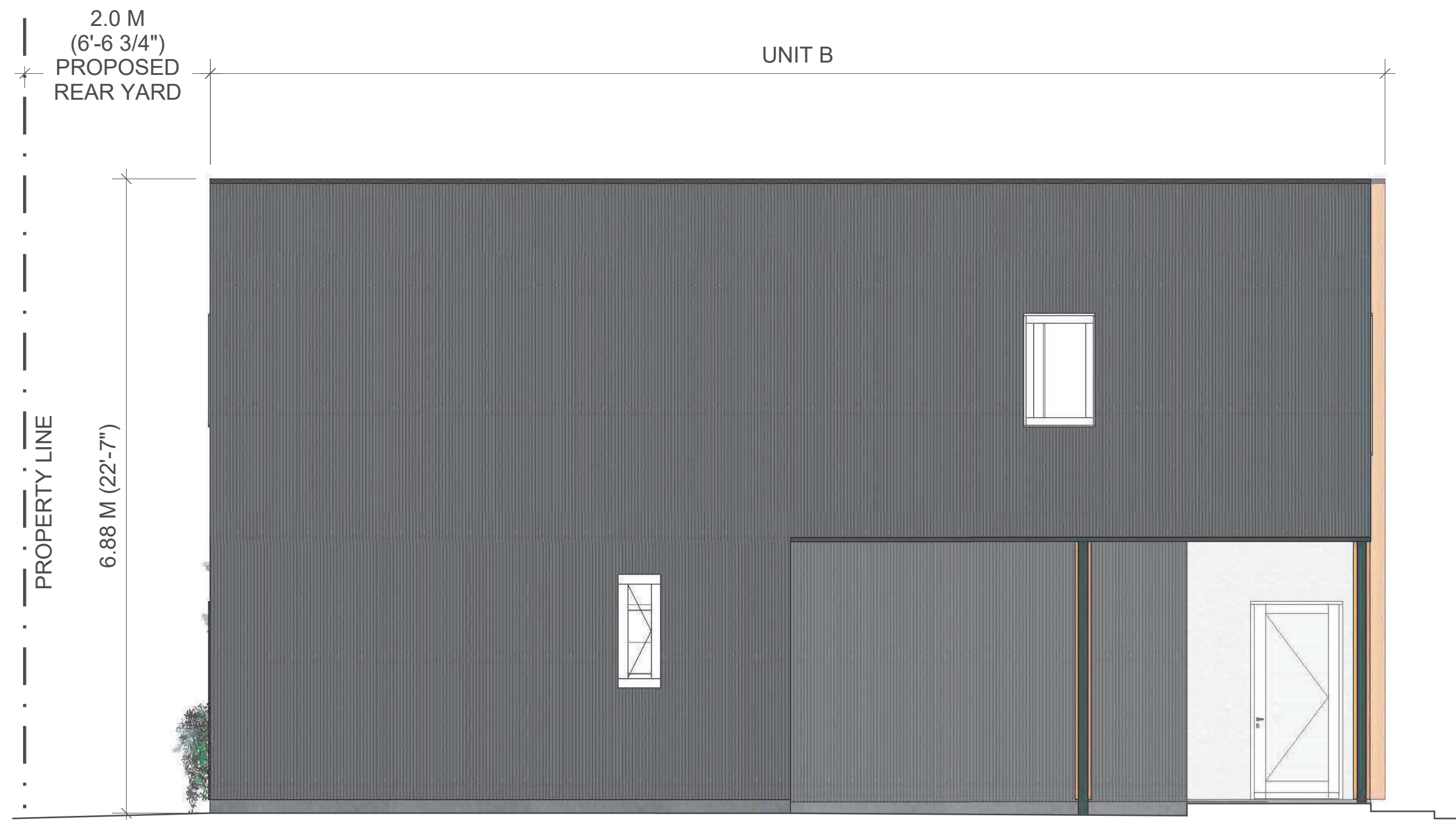
A2.1



1 SOUTH ELEVATION
1/4" = 1'-0"



2 EAST ELEVATION
1/4" = 1'-0"



3 NORTH ELEVATION
1/4" = 1'-0"



4 WEST ELEVATION
1/4" = 1'-0"

CLADDING LEGEND

- COMPOSITE WOOD PANEL
- STUCCO TO MATCH HERITAGE BUILDING (OR HARDIE SMOOTH PANEL)
- VERTICAL CORRUGATED METAL, CHARCOAL

*ALL PREFINISHED METAL FLASHING IN BLACK
*WINDOW COLOUR TO BE DETERMINED
*TIMBER FENCING / SCREENING AROUND OUTDOOR PRIVATE SPACES NOT SHOWN ON THIS DRAWING - REFER TO 3D RENDERINGS & SITE PLAN

SCHEDULE C

This forms part of application
HRA18-0001

Planner Initials **BC**

City of Kelowna
DEVELOPMENT PLANNING

GENERAL CONDITIONS
Check and verify all critical details and dimensions prior to the start of construction and contact this office if any clarification is required. Written dimensions will always take precedence over scaled dimensions. This drawing must be read in conjunction with all drawings & spec's issued for this project. Contractor is responsible to notify designer about conflicting design instructions.

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DATE	ISSUED FOR
2018-03-01	PRELIMINARY SITE PLANNING
2018-06-28	FLOOR PLANNING
2018-07-20	FLOOR PLANNING
2018-10-31	HERITAGE REVITALIZATION APPLICATION
2019-05-07	REVITALIZATION D.P. REVIEW

PROJECT TITLE 1802

New Duplex

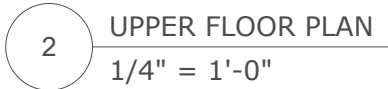
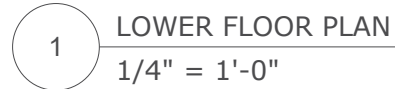
1781 Abbott Street
Kelowna, BC

SHEET TITLE

Elevations

SCALE AS NOTED

DRAWING NUMBER



UNIT A		UNIT B	
A. Lower Floor Living (Each Unit)	492 SF	A. Lower Floor Living (Each Unit)	492 SF
B. Upper Floor Living (Each Unit)	779 SF	B. Upper Floor Living (Each Unit)	820 SF
Total Living (A+B)	1,271 SF	Total Living (A+B)	1,312 SF
Patio Area	584 SF	Patio Area	352 SF

Check and verify all critical details and dimensions prior to the start of construction and contact this office if any clarification is required. Written dimensions will always take precedence over scaled dimensions. This drawing must be read in conjunction with all drawings & spec's issued for this project. Contractor is responsible to notify designer about conflicting design instructions.

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DATE	ISSUED FOR
2018-03-01	PRELIMINARY SITE PLANNING
2018-06-26	FLOOR PLANNING
2018-07-20	FLOOR PLANNING
2018-10-31	HERITAGE REVITALIZATION APPLICATION
2019-05-07	REVITALIZATION D.P. REVIEW

New Duplex

Kelowna, BC

SCALE $1/4" = 1'-0"$

Heritage Building Colour Board

Existing Materials on Heritage Building to be retained or matched

- 1) Existing Heritage Stucco
Colour: White / Off White
Texture: Heavy Plaster



- 2) Existing Painted Concrete Foundation
Colour: Black / Charcoal
Texture: Trowelled smooth with 2 shallow thin bands around perimeter




- 3) Existing Terra Cotta Roof
(over main entry only)
Colour: Black



- 4) New Windows / Doors
Colour: White, with black trim
Frame: Round top



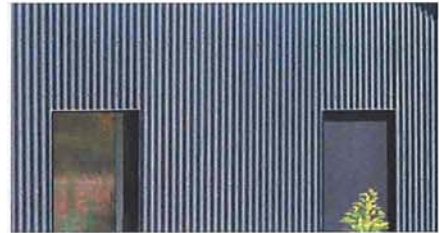
SCHEDULE		C
This forms part of application		
# HRA18-0001		
Planner Initials	BC	 City of Kelowna <small>DEVELOPMENT PLANNING</small>

New Duplex Colour Board

- 1) Stucco: Cement with Acrylic top coat
Colour: Match Heritage house
Texture: Less exaggerated
OR
James Hardie Smooth Panel Cladding with
Anodized Aluminum trims



- 2) Metal Cladding: Vertical Corrugated
Colour: Charcoal, Powder coated
Texture: 7/8" corrugated




- 3) Wood Paneling:
High density wood veneer with resin core
Colour: Wood species TBD
Texture: Smooth, minimal fasteners



- 4) Fencing: Horizontal Wood Slats
Colour: Stain TBD

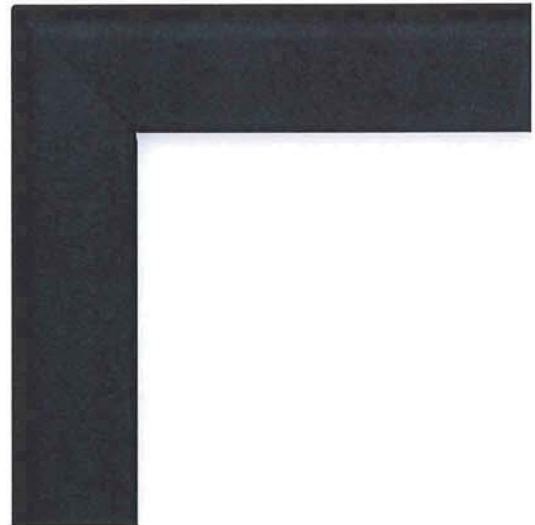


SCHEDULE		C
This forms part of application		
# HRA18-0001		
Planner Initials	BC	 City of Kelowna <small>DEVELOPMENT PLANNING</small>


- 5) Trellis over Private patios: Timber Frame & Slats
Colour: Stains TBD, to match wood fence

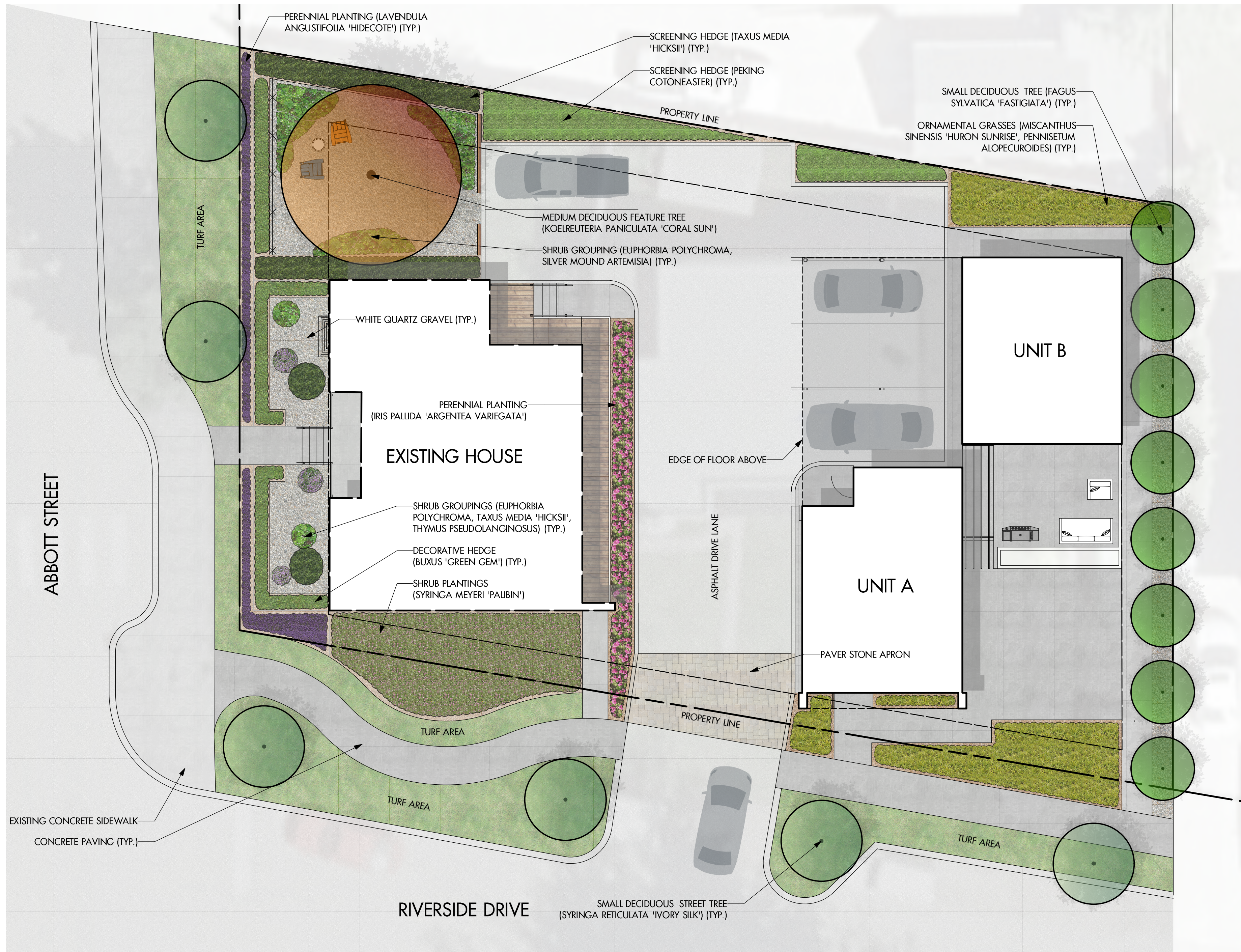


- 6) Windows / Doors: Fibreglass
Colour: Black



- 7) Roof: 2-ply Torch on SBS
Not visible to public, Both Buildings

SCHEDULE		C
This forms part of application		
# HRA18-0001		
Planner Initials	BC	 City of Kelowna <small>DEVELOPMENT PLANNING</small>



SCHEDULE

D

This forms part of application

HRA18-0001

Planner

Initials

BC

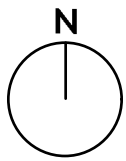
City of

Kelowna

DEVELOPMENT PLANNING

- NOTES**
1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED THE CANADIAN LANDSCAPE STANDARD. ALL OFF-SITE LANDSCAPE WORKS TO MEET CITY OF KELOWNA BYLAW 7900 STANDARDS.
 2. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.
 3. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 50mm WOOD MULCH. DO NO PLACE WEED MAT UNDERNEATH TREE AND SHRUB BEDS.
 4. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL PLACEMENT.
 5. TURF AREAS FROM SOD SHALL BE NO. 1 GRADE GROWN FROM CERTIFIED SEED OF IMPROVED CULTIVARS REGISTERED FOR SALE IN B.C. AND SHALL BE TOLERANT OF DROUGHT CONDITIONS. A MINIMUM OF 100mm DEPTH OF GROWING MEDIUM IS REQUIRED BENEATH TURF AREAS. TURF AREAS SHALL MEET EXISTING GRADES AND HARD SURFACES FLUSH.

BOTANICAL NAME	COMMON NAME	QTY	SIZE / SPACING & REMARKS
TREES			
FAGUS SYLVATICA 'FASTIGIATA'	FASTIGIATE BEECH	8	5m CAL
KOELREUTERIA PANICULATA 'CORAL SUN'	CORAL SUN GOLDEN RAIN TREE	1	5m CAL
SYRINGA RETICULATA	IVORY SILK JAPANESE MAPLE	6	5m CAL
SHRUBS, PERENNIALS & GRASSES			
ARTEMISIA SCHNIDTIANA 'SILVER MOUND'	SILVER MOUND ARTEMISIA	13	#01 CONT. /1.0M O.C. SPACING
BUXUS 'GREEN GEM'	GREEN GEM BOXWOOD	36	#01 CONT. /0.6M O.C. SPACING
COTONEASTER ACUTIFOLIA	PEKING COTONEASTER	16	#01 CONT. /2.0M O.C. SPACING
EUPHORBIA POLYCHROMA	CUSHION SPURGE	36	#01 CONT. /0.6M O.C. SPACING
IRIS PALLIDA 'ARGENTEA VARIEGATA'	SILVER VARIEGATED SWEET IRIS	36	#01 CONT. /0.6M O.C. SPACING
LAVENDULA ANGUSTIFOLIA 'HIDECOTE'	HIDECOTE ENGLISH LAVENDER	36	#01 CONT. /0.6M O.C. SPACING
MISCANTHUS SINENSIS 'HURON SUNRISE'	HURON SUNRISE MAIDEN GRASS	11	#01 CONT. /1.2M O.C. SPACING
PENNISETUM ALOPECUROIDES	FOUNTAIN GRASS	13	#01 CONT. /1.0M O.C. SPACING
SYRINGA MEYERI 'PALIBIN'	DWARF KOREAN LILAC	11	#01 CONT. /1.25M O.C. SPACING
TAXUS MEDIA 'HICKSII'	HICK'S YEW	13	#01 CONT. /1.0M O.C. SPACING
THYMUS PSEUDOLANGINOSUS	WOOLY THYME	36	#01 CONT. /0.6M O.C. SPACING



PROJECT TITLE

MURCHISON HOUSE
1781 ABBOTT STREET

Kelowna, BC

DRAWING TITLE

**CONCEPTUAL
LANDSCAPE PLAN**

ISSUED FOR / REVISION		
1	19.05.20	Development Permit
2		
3		
4		
5		

PROJECT NO.	19063
DESIGN BY	FB
DRAWN BY	WVC
CHECKED BY	FB
DATE	JUN. 20, 2019
SCALE	1:100
PAGE SIZE	24"x36"

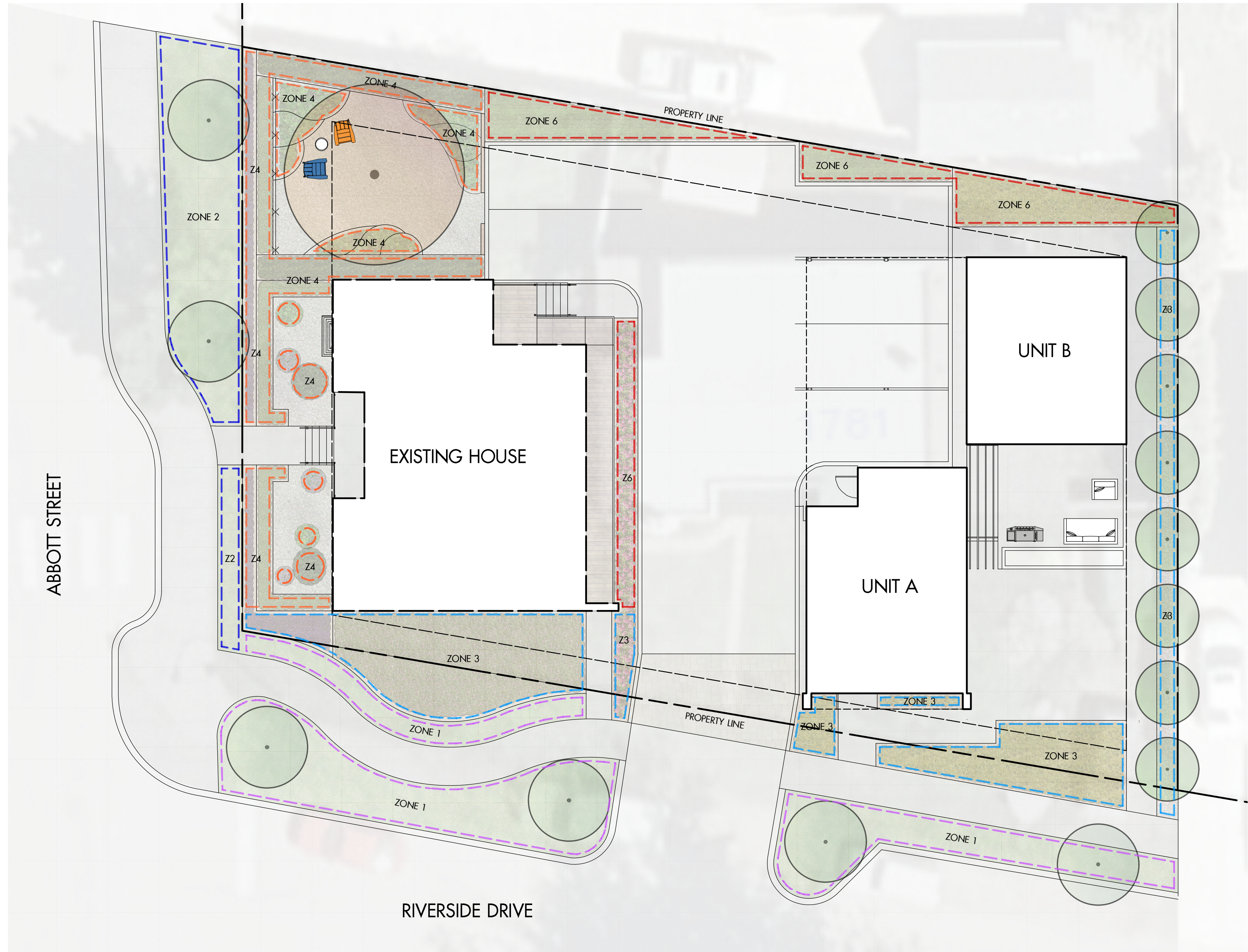
SEAL



DRAWING NUMBER

L1/2

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SCHEDULE

D

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HRA18-0001

Planner

Initials

BC

City of

Kelowna

DEVELOPMENT PLANNING

IRRIGATION LEGEND

- ZONE #1: LOW VOLUME POP-UP SPRAYHEADS FOR TURF AREA

TOTAL AREA: 89 sq.m.

MICROCLIMATE: SOUTH EXPOSURE, PARTIALLY SHADED BY TREES

ESTIMATED ANNUAL WATER USE: 127 cu.m.
- ZONE #2: LOW VOLUME POP-UP SPRAYHEADS FOR TURF AREA

TOTAL AREA: 52 sq.m.

MICROCLIMATE: EAST EXPOSURE, PARTIALLY SHADED BY TREES

ESTIMATED ANNUAL WATER USE: 74 cu.m.
- ZONE #3: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS

TOTAL AREA: 91 sq.m.

MICROCLIMATE: SOUTH EAST EXPOSURE, PARTIALLY SHADED BY TREES

ESTIMATED ANNUAL WATER USE: 51 cu.m.
- ZONE #4: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS

TOTAL AREA: 68 sq.m.

MICROCLIMATE: EAST EXPOSURE, PARTIALLY SHADED BY TREES & BUILDING

ESTIMATED ANNUAL WATER USE: 38 cu.m.
- ZONE #5: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS

TOTAL AREA: 44 sq.m.

MICROCLIMATE: SOUTH EXPOSURE, PARTIALLY SHADED BY TREES

ESTIMATED ANNUAL WATER USE: 24 cu.m.

IRRIGATION NOTES

1. IRRIGATION PRODUCTS AND INSTALLATION METHODS SHALL MEET OR EXCEED THE REQUIREMENTS OF THE WATER USE REGULATION BYLAW NO. 10480 AND THE SUPPLEMENTARY SPECIFICATIONS IN THE CITY OF KELOWNA BYLAW 7900 (PART 6, SCHEDULE 5).
2. THE IRRIGATION SYSTEM SHALL MEET THE REQUIREMENTS, REGULATIONS, AND BYLAWS OF THE WATER PURVEYOR.
3. THE IRRIGATION SYSTEM SHALL BE EQUIPPED WITH AN APPROVED BACKFLOW PREVENTION DEVICE, WATER METER, AND SHUT OFF VALVE LOCATED OUTSIDE THE BUILDING ACCESSIBLE TO THE CITY.
4. AN APPROVED SMART CONTROLLER SHALL BE INSTALLED. THE IRRIGATION SCHEDULING TIMES SHALL UTILIZE A MAXIMUM ET VALUE OF 7" / MONTH (KELOWNA JULY ET), TAKING INTO CONSIDERATION SOIL TYPE, SLOPE, AND MICROCLIMATE.
5. DRIP LINE AND EMITTERS SHALL INCORPORATE TECHNOLOGY TO LIMIT ROOT INTRUSION.
6. IRRIGATION SLEEVES SHALL BE INSTALLED TO ROUTE IRRIGATION LINES UNDER HARD SURFACES AND FEATURES.
7. IRRIGATION PIPE SHALL BE SIZED TO ALLOW FOR A MAXIMUM FLOW OF 1.5m /SEC.
8. A FLOW SENSOR AND MASTER VALVE SHALL BE CONNECTED TO THE CONTROLLER AND PROGRAMMED TO STOP FLOW TO THE SYSTEM IN CASE OF AN IRRIGATION WATER LEAK.

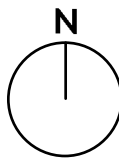
WATER CONSERVATION CALCULATIONS

LANDSCAPE MAXIMUM WATER BUDGET (WBG) = 395 cu.m. / year
ESTIMATED LANDSCAPE WATER USE (WU) = 314 cu.m. / year
WATER BALANCE = 81 cu.m. / year
*REFER ATTACHED IRRIGATION APPLICATION FOR DETAILED CALCULATIONS



OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

303 - 590 KLO Road
Kelowna, BC V1Y 7S2
T (250) 868-9270
www.outlanddesign.ca



PROJECT TITLE
MURCHISON HOUSE
1781 ABBOTT STREET

Kelowna, BC

DRAWING TITLE
**CONCEPTUAL
LANDSCAPE PLAN**

ISSUED FOR / REVISION		
1	19.05.20	Development Permit
2		
3		
4		
5		

PROJECT NO.	19063
DESIGN BY	FB
DRAWN BY	WVC
CHECKED BY	FB
DATE	JUN. 20, 2019
SCALE	1:100
PAGE SIZE	24"x36"

SEAL



DRAWING NUMBER
L2/2

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OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

SCHEDULE		D
This forms part of application		
# HRA18-0001		
Planner Initials	BC	 City of Kelowna <small>DEVELOPMENT PLANNING</small>

Thursday, June 6 2019

Murchison House, 1781 Abbott Street
Davara Holdings Limited
911 Borden Avenue
C/o Dave Sargent, Development Manager
Via email to: dave.sargent@davara.ca

Re: Murchison House, 1781 Abbott Street – Preliminary Cost Estimate for Bonding

Dear Dave:

Please be advised of the following preliminary cost estimate for bonding of the proposed landscape works shown in the Project Name Center conceptual landscape plan dated 19.06.20;

- On-site Improvements: 133 square metres (1,432 square feet) = \$26,175.00
- Off-site Improvements: 230 square metres (2,476 square feet) of = \$14,984.00

This preliminary cost estimate is inclusive of trees, shrubs, turf, mulch, topsoil & irrigation.

You will be required to submit a performance bond to the City of Kelowna in the amount of 125% of the preliminary cost estimate. Please do not hesitate to contact me with any questions about the landscape plan.

Best regards,



Fiona Barton, MBCSLA, CSLA
as per
Outland Design Landscape Architecture

303-590 KLO Road, Kelowna, BC, V1Y 7S2P 250.868.9270
outlanddesign.ca

Heritage Revitalization Agreement Application for "Murchison House" Adaptive Re-Use

Subject Property: 1781 Abbott Street



History of the property

Currently listed on the City of Kelowna Heritage Register, The Murchison House was built in 1939 for prominent businessman Earle A. Murchison. It was designed and built in the Moderne style to reflect the essence of the owner who made his name opening Orchard City Motors, located in the 400 block of Bernard Avenue.

This house was built at a time when the Abbott Street neighbourhood was mostly filled in with earlier residences, making one of the first to adapt the non-conforming yet simple aesthetic of white stucco, black banding and a flat roof.

Mr. Murchison was a resident in this house until 1966, A later owner constructed an addition in 1994, but the house retains its integrity as seen from the street and is in great condition.

Some of the house's character defining elements include:

- Semi-circular door opening at the entrance off the raised landing
- Simple design with two projecting bands of trim below the roof parapet
- Large textured stucco finish throughout unifies the design
- Symmetrical windows with a central fixed, four component unit and double hung windows on both sides
- Original features appear unaltered
- A decorative, repeated motif runs between the two projecting bands

Adaptive Re-Use Overview

Adaptive re-use is the process of reusing an old site or building for a purpose other than which it was built or designed for. The proposed project is roughly based on the existing zoning of RU1 with a fresh take on "mixed-use" design conventions for residential and commercial uses on a shared property. The goals of adaptive re-use for the Murchison Property are as followed, in phases:

1) Reposition, rehabilitate and change the use of the existing house to a commercial occupancy

This component of the proposed project ensures the original house continues to contribute to the Abbott Street Heritage conservation area. The elevation of the house currently facing riverside will be switched to face Abbott Street by means of repositioning the house on site to a new foundation. The exterior appearance of the house will not change since upgrades will be made from the interior to bring the building up to date with the BC Building Code.

2) Introduce a second structure on the site for residential duplex use

Once the original building has been repositioned, this opens enough space in the rear yard for a duplex, using the RU7 zoning bylaws as a rough guideline for setbacks, height, form and private outdoor space. This proposed duplex also takes a page from the City of Kelowna's Official Community Plan (OCP) for Ground-Oriented Housing. The residential units will utilize Riverside Ave. as their front yard, accessed from living spaces (living room, kitchen, dining room) located on the ground floors. Private outdoor living spaces between the units and Riverside Ave. will act as a buffer and setback for one of the duplex units, breaking up the building's street elevation.

3) Utilize better access and on-site parking for both uses of the property

The proposed position of all site structures allows for 6 parking stalls on site, accessed from Riverside Avenue. Section 8 of Kelowna's zoning bylaw outlines requirements for parking and loading. The residential duplex will have parking based on RU7 requirements for 1 medium stall per dwelling unit, with an additional 1 shared visitor stall. The commercial building will have 3 parking stalls, which conform to the parking bylaw requirement under "Offices" use (2.5 stalls per 100 Sq. M. GFA). Street parking is also available in this area.

Pedestrian access to all buildings will be improved with level access from the street to the Duplex units and a wheelchair ramp serving the existing building. With the existing building in its new position the primary pedestrian entrance will face Abbott street, more familiar to an office layout.

4) Improve landscaping

Landscaping work is part and parcel with this calibre of project. Landscaping on the property will reflect elements seen in the Abbott Corridor streetscaping and planted areas. 3-4 mature trees can be retained in place or substituted for similar mature seedlings.

With one foot in the downtown core and the other foot in the city's most interesting heritage neighbourhood, a special opportunity has come up for Davara Holdings Ltd. to conserve a listed heritage building while introducing 2 new residential units on the same site. This type of project will attract residents who want to live close to their place of work and a business who wants to be in the downtown core, but in a quieter setting. This proposed project is in keeping with a densifying urban centre and decreasing the dependence for vehicles close to the downtown core.

Site Specific Criteria

1. *Neighbourhood Resident Concerns*

The immediate neighbours to the North and East have been made aware of the proposed adaptive re-use and are in favour. Discussions with neighbours will take place pending review of this proposal from the City of Kelowna.

2. *Residential Component*

As described in the adaptive re-use overview, a new duplex is proposed for this property to minimize impacts on the residential character of the neighbourhood.

3. *Concentration of Adaptive Re-Uses*

The density of adaptive re-uses in this area of the Abbott Street Heritage Conservation area appears to accommodate this type of development given that it is on the North edge of Abbott before crossing Harvey Ave.

4. *Design Standards*

Exterior features undergoing changes, such as windows, doors, foundation banding, stairs and landings will be matched as closely as possible to the original palette of materials. All other aspects of the exterior will remain as existing with new paint and minor stucco patching.

5. *Scale*

The size and height of the building will not be affected, except for removal of the addition from 1994. The floor area of the adaptive re-use component will be decreased because the existing basement will become a crawlspace, thus rendering it unusable. The proposed office space will be suitable for about 4-5 occupants during business hours only. The non-residential floor area will become (116 sq. m) 1250 sq. ft, which is within the recommended maximum for adaptive re-use along local roads.

6. *Signage*

Project signage has not been discussed yet but will be comprised of a non-illuminated nameplate not to exceed 0.23 sq. m (2.5 sq. ft) in area and shall be paced within, flat against or hanging from the dwelling unit.

7. *Parking Access*

As described in the adaptive re-use overview, on-site parking is provided based on section 8 of the zoning bylaw "parking & loading requirements". Proposed access to on-site parking will be from Riverside Avenue to keep Abbott Street free of driveways for a better pedestrian corridor.

8. Hours of Operation

The non-residential component of this adaptive re-use will be operational during regular daytime business hours, Monday through Friday.

9. Screening

Outdoor storage, parking, and private outdoor living spaces will not be directly visible from the Abbott street or Riverside frontages in the proposed site plan scheme of this adaptive re-use. The ground floor patio spaces serving the duplex will be screened with timber fencing and shrub plantings.

Preliminary Zoning Analysis

	METRIC	IMPERIAL
SITE AREA	836.8	9,007.6
SITE WIDTH	22.9	75' "
SITE DEPTH	37.1	121' 10"

SITE COVERAGE

BUILDINGS	25.0%	2,254.0
DRIVEWAYS AND PARKING	30.8%	2,771.0
BUILDINGS, DRIVEWAYS, PARKING	55.8%	5,025.0

TOTAL NUMBER OF UNITS

3 (2 residential + 1 commercial)

BUILDING HEIGHT

	METRES	FEET
DUPLEX	6.9	22'-7"
EXISTING BUILDING	4.8	15'-10"

BUILDING SETBACKS

	METRES	FEET
FRONT	4.5	14' 9"
SIDE (FLANKING STREET*)	1.2	3' 11"
SIDE	2.3	7' 7"
REAR	2.0	6' 7"

PARKING STALLS - UNIT COUNT

DUPLEX HOUSING		3.0
COMMERCIAL		3.0
TOTAL		6.0

*Proposed side yard on flanking street also has a boulevard width of approximately 4.1m to proposed sidewalk.

NIDO

ATTACHMENT	A
This forms part of application	
# HRA18-0001	
Planner Initials	BC
 City of Kelowna DEVELOPMENT PLANNING	

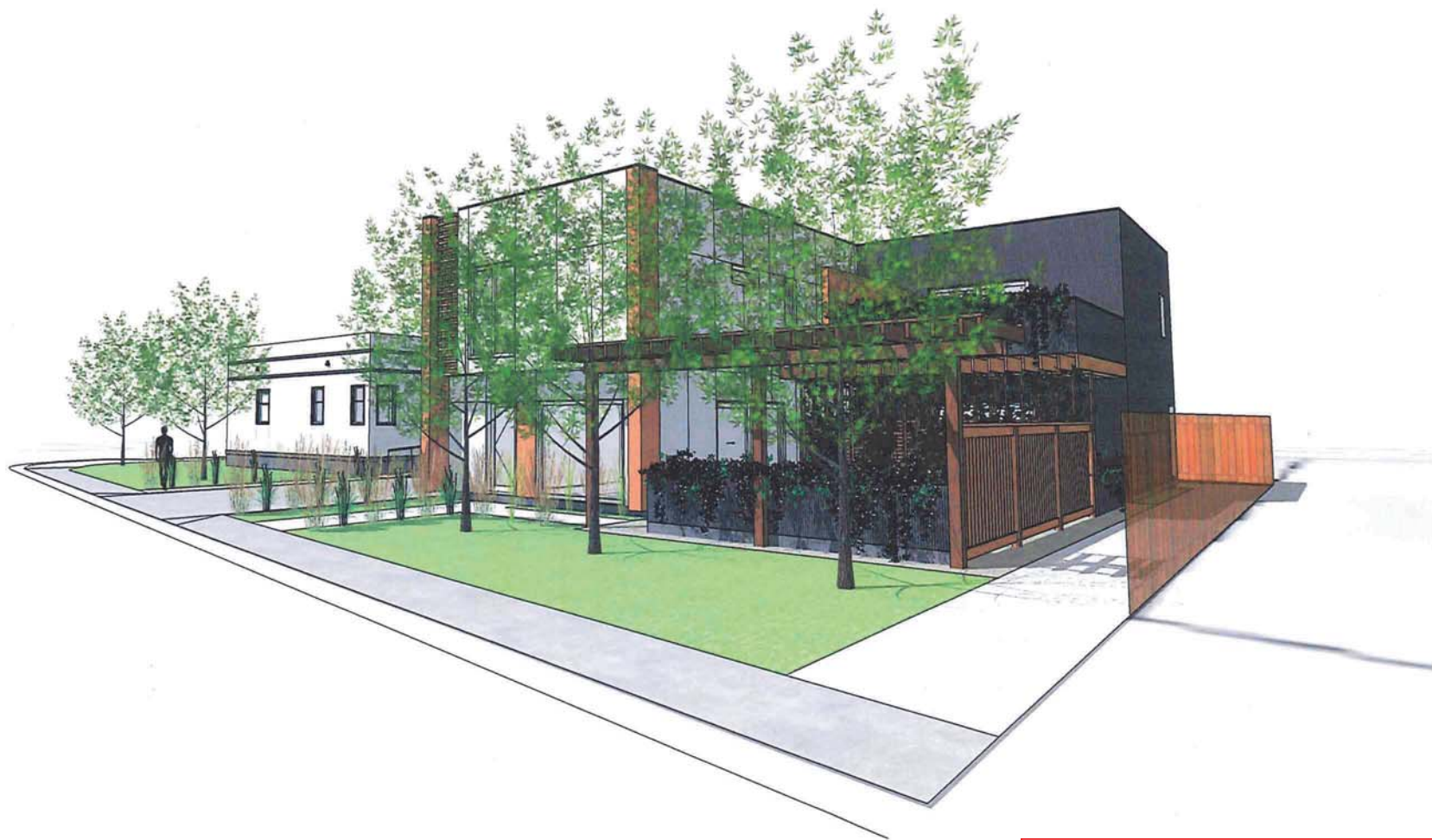
Murchison House Adaptive Re-Use Proposal
2018-09-11

Appendix A - Proposed Site Renderings















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

March 29, 2019

To whomever it may concern,

RE: Davara Holdings Ltd. Rehabilitation Proposal at 1781 Abbott Street - Kelowna

This report is to comment on the appropriateness of the proposed heritage rehabilitation at 1781 Abbott Street, a property within the Abbott Street Heritage Conservation Area. The below observations consider the proposal's alignment with both the HCA's Guidelines for new development as well as with the Standards & Guidelines for the Conservation of Historic Places in Canada.



Rendering of the proposed rehabilitated Murchison House with new infill house at rear.
source: NIDO Design Inc.

Brief history of development

The subject house is a unique heritage asset on Kelowna's Heritage Register. It represents the interwar development period in Kelowna when undeveloped residential lots near Kelowna's downtown were being infilled with houses, introducing new architectural styles to the city including Revival styles.

The subject house is noted as a 'Mediterranean Revival' style house on the Style Register list the Abbott Street & Marshall Street Heritage Conservation Areas Development Guidelines (Appendix D - 1997). Within the Mediterranean Revival family, it is a Mission/Pueblo Revival design with Moderne elements. The architectural trend for Mission Revival houses in the 1930s came from California, where desert-based Spanish mission buildings were influencing residential architecture and were featured in Hollywood films and popularized through house design catalogues.

Evaluating heritage values and significance

The subject house was "built for Earle A. Murchison in 1939, at a time when the Abbott Street neighbourhood was mostly filled in with earlier residences, and so its non-conforming Moderne design contributes to the eclectic character of the area¹." The Statement of Significance for the property goes on to describe Earle Murchison as "a man who sold the essence of modernity - the automobile." The heritage value of the property lies in the building's unique design, its association with Murchison and his business Orchard City Motors, as a long-term home for Murchison (1939 until his death in 1972) and for its unaltered exterior.



The Murchison House and its immediate area in the winter of 1949. The modern house stands out as the only flat roofed, single-storey house in the area. source: Kelowna Public Archives #7119

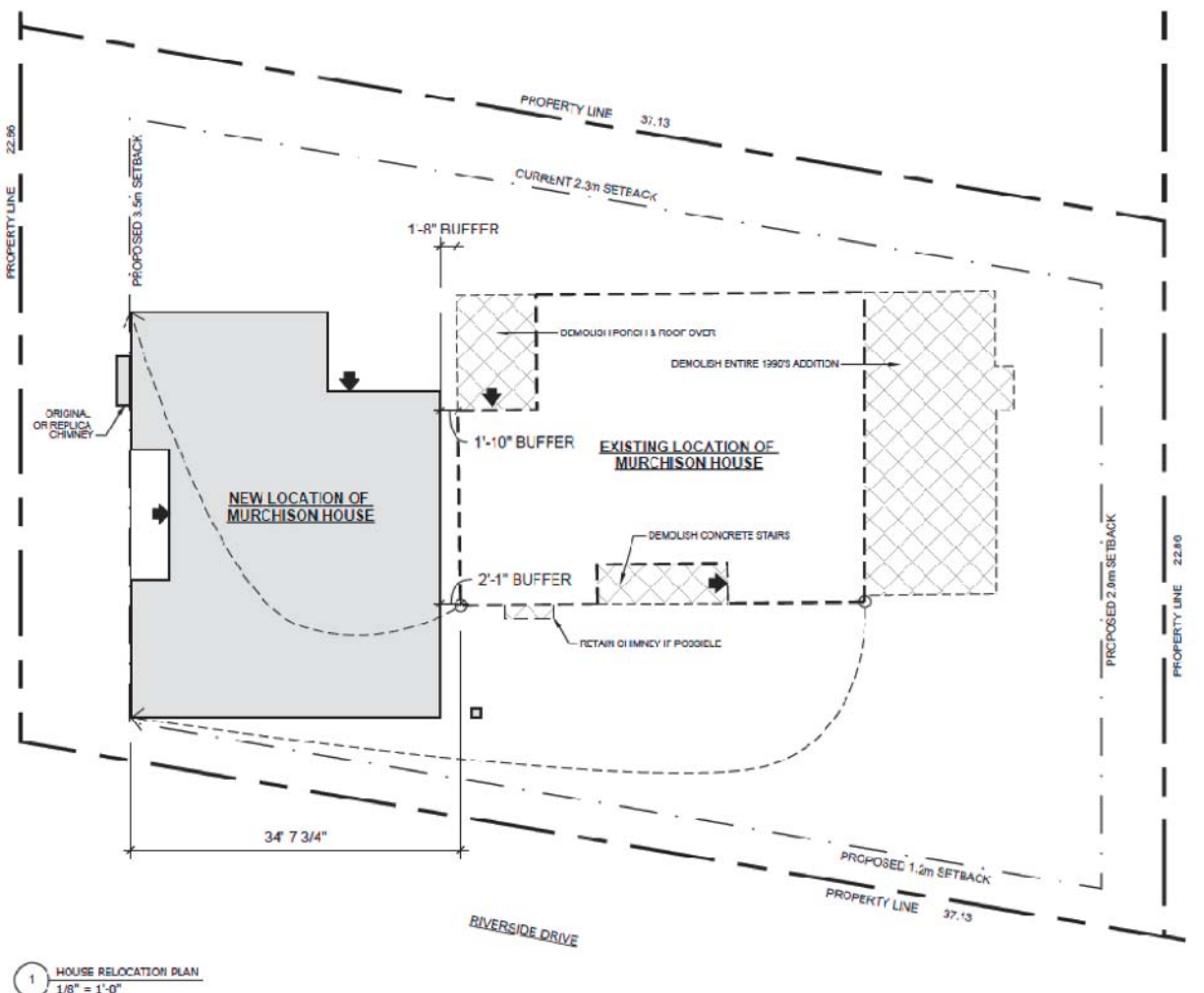
¹ Direct quote from the Murchison House Statement of Significance on kelowna.ca

Recommendations and strategies to inform the rehabilitation

Siting

The proposed relocation and reorientation of the building on its property, retains a residential siting with front and side yards. The new siting is closer to both Riverside and Abbott streets, but aligns with both street's average setbacks. The proposed siting will make the historic house more visible and the restoration efforts appreciated, especially with its new commercial/office use which will bring a constant flow of visitors and users onto the property and inside the building. The relocation plan (below) shows the current footprint outlined in a dashed black line and the proposed new siting and orientation in grey.

The proposal involves the Riverside facing entrance reoriented to face Abbott Street and the entire building shifted 34'-7" west and 11'-9" south.



Conservation Treatments

Given the close proximity of this property to Kelowna's downtown and the relatively generous size of the property, an overall conservation approach of rehabilitation and restoration is a fitting combination of treatments to apply here. **Rehabilitation** *"involves the sensitive adaptation of an historic place... for a continuing or compatible contemporary use, while protecting its heritage value."* **Restoration** *"involves accurately revealing, recovering or representing the state of an historic place or individual component as it appeared at a particular period in its history, while protecting its heritage value."*

Rehabilitation measures - The proposed adaptive reuse of the historic building to a commercial/office space and the introduction of a new dwelling building 'behind' the historic building to its east will help to:

1. finance the repair and restoration of the historic building's character defining elements
2. convert a rather small house (in contemporary standards) to a highly-used, accessible work space, thus taking the pressure off the original single-storey design to be altered
3. alter the Abbott Street entrance to a more public-friendly and practical office entry
4. densify the large property by adding a new duplex behind the historic house, making the property more sustainable and economically viable into the future
5. through relocation of the historic house closer to the high-visibility corner, make room for the infill and enhance the visibility of the heritage asset

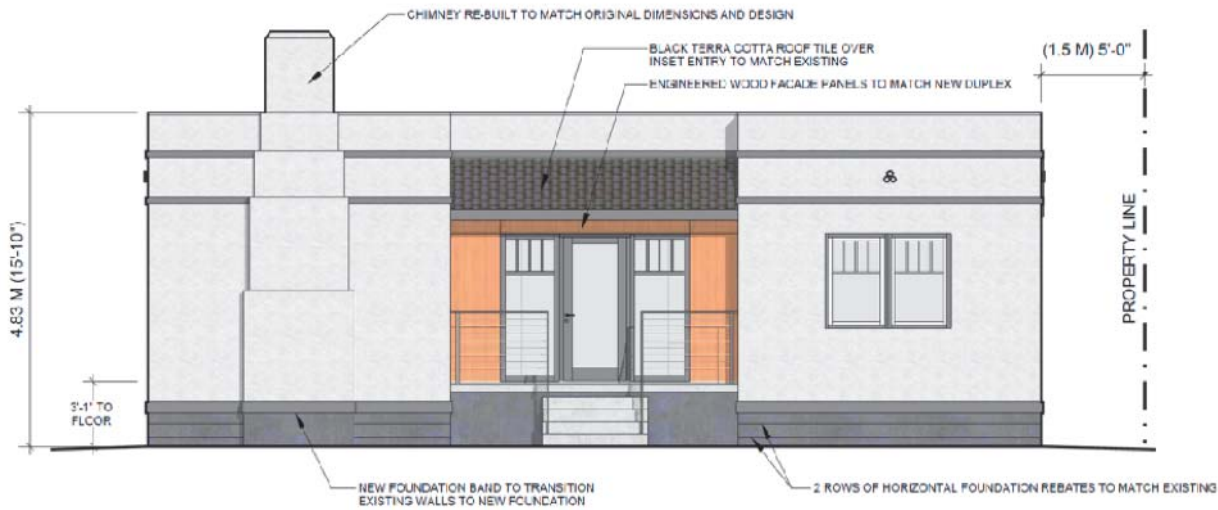
Restoration measures - The two primary facades facing Abbott and Riverside will be restored to their 1939 appearance including the reinstatement of missing wood windows on the Riverside elevation. The restoration will include:

Historically accurate wood windows
 Historically accurate textured stucco
 Roofline and foundation banding, as per the original design
 Unique tile entrance roof
 Decorative clay pipe drains
 Unique stepped end-wall chimney

The only alterations proposed on the primary elevations are the improving the building entrances and access to accommodate its commercial use. See following page.

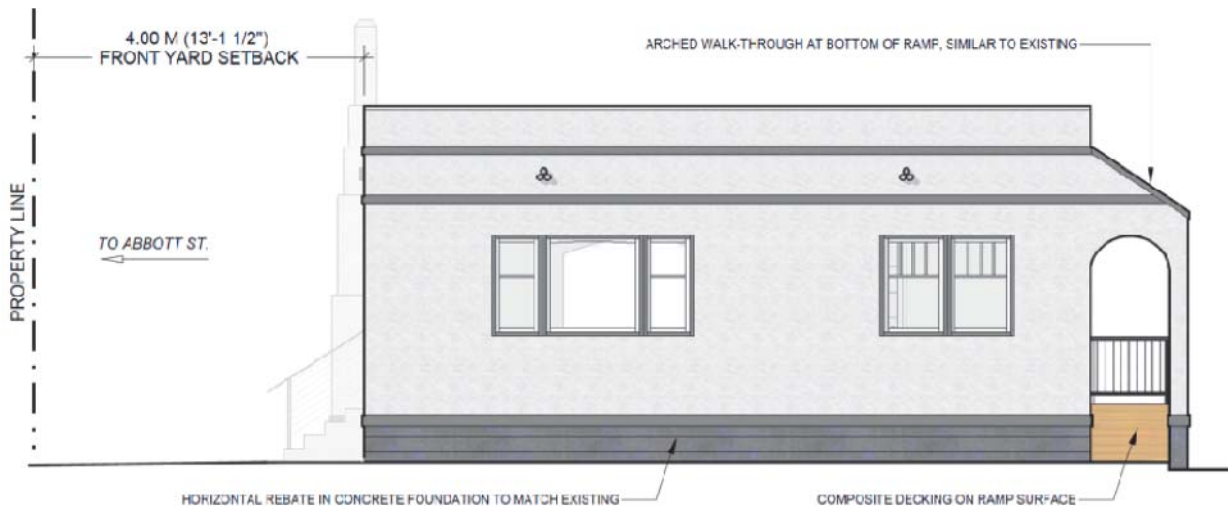
² Standards and Guidelines for the Conservation of Historic Places in Canada - 2nd edition 2010

Proposed west elevation - Abbott Street:



Restore textured stucco cladding, stepped chimney, tiled entrance roof, roofline and foundation banding, double wood window assembly and 1939 black and white colour scheme. **Rehabilitate** entrance to be centred on the facade and accommodate public access and higher traffic. The new entrance design is distinguishable from and compatible with the historic house, as required in Standards & Guidelines for the Conservation of Historic Places.

Proposed south elevation - Riverside Avenue:



Restore textured stucco cladding, 1939 black and white colour scheme and roofline and foundation banding. **Restore** historically accurate wood window assemblies on this facade, currently vinyl. Introduce a historically accurate arched gate, as per the feature on the current west elevation, to seamlessly and discreetly incorporate the new accessible ramp at the rear of the building.

Proposed infill house

In keeping with the heritage value of the Murchison House, as outlined in the Statement of Significance ("non-conforming Moderne design which contributes to the eclectic character of the area), and in keeping with the Standards & Guidelines (standard 11 for rehabilitation - additions to historic places), the proposed infill design is "physically and visually compatible with, subordinate to and distinguishable from the historic place³." Compatibility, distinguishability and being subordinate are all subjective notions, which can be interpreted differently by people. Distinguishability for example, can be very subtle, achieved in some cases through a simple change in material or colour tone. However in the case of the Murchison property, where a legacy of bold, contemporary, modern design is the core of its heritage value, it is appropriate to enhance the pillar of distinguishability when adding to the historic property.



Rendering of the Murchison House (right) side by side with a new infill house (right).

source: NIDO Design Inc.

Distinguishability - The infill design is a clearly contemporary structure, which is both honest (it doesn't create confusion about what is historic and what is new) and traditional (architects in the past never imitated traditional design but applied the trending designs of their time, which allows us to easily read and interpret historic and mixed-era streetscapes).

Compatibility - The infill design is compatible in form (square massing and flat roof) and in its black and white colour scheme. It reads like the grandson of the historic house, genetically related but taller and wearing modern clothes. There is a clear relation and dialogue between the two structures.

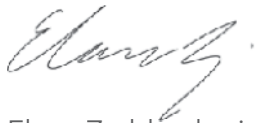
Subordinate - While some may argue that to be subordinate a structure must be smaller, this is not the case. Many additions to historic places includes large additions, even towers. To achieve this relationship the addition must not 'steal the show' from the historic house. The infill house is sited at the rear with the bulk of its massing on the north edge of the lot, thus not visible from the street. Its minimalist, restrained design allows the very expressive, textured ornamental features of the historic house to shine.

³ Standards and Guidelines for the Conservation of Historic Places in Canada - page 23

Summary

It is my professional opinion that the thoughtful and creative development proposed here by Nido Design and the property owners, is a good model of conservation and evolution for a historic neighbourhood. Heritage Conservation is a tool for managing change in historic places and Heritage Conservation Areas. Although the infill design may appear bold to some, or unprecedented in Kelowna's HCAs, it reflects the heritage values of the property, follows the national standards for additions to historic places, and meets the Objectives of Kelowna's Heritage Conservation Areas.

Yours Truly,



Elana Zysblat, heritage consultant
BCAHP President



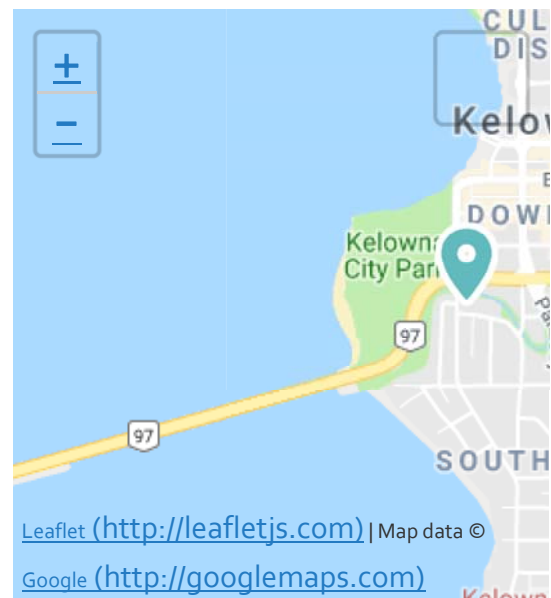
Murchison House



Statement of Significance

Home of Earle A. Murchison, a prominent local businessman through the 1930s, 1940s and 1950s.

take our
WEB SURVEY



ATTACHMENT		C
This forms part of application		
#HRA18-0001		
Planner Initials	BC	 City of Kelowna <small>DEVELOPMENT PLANNING</small>

Place Description

The historic place is the single-storey stucco Murchison House, built in the Moderne style in 1939, located at 1781 Abbott Street in Kelowna's South Central neighbourhood, and within the Abbott Street Heritage Conservation Area.

Heritage Value

The heritage value of the residence is found in its being a rare example for Kelowna of a house in the Moderne style; and for its association with a man who sold the essence of modernity - the automobile.

The house was built for Earle A. Murchison in 1939, at a time when the Abbott Street neighbourhood was mostly filled in with earlier residences, and so its non-conforming Moderne design contributes to the eclectic character of the area. It was built by a Mr. Alton; no architect has been identified with it. The austere simplicity, white stucco, and horizontal banding are features that distinguish the style.

The house has value as well for the association with Murchison, a prominent local businessman. He came to Kelowna after having been a commercial fisherman on the Coast. Murchison and his partner, Harold A. Truswell, purchased Kelowna's Ford dealership in 1927, in the same year that the Model A was introduced. Their business, Orchard City Motors, located in the 400 block of Bernard Avenue, served individual consumers and also the fruit-growing industry, as it also sold Cletrac tractors and Hardy sprayers. After the Ford dealership was acquired by Arena Motors in the 1950s, Murchison and Truswell, together with H.R. McClure, operated Kelowna Tractor-Sprayers Ltd. for some years at 1560 Water Street.

Murchison was resident here until 1966. A later owner constructed an addition in 1994, but the house retains its integrity as seen from the street.

Character Defining Elements

ATTACHMENT**C**

This forms part of application

HRA18-0001

Planner
Initials

BC

City of
Kelowna
DEVELOPMENT PLANNING

- Yard has mature trees and shrubs
- Good example of Moderne architectural style
- Semi-circular door opening at the entrance off the raised landing
- Simple design with two projecting bands of trim below the roof parapet
- Large textured stucco finish throughout unifies the design
- Straight stepped chimney
- Central symmetrical window faces Abbott Street with a central fixed four component unit and double hung windows on both sides
- Original features appear unaltered
- A decorative, repeated motif runs between the two projecting bands



[\(/sites/files/1/styles/image_gallery_-_large/public/uploads/heritage/img0063a.jpg?itok=qmji1P8v\)]((/sites/files/1/styles/image_gallery_-_large/public/uploads/heritage/img0063a.jpg?itok=qmji1P8v))

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CITY OF KELOWNA

MEMORANDUM

ATTACHMENT		D
This forms part of application # HRA18-0001		
Planner Initials	BC	 City of Kelowna DEVELOPMENT PLANNING

Date: November 14, 2018
File No.: HRA18-0001
To: Community Planning (TA)
From: Development Engineering Manager (JK)
Subject: 1781 Abbott Street Lot 2 Plan 2614

Development Engineering Department have the following comments and requirements associated with this Heritage Revitalization Agreement application.

1. Domestic Water and Fire Protection

- a. Provide an adequately sized domestic water and fire protection system for this property. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this property to confirm this. Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits.

2. Sanitary Sewer

- a. Our records indicate that this property is currently serviced with a 150mm-diameter sanitary sewer service. The applicant's consulting mechanical engineer will determine the requirements of the proposed development and establish the service needs. Only one service will be permitted for this development. If required, the applicant will arrange for the removal and disconnection of the existing service and the installation of one new service at the applicant's cost.

3. Drainage

- a. Provide a detailed Storm Water Management Plan for this development as per the Subdivision, Development and Servicing Bylaw #7900.

4. Road Improvements

- a. Riverside Ave must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, 1.5m sidewalk, 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.
- b. Abbot Street has been fully upgraded. No further upgrades are needed at this time.

5. Development Permit and Site Related Issues

- a. Access to the property will be from Riverside Ave only.

**6. Power and Telecommunication Services and Street Lights**

- 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.
- b. Streetlights must be installed on all roads.

7. Design and Construction

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

8. Servicing Agreements for Works and Services

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

9. Bonding and Levy Summary

- a. Bonding To be Determined

James Kay, P. Eng.
Development Engineering Manager
JA

SCHEDULE "A"
HERITAGE REVITALIZATION AGREEMENT

THIS AGREEMENT dated as of the _____ day of _____, 2019

BETWEEN:

City of Kelowna, a Municipal Corporation having offices at 1435 Water Street, Kelowna, British Columbia V1Y 1J4

(herein called the "CITY")

OF THE FIRST PART

AND: Davara Holdings Ltd. of
1-911 Borden Avenue, Kelowna, British Columbia, V1Y 6A5

(herein called the "OWNER")

OF THE SECOND PART

WHEREAS a local government may, by bylaw, enter into a Heritage Revitalization Agreement with the Owner of property identified as having heritage value, pursuant to Section 610 of the *Local Government Act*;

AND WHEREAS the Owner owns certain real property on which is situated a building of heritage value, known as the "Murchison House", pursuant to the City's Heritage Register, which property and building are located at 1781 Abbott Street, Kelowna, BC and legally described as:

Parcel Identifier: 010-990-011
Lot 2, District Lot 14, ODYD, Plan 2614

(herein called the "Subject Property")

AND WHEREAS the Owner has presented to the City a proposal for the use, development and preservation of the Subject Property and has voluntarily and without any requirement by the City, entered into this agreement pursuant to Section 610 of the *Local Government Act*;

AND WHEREAS a local government must hold a Public Hearing on the matter before entering into, or amending, a Heritage Revitalization Agreement if the agreement or amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning of the Subject Property and for these purposes Section 464 through 470 of the *Local Government Act* apply;

AND WHEREAS within thirty days after entering into, or amending, a Heritage Revitalization Agreement the local government must file a notice in the Land Title Office in accordance with Section 594 of the *Local Government Act* and give notice to the Minister responsible for the *Heritage Conservation Act* in accordance with Section 595 of the *Local Government Act*;

NOW THEREFORE in consideration of the mutual promises contained in this agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1.0 Heritage Revitalization

- 1.1 The parties agree that the Subject Property have heritage value, deserving of protection and conservation and the Owner specifically agrees to rehabilitate¹, maintain, preserve and protect the heritage character of the existing Heritage Building (Murchison House) located on the Subject Property in accordance with Attachments A, B and C.
- 1.2 The parties agree that the Subject Property may, notwithstanding Zoning Bylaw no. 8000 including the provisions identified in the RU1 – Large Lot Housing zoning on the Subject Property, be used for the following permitted uses:
- (a) The adaptive reuse¹ of the existing Heritage Building on the property to allow office as a permitted use, provided that:
 - i. The the existing Heritage Building is relocated and repositioned as per the Site Plan illustrated in Schedule B;
 - ii. The maximum floor area of the commercial space be limited to 118m²;
 - iii. The hours of operation to serve clients from the commercial space shall take place between 7:00am – 6:00pm, Monday through Saturday;
 - iv. The number of staff operating from the existing Heritage Building is limited to a maximum of 5;
 - v. The business sign adhere to the City Sign Bylaw No.11530, and be approved by Development Planning Department prior to installation.
 - (b) The construction of new housing on the property to allow two dwelling housing as a permitted use, provided that:
 - i. The use is in conformance with the Heritage Revitalization Agreement Bylaw No. 11923, as two dwelling housing;
 - ii. The dimensions and the siting of the two dwelling housing to be constructed on the Subject Property be in general accordance with Schedule B;
 - iii. The exterior design and finish of the two dwelling housing to be constructed on the Subject Property be in general accordance with Schedule C.
 - (c) The site planning and landscaping on the Subject Property, provided that:
 - iv. A minimum of six on-site surface parking stalls and a designated area for bike racks shall be provided as per the Site Plan illustrated Schedule B;

¹ As defined by "Standards and Guidelines for the Conservation of Historic Places in Canada", second edition, 2010, and detailed in City of Kelowna's "Adaptive Reuse Guidelines for Residential Heritage Buildings".

- v. A minimum of three dedicated on-site parking stalls shall be provided for the office use operating from the Heritage Building, and three on-site parking stalls shall be provided for the two dwelling housing;
 - vi. Parking signs for minimum of 2 commercial office parking stalls shall be installed, and indicate hours for office parking use: "Commercial Parking 7:00am – 6:00pm, Residential Visitor Parking 6:00pm – 7:00am, Monday to Saturday, and Sunday";
 - vii. A historical plaque summarizing the heritage value of the Heritage Building and the works completed on the Subject Property shall be installed and maintained at the expense of the applicant, subject to approval by the City of Kelowna;
 - viii. The Owner agrees to install and maintain landscaping on the Subject Property in general accordance with the attached landscape plans (Schedule D);
 - ix. The Owner agrees to post a Landscape Performance Security bond with the City in the form of a "Letter of Credit" or cash in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper, as outlined in Schedule D.
- 1.3 The parties agree that, except as varied or supplemented by the provisions of this agreement, all bylaws and regulations of the City and all laws of any authority having jurisdiction shall apply to the property and commercial business.
- 1.4 Where a Heritage Alteration Permit is required, the discretion to approve, refuse, or revise such permit is delegated by Council to the Divisional Director, Planning and Development Services.
- 1.5 The Owner agrees to prove and pay for all servicing required by the proposed development of the subject property and to provide required bonding for same, including, but not limited to: domestic water and fire protection, sanitary sewer, storm drainage, road improvements, power and telecommunication services and street lights, as per Development Engineering Memorandum, dated November 14, 2018, (Attachment D).
- 2.0 Conservation and Maintenance of Existing Development.**
- 2.1 The Owner agrees not to alter the exterior of the existing Heritage Building or heritage character other than as described in Schedules B and C pursuant to a Heritage Alteration Permit issued by the City, and in accordance with this agreement;
- 2.2 The Owner agrees to maintain the exterior of the existing Heritage Building on the Subject Property in general accordance with the Acne Building Services Heritage Report entitled "*Davara Holdings Ltd. Rehabilitation Proposal at 1781 Abbott Street, Kelowna*" prepared by Elena Zysblat, registered heritage consultant, dated March 29, 2019, Attachment B;
- 2.3 If original features must be replaced, the new material shall be similar or identical to the original and shall be subject to the issuance of a minor Heritage Alteration Permit. Where original features were removed through earlier renovations or alterations and the replacements were not in keeping with the original style of the existing Heritage Building, any subsequent replacement of these features shall complement the building's heritage style;

- 2.4 The heritage restoration will follow the recommendations outlined in Acne Building Services Heritage Report attached as Attachment B. Any deviations or changes from outlined recommendations will first be reviewed and approved by the Heritage Consultant. Additionally, the design architect will provide a letter of conformance upon completion of heritage restoration and prior to occupancy.

- 2.5 Upon occupancy of the heritage asset, the Heritage Consult must an updated Statement of Significance submit to the City for review.

4.0 Commencement and Completion

- 4.1 The Owner agrees to commence the proposed development upon adoption of City of Kelowna Heritage Revitalization Agreement Authorization Bylaw No. 11923 and to commence all such works within 2 years of the adoption of the HRA.

5.0 Damage or Destruction

- 5.1 In the event that no more than 75% of the Heritage Building is damaged, the parties agree as follows:

a) The Owner may repair the Heritage Building in which event the Owner shall forthwith commence the repair work and complete same within one year of the date of damage;

OR, in the event that the Heritage Building is destroyed,

b) The City may, by bylaw, and after conducting a Public Hearing in the manner prescribed by Sections 464 through 470 of the *Local Government Act*, cancel this agreement, whereupon all use and occupation of the Subject Property shall thenceforth be in accordance with the zoning bylaws of the City and in accordance with all other bylaws or regulations of the City or any other laws of authority having jurisdiction.

6.0 Breach

- 6.1 In the event that the Owner is in breach of any term of this Agreement, the City may give the Owner notice in writing of the breach and the Owner shall remedy the breach within 30 days of receipt of the notice. In the event that the Owner fails to remedy the breach within the time allotted by the notice, the City may, by bylaw and after conducting a Public Hearing in the manner prescribed by Sections 464 through 470 of the *Local Government Act*, cancel this Agreement whereupon all use and occupation of the Subject Property shall thenceforth be in accordance with the zoning bylaws of the City and in accordance with all other bylaws or regulations of the City or any other laws of authority having jurisdiction.

7.0 Amendment

- 7.1 The parties acknowledge and agree that this Agreement may only be amended by one of the following means:

a) By bylaw with the consent of the parties provided that a Public Hearing shall be held if an amendment would permit a change to use or density of use on site or;

b) By Heritage Alteration Permit (HAP), issued pursuant to Section 617 of the *Local Government Act*.

8.0 Representations

- 8.1 It is mutually understood and agreed upon between the parties that the City has made no representations, covenants, warranties, promises or agreements expressed or implied, other than those expressly contained in this Agreement.

9.0 Statutory Functions

- 9.1 Except as expressly varied or supplemented herein, this Agreement shall not prejudice or affect the rights and powers of the City in the exercise of its statutory functions and responsibilities including, but not limited to, the *Local Government Act* and its rights and powers under any enactments, bylaws, order or regulations, all of which, except as expressly varied or supplemented herein, are applicable to the Subject Property.

10.0 Inurement

- 10.1 This Agreement inures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

11.0 Other Documents

- 11.1 The Owner agrees at the request of the City, to execute and deliver or cause to be executed and delivered all such further agreements, documents and instruments and to do and perform or cause to be done and performed all such acts and things as may be required in the opinion of the City to give full effect to the intent of this Agreement.

12.0 Notices

- 12.1 Any notice required to be given pursuant to this Agreement shall be in writing and shall either be delivered mailed by registered mail as follows:

(a) To the City:

City of Kelowna
1435 Water Street
Kelowna, B.C. V1Y 1J4

ATTENTION: City Clerk

(b) To the Owner:

David Sargent
1-911 Borden Ave
Kelowna, BC
V1Y 6A5

Or, to such other address to which a party hereto may from time to time advise in writing

13.0 No Partnership or Agency

- 13.1 The parties agree that nothing contained herein creates a relationship between the parties of partnership, joint venture or agency.

IN WITNESS WHEREOF this Agreement has been executed by the parties hereto on the day and year first above written.

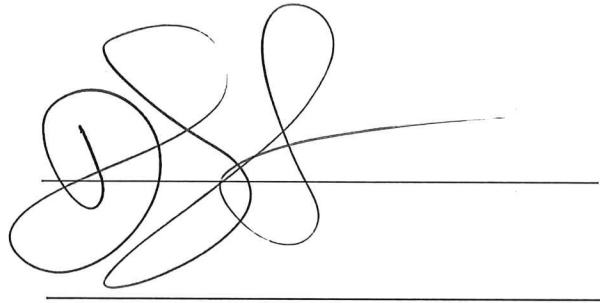
CITY OF KELOWNA
By its authorized signatories

Mayor

City Clerk

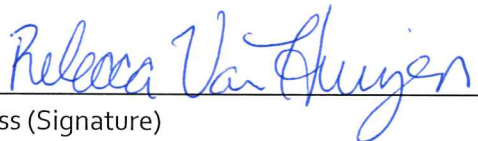
David Sargent

Date: Sept 23/19



In the presence of:

REBECCA ELIZABETH VAN HUIZEN
A COMMISSIONER FOR TAKING
AFFIDAVITS FOR BRITISH COLUMBIA
1135 WATER STREET, KELOWNA, BC V1Y 1J4
Witness (print name) Order No. 2016-1155
Expiry Date: 2019-10-31



Witness (Signature)

Address

Occupation

CITY OF KELOWNA

BYLAW NO. 11946

HD19-0002 - Murchison House Heritage Designation Bylaw - 1781 Abbott Street

WHEREAS the Municipal Council of the City of Kelowna considers the building known as the "Murchison House" located at Lot 2 District Lot 14 ODYD Plan 2614, on Abbott Street, Kelowna, B.C. to be a building with heritage value and that the designation of the building as a heritage site pursuant to Section 611 of the *Local Government Act* is desirable for the conservation of the building;

AND WHEREAS the Municipal Council of the City of Kelowna considers the building envelope as indicated in Schedule "B" attached to this bylaw located at Lot 2 District Lot 14 ODYD Plan 2614, on Abbott Street, Kelowna, B.C. to be a site with heritage value and that the designation of the site as a heritage site pursuant to Section 611 of the *Local Government Act* is desirable for the conservation of the site;

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

1. The building known as the Murchison House situated on lands legally described as Lot 2 District Lot 14 ODYD Plan 2614, located at 1781 Abbott Street, Kelowna, BC is hereby designated a Municipal Heritage Building pursuant to Section 611 of the *Local Government Act*.
2. The building envelope as indicated by Schedule "B" attached to this bylaw, situated on lands legally described as Lot 2 District Lot 14 ODYD Plan 2614, located at 1781 Abbott Street, Kelowna, BC is hereby designated a Municipal Heritage Site pursuant to Section 611 of the *Local Government Act*.
3. Except as authorized by this bylaw or as authorized by a Heritage Revitalization Agreement or a Heritage Alteration Permit approved by Council, no person shall:
 - a) Alter the exterior of any building situated on the property designated by this bylaw;
 - b) Make a structural change to a building or structure situated on property designated by this bylaw;
 - c) Move any building situated on the property designated by this bylaw; or
 - d) Alter, excavate or build on land designated by this bylaw.
4. The following alterations to the designated building are hereby authorized without a Heritage Alteration Permit:
 - a) Normal day to day maintenance and repairs

5. This bylaw may be cited for all purposes as the Heritage Designation Bylaw No. 11946 the Murchison House.

Read a first time by the Municipal Council this

Considered at a Public Hearing this

Read a second and third time by the Municipal Council this

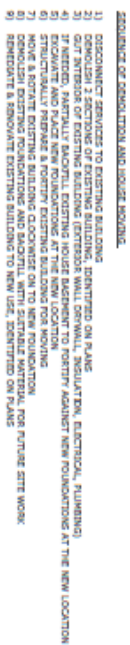
Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



SCHEDULE B
The Senate part of legislation
00 HRA18-0001

CITY OF KELOWNA

BYLAW NO. 11923

Heritage Revitalization Agreement Authorization Bylaw

HRA18-0001 – 1781 Abbott –

Davara Holdings Ltd., Inc. No. BCo797640

WHEREAS a local government may, by bylaw, enter into a heritage revitalization agreement with the Owner of property which Council deems to be of heritage value pursuant to section 610 of the *Local Government Act*;

AND WHEREAS the Municipal Council of the City of Kelowna is desirous of entering into a Heritage Revitalization Agreement with Davara Holdings Ltd., Inc. No. BCo797640 for the property located at 1781 Abbott Street;

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

1. The Municipal Council of the City of Kelowna hereby authorizes the City of Kelowna to enter into a Heritage Revitalization Agreement with Davara Holdings Ltd., Inc. No. BCo797640 for the property located at 1781 Abbott Street, Kelowna, B.C., and legally described as:

Lot 2, District Lot 14, ODYD, Plan 2614

In the form of such Agreement attached to and forming part of this bylaw as Schedule "A".

2. The Mayor and City Clerk are hereby authorized to execute the attached agreement, as well as any conveyances, deeds, receipts and other documents in connection with the attached agreement, and to affix the corporate seal of the City of Kelowna to same.

Read a first time by the Municipal Council this

Considered at a Public Hearing this

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

SCHEDULE "A"
HERITAGE REVITALIZATION AGREEMENT

THIS AGREEMENT dated as of the _____ day of _____, 2019

BETWEEN:

City of Kelowna, a Municipal Corporation having offices at 1435 Water Street, Kelowna, British Columbia V1Y 1J4

(herein called the "CITY")

OF THE FIRST PART

AND: Davara Holdings Ltd. of
1-911 Borden Avenue, Kelowna, British Columbia, V1Y 6A5

(herein called the "OWNER")

OF THE SECOND PART

WHEREAS a local government may, by bylaw, enter into a Heritage Revitalization Agreement with the Owner of property identified as having heritage value, pursuant to Section 610 of the *Local Government Act*;

AND WHEREAS the Owner owns certain real property on which is situated a building of heritage value, known as the "Murchison House", pursuant to the City's Heritage Register, which property and building are located at 1781 Abbott Street, Kelowna, BC and legally described as:

Parcel Identifier: 010-990-011
Lot 2, District Lot 14, ODYD, Plan 2614

(herein called the "Subject Property")

AND WHEREAS the Owner has presented to the City a proposal for the use, development and preservation of the Subject Property and has voluntarily and without any requirement by the City, entered into this agreement pursuant to Section 610 of the *Local Government Act*;

AND WHEREAS a local government must hold a Public Hearing on the matter before entering into, or amending, a Heritage Revitalization Agreement if the agreement or amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning of the Subject Property and for these purposes Section 464 through 470 of the *Local Government Act* apply;

AND WHEREAS within thirty days after entering into, or amending, a Heritage Revitalization Agreement the local government must file a notice in the Land Title Office in accordance with Section 594 of the *Local Government Act* and give notice to the Minister responsible for the *Heritage Conservation Act* in accordance with Section 595 of the *Local Government Act*;

NOW THEREFORE in consideration of the mutual promises contained in this agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1.0 Heritage Revitalization

- 1.1 The parties agree that the Subject Property have heritage value, deserving of protection and conservation and the Owner specifically agrees to rehabilitate³, maintain, preserve and protect the heritage character of the existing Heritage Building (Murchison House) located on the Subject Property in accordance with Attachments A, B and C.
- 1.2 The parties agree that the Subject Property may, notwithstanding Zoning Bylaw no. 8000 including the provisions identified in the RU1 – Large Lot Housing zoning on the Subject Property, be used for the following permitted uses:
- (a) The adaptive reuse⁴ of the existing Heritage Building on the property to allow office as a permitted use, provided that:
 - i. The the existing Heritage Building is relocated and repositioned as per the Site Plan illustrated in Schedule B;
 - ii. The maximum floor area of the commercial space be limited to 118m²;
 - iii. The hours of operation to serve clients from the commercial space shall take place between 7:00am – 6:00pm, Monday through Saturday;
 - iv. The number of staff operating from the existing Heritage Building is limited to a maximum of 5;
 - v. The business sign adhere to the City Sign Bylaw No.11530, and be approved by Development Planning Department prior to installation.
 - (b) The construction of new housing on the property to allow two dwelling housing as a permitted use, provided that:
 - i. The use is in conformance with the Heritage Revitalization Agreement Bylaw No. 11923, as two dwelling housing;
 - ii. The dimensions and the siting of the two dwelling housing to be constructed on the Subject Property be in general accordance with Schedule B;
 - iii. The exterior design and finish of the two dwelling housing to be constructed on the Subject Property be in general accordance with Schedule C.
 - (c) The site planning and landscaping on the Subject Property, provided that:
 - iv. A minimum of six on-site surface parking stalls and a designated area for bike racks shall be provided as per the Site Plan illustrated Schedule B;

³ As defined by "Standards and Guidelines for the Conservation of Historic Places in Canada", second edition, 2010, and detailed in City of Kelowna's "Adaptive Reuse Guidelines for Residential Heritage Buildings".

- v. A minimum of three dedicated on-site parking stalls shall be provided for the office use operating from the Heritage Building, and three on-site parking stalls shall be provided for the two dwelling housing;
 - vi. Parking signs for minimum of 2 commercial office parking stalls shall be installed, and indicate hours for office parking use: "Commercial Parking 7:00am – 6:00pm, Residential Visitor Parking 6:00pm – 7:00am, Monday to Saturday, and Sunday";
 - vii. A historical plaque summarizing the heritage value of the Heritage Building and the works completed on the Subject Property shall be installed and maintained at the expense of the applicant, subject to approval by the City of Kelowna;
 - viii. The Owner agrees to install and maintain landscaping on the Subject Property in general accordance with the attached landscape plans (Schedule D);
 - ix. The Owner agrees to post a Landscape Performance Security bond with the City in the form of a "Letter of Credit" or cash in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper, as outlined in Schedule D.
- 1.3 The parties agree that, except as varied or supplemented by the provisions of this agreement, all bylaws and regulations of the City and all laws of any authority having jurisdiction shall apply to the property and commercial business.
- 1.4 Where a Heritage Alteration Permit is required, the discretion to approve, refuse, or revise such permit is delegated by Council to the Divisional Director, Planning and Development Services.
- 1.5 The Owner agrees to prove and pay for all servicing required by the proposed development of the subject property and to provide required bonding for same, including, but not limited to: domestic water and fire protection, sanitary sewer, storm drainage, road improvements, power and telecommunication services and street lights, as per Development Engineering Memorandum, dated November 14, 2018, (Attachment D).
- 2.0 Conservation and Maintenance of Existing Development.**
- 2.1 The Owner agrees not to alter the exterior of the existing Heritage Building or heritage character other than as described in Schedules B and C pursuant to a Heritage Alteration Permit issued by the City, and in accordance with this agreement;
- 2.2 The Owner agrees to maintain the exterior of the existing Heritage Building on the Subject Property in general accordance with the Acne Building Services Heritage Report entitled "*Davara Holdings Ltd. Rehabilitation Proposal at 1781 Abbott Street, Kelowna*" prepared by Elena Zysblat, registered heritage consultant, dated March 29, 2019, Attachment B;
- 2.3 If original features must be replaced, the new material shall be similar or identical to the original and shall be subject to the issuance of a minor Heritage Alteration Permit. Where original features were removed through earlier renovations or alterations and the replacements were not in keeping with the original style of the existing Heritage Building, any subsequent replacement of these features shall complement the building's heritage style;

- 2.4 The heritage restoration will follow the recommendations outlined in Acne Building Services Heritage Report attached as Attachment B. Any deviations or changes from outlined recommendations will first be reviewed and approved by the Heritage Consultant. Additionally, the design architect will provide a letter of conformance upon completion of heritage restoration and prior to occupancy.
- 2.5 Upon occupancy of the heritage asset, the Heritage Consult must an updated Statement of Significance submit to the City for review.
- 4.0 Commencement and Completion**
- 4.1 The Owner agrees to commence the proposed development upon adoption of City of Kelowna Heritage Revitalization Agreement Authorization Bylaw No. 11923 and to commence all such works within 2 years of the adoption of the HRA.
- 5.0 Damage or Destruction**
- 5.1 In the event that no more than 75% of the Heritage Building is damaged, the parties agree as follows:
- a) The Owner may repair the Heritage Building in which event the Owner shall forthwith commence the repair work and complete same within one year of the date of damage;
- OR, in the event that the Heritage Building is destroyed,
- b) The City may, by bylaw, and after conducting a Public Hearing in the manner prescribed by Sections 464 through 470 of the *Local Government Act*, cancel this agreement, whereupon all use and occupation of the Subject Property shall thenceforth be in accordance with the zoning bylaws of the City and in accordance with all other bylaws or regulations of the City or any other laws of authority having jurisdiction.
- 6.0 Breach**
- 6.1 In the event that the Owner is in breach of any term of this Agreement, the City may give the Owner notice in writing of the breach and the Owner shall remedy the breach within 30 days of receipt of the notice. In the event that the Owner fails to remedy the breach within the time allotted by the notice, the City may, by bylaw and after conducting a Public Hearing in the manner prescribed by Sections 464 through 470 of the *Local Government Act*, cancel this Agreement whereupon all use and occupation of the Subject Property shall thenceforth be in accordance with the zoning bylaws of the City and in accordance with all other bylaws or regulations of the City or any other laws of authority having jurisdiction.
- 7.0 Amendment**
- 7.1 The parties acknowledge and agree that this Agreement may only be amended by one of the following means:
- a) By bylaw with the consent of the parties provided that a Public Hearing shall be held if an amendment would permit a change to use or density of use on site or;
- b) By Heritage Alteration Permit (HAP), issued pursuant to Section 617 of the *Local Government Act*.

8.0 Representations

- 8.1 It is mutually understood and agreed upon between the parties that the City has made no representations, covenants, warranties, promises or agreements expressed or implied, other than those expressly contained in this Agreement.

9.0 Statutory Functions

- 9.1 Except as expressly varied or supplemented herein, this Agreement shall not prejudice or affect the rights and powers of the City in the exercise of its statutory functions and responsibilities including, but not limited to, the *Local Government Act* and its rights and powers under any enactments, bylaws, order or regulations, all of which, except as expressly varied or supplemented herein, are applicable to the Subject Property.

10.0 Inurement

- 10.1 This Agreement inures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

11.0 Other Documents

- 11.1 The Owner agrees at the request of the City, to execute and deliver or cause to be executed and delivered all such further agreements, documents and instruments and to do and perform or cause to be done and performed all such acts and things as may be required in the opinion of the City to give full effect to the intent of this Agreement.

12.0 Notices

- 12.1 Any notice required to be given pursuant to this Agreement shall be in writing and shall either be delivered mailed by registered mail as follows:

(a) To the City:

City of Kelowna
1435 Water Street
Kelowna, B.C. V1Y 1J4

ATTENTION: City Clerk

(b) To the Owner:

David Sargent
1-911 Borden Ave
Kelowna, BC
V1Y 6A5

Or, to such other address to which a party hereto may from time to time advise in writing

13.0 No Partnership or Agency

- 13.1 The parties agree that nothing contained herein creates a relationship between the parties of partnership, joint venture or agency.

IN WITNESS WHEREOF this Agreement has been executed by the parties hereto on the day and year first above written.

CITY OF KELOWNA
By its authorized signatories

Mayor

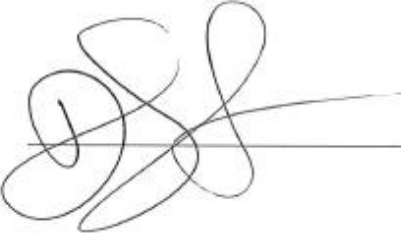
City Clerk

David Sargent

Date: Sept 23/19

In the presence of:

REBECCA ELIZABETH VAN HUIZEN
A COMMISSIONER FOR TAKING
AFFIDAVITS FOR BRITISH COLUMBIA
1135 WATER STREET, KELOWNA, BC V1Y 1J1
Witness (Print Name) 2016-1155
Expiry Date: 2019-10-31




Witness (Signature)

Address

Occupation

REPORT TO COUNCIL



Date: October 7, 2019

RIM No. 1250-30

To: Council

From: City Manager

Application: Z19-0065

Owner: William James Feist & Treena June Harley

Address: 1884 Abbott Street

Applicant: Urban Options Planning & Permits

Subject: Rezoning Application

1.0 Recommendation

THAT Rezoning Application No. Z19-0065 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 21 Block 3 District Lot 14 ODYD Plan 1395, located at 1884 Abbott St., Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council;

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

2.0 Purpose

To consider rezoning the property from RU1 – Large Lot Housing to RU1c – Large Lot Housing with Carriage House to allow for the construction of a carriage house.

3.0 Development Planning

Development Planning supports the proposed rezoning to RU1c – Large Lot Housing with Carriage House.

The subject property has a Future Land Use Designation of Single / Two Unit Residential (S2RES) and is within the Permanent Growth Boundary, which supports the proposed RU1c zone. Also, the addition of residential units in already built-up areas advances the Official Community Plan (OCP) policy of developing a compact urban form.

In addition, the proposal is sensitive to the context of the neighbourhood, and, as such, upholds the OCP policy regarding sensitive infill. Related to this, the subject property is in the Heritage Conservation area, and staff have determined that the form and character of the proposed carriage house is in substantial agreement with the Heritage Alteration Permit Guidelines.

4.0 Proposal

4.1 Project Description

The proposed rezoning would allow for a carriage house on the subject property, requiring demolition of the existing small accessory building. The proposed carriage house is to consist of a 2-car garage at grade and a 1-bedroom dwelling unit above. The carriage house would be accessed from a lane at the rear of the property. In addition to the 2-car garage, 2 other parking stalls will be provided on site, for a total of 4 (1 more than the required 3). No variances are required.

The proposed carriage house would also require a Heritage Alteration Permit. Staff can confirm that the proposed carriage house meets the Heritage Alteration Permit Guidelines, and a Heritage Alteration Permit would be issued should Council approve the rezoning.

4.2 Site Context

The subject property is located on Abbott Street and is in the Heritage Conservation Area. The lot is along the Abbott Street Recreation Corridor and is within easy walking distance of the City Centre, City Park and the Highway 97 transit corridor.

The property to the south, at 1888 Abbott St., was rezoned to RU1c in 2017. Also, the property to the north, at 1874 Abbott St., added a legal secondary suite in 2013. There are numerous RU1c zoned properties in the neighbourhood and in the immediate area.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Residential
East	RU1 – Large Lot Housing	Residential
South	RU1c – Large Lot Housing with Carriage House	Residential
West	RU1 – Large Lot Housing	Residential

Subject Property Map: 1884 Abbott St.



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas.

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

Objective 5.22 Ensure context sensitive housing development.

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

Chapter 9: Arts, Culture and Heritage

Objective 9.2 Identify and conserve heritage resources.

Policy .4 **Conservation Areas**. Development in the Abbott Street and Marshall Street Heritage Conservation Area outlined on Map 9.1 will be assessed using the Abbott Street and Marshall Street Heritage Conservation Area Guidelines in Chapter 16.

6.0 Technical Comments

6.1 Development Engineering Department

All Development Engineering requirements have been satisfied.

7.0 Application Chronology

Date of Application Received: May 13, 2019

Date Public Consultation Completed: June 4, 2019

Report prepared by: Aaron Thibeault, Planner II

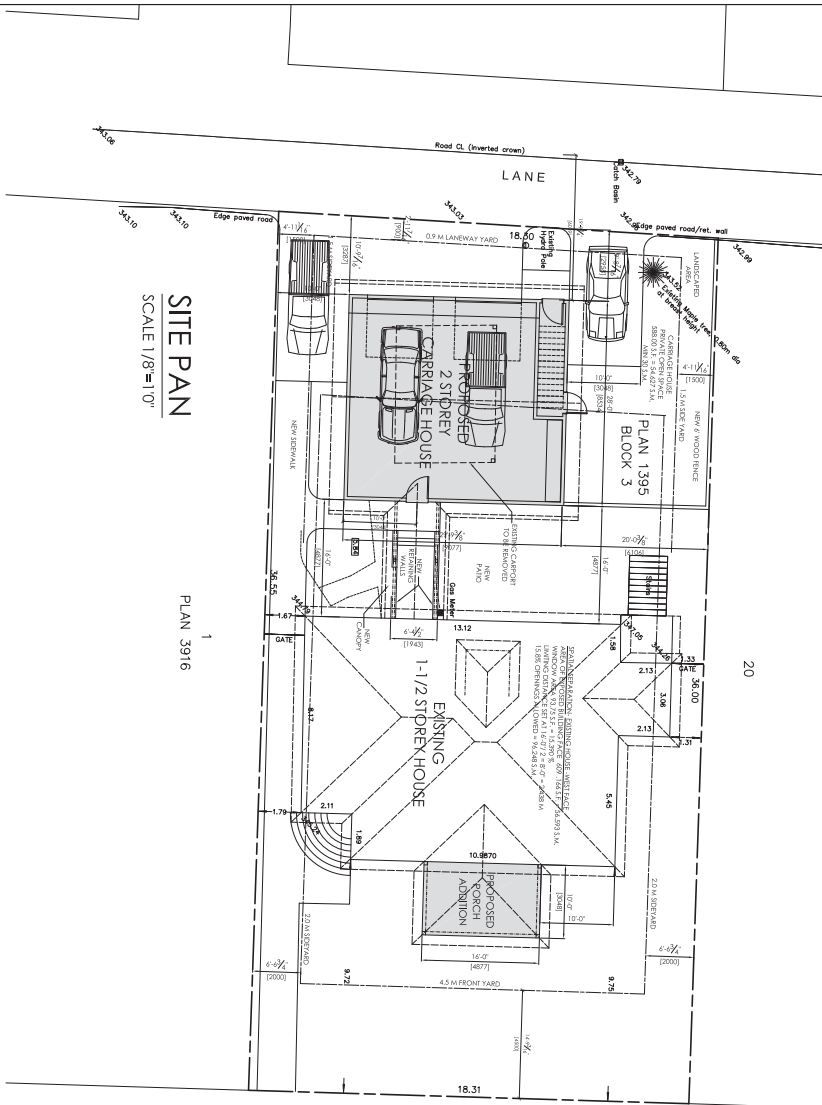
Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Site Plan

Attachment B: Applicant Rationale



SITE PAN
SCALE 1/8"=10'

PLAN 3916

SITE DATA

LEGAL

LOT 21 BLOCK 3
DISTRICT LOT 14
O.D.V.D.

STREET ADDRESS

1884 ABBOTT STREET
KELOWNA BC

ZONING

URBAN RESIDENTIAL ZONE
EXISTING - RU1 LARGE LOT HOUSING
PROPOSED - RU1C - LARGE LOT HOUSING WITH CARRIAGE HOUSE

AREA CALCULATIONS

LOT AREA	7,145,422 SQ. FT.	665,831 SQ. M.
EXISTING HOUSE AREA	1,448,625 SQ. FT.	134,582 SQ. M.
PROPOSED PORCH ADDITION	160,000 SQ. FT.	14,884 SQ. M.
PROPOSED CARRIAGE HOUSE	860,000 SQ. FT.	79,539 SQ. M.
TOTAL BUILDING AREA	2,468,625 SQ. FT.	227,465 SQ. M.
MAX LOT COVERAGE AT 40%	2868,149 SQ. FT.	265,533 SQ. M.
PROPOSED LOT COVERAGE AT 34.26%	2448,625 SQ. FT.	227,465 SQ. M.
MAX AREA OF ACCESSORY BUILDINGS AT 14%	1000,359 SQ. FT.	92,956 SQ. M.
PROPOSED MAX AREA OF ACCESSORY BUILDINGS AT 11.756 %	= 840,000 SQ. FT.	

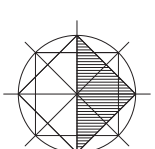
CARRIAGE HOUSE

MAXIMUM NET FLOOR AREA - THE LESSER OF 90 SQ. M. FOR A CARRIAGE HOUSE GREATER THAN ONE STOREY, TO A MAXIMUM OF 75% OF THE NET FLOOR AREA OF THE PRINCIPAL DWELLING.

NET FLOOR AREA OF PRINCIPAL BUILDING	1,448,625 SQ. FT.	134,582 SQ. M.
FINISHED BASEMENT AREA	1,448,625 SQ. FT.	134,582 SQ. M.
FINISHED MAIN FLOOR AREA	1,448,625 SQ. FT.	134,582 SQ. M.
SECOND FLOOR DORMER	100,000 SQ. FT.	9,290 SQ. M.
TOTAL NET AREA	2,997,250 SQ. FT.	278,454 SQ. M.
PROPOSED CARRIAGE HOUSE GARAGE AREA 840 SQ. FT. = 28.02% OF THE PRINCIPAL DWELLING NET FLOOR AREA		
UPPER STOREY FLOOR AREA MAY 75% OF THE CARRIAGE HOUSE FOOTPRINT AREA 840,000 SQ. FT.		
PROPOSED UPPER FLOOR GROSS AREA = 629,75 SQ. FT. = 74.97 %		



1744 Sandus Road
Kelowna BC
V1Y 1G3
T: 250-865-0314
F: 250-865-0315
E: keystone@keystone.net



PROJECT
FEIST CARRIAGE HOUSE
AND ADDITION

1884 ABBOTT STREET
KELOWNA, BC

DRAWING TITLE
SITE PLAN
SITE PROFILE

PROJECT NO.	2018-0291
DATE	NOV 05, 2018
DRAWN	Reg. Kelowna
SCALE	1/8"=10'
DRAWING NO.	



April 25, 2019

City Of Kelowna
Urban Planning Department
1435 Water Street
Kelowna, BC

RE: Proposed rezoning and Heritage Alteration Permit at 1884 Abbott Street

Dear Urban Planner:

We are applying to rezone the subject property from the existing "RU1 - Large Lot Housing" zone to the "RU1c - Large Lot Housing with Carriage House" zone in order to permit the construction of a 1½ storey carriage house.

The subject property is located within the Abbott Street Heritage Conservation area and will also require an application for a Heritage Alteration Permit to authorize construction of the carriage house. The existing dwelling is not listed on the Heritage Register, but is identified in Abbott Street & Marshal Street Heritage Conservation Area Development Guidelines as an "Early Vernacular Cottage" style building, located within an area of dominant "Early Vernacular Cottage" style.

The new carriage house will be located behind the existing dwelling, adjacent to the lane. The two parking stalls to be located within the garage portion of the carriage house will provide parking for the principal dwelling, while the parking for the residential portion of the carriage house will be surface parking stalls located adjacent to the carriage house.

The proposed carriage house will incorporate design elements to complement the existing dwelling on the site, including the use of complementary building materials and colours for both buildings. The private open space, as well as the entrance to the carriage house will be located on the north side of the building to provide easy access to the parking stall as well.

As part of the site development, a small 14.85m² covered porch addition to the front of the principal dwelling is being proposed. The porch addition is designed to utilize the same finish materials and colours as the existing dwelling and the proposed carriage house.

The downtown area was developed with single unit dwellings on large lots dating back to the early 1900's, a time associated with the early incorporation of the City of Kelowna. The neighbourhood has seen a resurgence of development in the last 20 years. The property located directly to the south of the subject property was rezoned to add the "c" designation to the site to allow for the development of a carriage house in 2017.

As well, the location of the subject property will provide walking access to many employment and commercial uses in the nearby downtown business district as well as to several beach accesses to Okanagan Lake.

We believe this proposal is a good fit for the area and will contribute to positive infill density in this area of Kelowna.

Regards

Birte Decloux on behalf of Bill Feist.

CITY OF KELOWNA

BYLAW NO. 11947

Z19-0065 – 1884 Abbott Street

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 21 Block 3 District Lot 14 ODYD Plan 1395 located on Abbott Street, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

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 OF KELOWNA
BYLAW NO. 11748
Z18-0119 894 Dehart Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 5 District Lot 358 ODYD Plan KAP54236 located on Dehart Road, Kelowna, B.C., 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 28th day of January, 2019.

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

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

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11884

Z19-0088 – 1912 and 1915 Pacific Court

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 parcels outlined in Schedules "B" attached and forming part of this bylaw located on Pacific Court, Kelowna, B.C., from the RM3 – Low Density Multiple Housing zone to the RM5 – Medium Density Multiple Housing zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 26th day of August, 2019.

Read a second and third time by the Municipal Council this 17th day of September, 2019.

Approved under the Transportation Act this 20th day of September, 2019.

Robyn M. Clifford

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule B: Proposed RM5 Zone Charge #: H63425						
No.	Legal Description	Address	Parcel Identifier Number	Land Use Contract	Underlying Zone	Proposed Zone
1	Lot A District Lot 137 ODYD Strata Plan KAP23658	1912 Pacific Ct	006-281-699	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
2	Strata Lot 1 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	101-1915 Pacific Ct	002-720-752	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
3	Strata Lot 2 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	102-1915 Pacific Ct	002-720-787	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
4	Strata Lot 3 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	103-1915 Pacific Ct	002-720-809	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
5	Strata Lot 4 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	104-1915 Pacific Ct	002-007-754	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
6	Strata Lot 5 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	105-1915 Pacific Ct	002-720-817	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
7	Strata Lot 6 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	106-1915 Pacific Ct	002-720-833	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
8	Strata Lot 7 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	107-1915 Pacific Ct	002-720-841	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
9	Strata Lot 8 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	108-1915 Pacific Ct	002-720-850	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
10	Strata Lot 9 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	201-1915 Pacific Ct	002-329-697	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
11	Strata Lot 10 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	202-1915 Pacific Ct	002-720-868	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing

12	Strata Lot 11 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	203-1915 Pacific Ct	002-720-892	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
13	Strata Lot 12 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	204-1915 Pacific Ct	002-720-914	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
14	Strata Lot 13 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	205-1915 Pacific Ct	002-720-922	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
15	Strata Lot 14 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	206-1915 Pacific Ct	002-720-931	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
16	Strata Lot 15 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	207-1915 Pacific Ct	002-002-931	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
17	Strata Lot 16 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	208-1915 Pacific Ct	002-720-949	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
18	Strata Lot 17 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	301-1915 Pacific Ct	002-720-957	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
19	Strata Lot 18 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	302-1915 Pacific Ct	002-720-981	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
20	Strata Lot 19 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	303-1915 Pacific Ct	002-720-990	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
21	Strata Lot 20 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	304-1915 Pacific Ct	002-721-007	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
22	Strata Lot 21 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	305-1915 Pacific Ct	002-721-015	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
23	Strata Lot 22 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	306-1915 Pacific Ct	002-721-643	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
24	Strata Lot 23 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	307-1915 Pacific Ct	002-721-651	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing

25	Strata Lot 24 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	308-1915 Pacific Ct	002-721-660	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
26	Strata Lot 25 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	401-1915 Pacific Ct	002-721-678	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
27	Strata Lot 26 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	402-1915 Pacific Ct	002-721-694	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
28	Strata Lot 27 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	403-1915 Pacific Ct	002-721-708	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
29	Strata Lot 28 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	404-1915 Pacific Ct	002-721-716	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
30	Strata Lot 29 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	405-1915 Pacific Ct	002-721-732	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
31	Strata Lot 30 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	406-1915 Pacific Ct	002-721-767	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
32	Strata Lot 31 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	407-1915 Pacific Ct	002-731-783	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
33	Strata Lot 32 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	408-1915 Pacific Ct	002-721-791	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
34	Strata Lot 33 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	501-1915 Pacific Ct	002-721-805	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
35	Strata Lot 34 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	502-1915 Pacific Ct	002-721-821	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
36	Strata Lot 35 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	503-1915 Pacific Ct	002-721-830	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing
37	Strata Lot 36 District Lot 137 ODYD Strata Plan K77 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1	504-1915 Pacific Ct	002-721-872	BL3534	RM3 – Low Density Multiple Housing	RM5 – Medium Density Multiple Housing

CITY OF KELOWNA

BYLAW NO. 11899

Z19-0089 – 1110 Lawrence 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 parcels outlined in Schedules "B" attached and forming part of this bylaw located on Lawrence Avenue, Kelowna, B.C., from the RM3 – Low Density Multiple Housing zone to the C4 – Urban Centre Commercial zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 26th day of August, 2019.

Read a second and third time by the Municipal Council this 17th day of September, 2019.

Approved under the Transportation Act this 18th day of September, 2019.

Robyn M. Clifford

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

**Schedule B: Proposed C4 Zone
Charge #: J71898**

No.	Legal Description	Address	Parcel Identifier Number	Land Use Contract	Underlying Zone	Proposed Zone
1	Lot 1 District Lot 137 ODYD Plan 26370	1110 Lawrence Ave	005-140-234	LUCK73-65	RM3 – Low Density Multiple Housing	C4 – Urban Centre Commercial

Report to Council



Date: October 7, 2019
To: Council
From: City Manager
Subject: 2020 Permissive Tax Exemption Bylaw No. 11936
Department: Financial Services

Recommendation:

THAT Council receives, for information, the Report from the Revenue Supervisor dated October 7, 2019 with respect to the 2020 Permissive Tax Exemption Bylaw;

AND THAT Bylaw No. 11936, being the Permissive Tax Exemption Bylaw be forwarded for reading consideration.

Purpose:

Council to consider a property tax exemption for those organizations that have met the qualifications as outlined in Permissive Tax Exemption Policy #327.

Discussion:

Section 224 of the Community Charter provides the authority for permissive tax exemptions. Council may exempt land and improvements in their entirety or a portion thereof for a period of up to 10 years. Authority to grant permissive tax exemptions is a policy tool available to Council to promote or achieve specific goals. As a general rule when Council grants a permissive tax exemption on a specific property, that property is automatically exempted from municipal, school, regional district, hospital and BC Assessment taxes. The permissive tax exemption does not apply to utility fees such as garbage/landfill/recycle charges or to parcel taxes such as the Water Parcel tax.

Permissive Tax Exemption Policy #327 sets out the extent, conditions, and penalties, along with the general process and the eligibility criteria used by the City of Kelowna to determine property eligibility for Permissive Tax Exemptions.

There is no obligation on the part of Council to grant a permissive tax exemption in any year. Permissive tax exemptions that are granted in any year reduce the total value of the tax base for that year and thereby increase the burden of taxation to properties that are not exempt.

The process requires the completion of applications on a five-year basis for places of worship, private schools and hospitals, with other non-profit organizations reapplying and being reconsidered annually. The year 2020 is the fifth in this five-year cycle for places of worship, private schools and hospitals.

Renewal applications for all currently exempt applicants as well as new applicants were reviewed by staff in relation to Council Policy # 327 and the below recommendations represent the changes to the status of each applicant.

The estimated municipal tax impact related to the 2020 permissive exemptions is \$1,829,544.

The following changes to Schedules A through H of the 2019 Tax Exemption Bylaw No. 11657 for 2020 property tax exemption are placed before Council for consideration:

Schedule A, Public Worship:

FOLIO	LEGAL DESCRIPTION	REGISTERED OWNER/LESSEE	CHANGE/COMMENT
057010	Lot 1, Plan 15741	Ray Chase, Emsley Hunter, and Cyril Nash (Trustees)	Remove – property sold

Schedule B, Private Schools:

FOLIO	LEGAL DESCRIPTION	REGISTERED OWNER/LESSEE	CHANGE/COMMENT
07212.595	Lot A, Plan KAP48732	Lakeside Educational Society of Kelowna	Name change from Waldorf School Association
07212.596	Lot B, Plan KAP48732	Lakeside Educational Society of Kelowna	Name change from Waldorf School Association

Schedule C, Hospitals: No change

Schedule D, Special Needs Housing:

FOLIO	LEGAL DESCRIPTION	REGISTERED OWNER/LESSEE	CHANGE/COMMENT
048730	Lot 31, Plan 10011, District Lot 137	Resurrection Recovery Resource Society	Add – acquired property
048740	Lot 32, Plan 10011, District Lot 137	Resurrection Recovery Resource Society	Add – acquired property
10519.958	Lot 4, Plan KAS1717	Kelowna Child Care Society	Remove – Reclassification from Schedule D to E

Schedule E, Social Services:

FOLIO	LEGAL DESCRIPTION	REGISTERED OWNER/LESSEE	CHANGE/COMMENT
057010	Lot 1, Plan 15741	Starbright Children's Development Centre Association	Add – acquired property
083933 (082144)	Lot A, Plan KAP86241	Pathways Abilities Society / City of Kelowna	Remove – change in use
10519.958	Lot 4, Plan KAS1717	Kelowna Child Care Society	Add – Reclassification from Schedule D to E

Schedule F, Public Park/Recreation Ground, Public Athletic/Recreational:

FOLIO	LEGAL DESCRIPTION	REGISTERED OWNER/LESSEE	CHANGE/COMMENT
11501.989 / 11501.979	Lot 1, Plan 35229	Central Okanagan Small Boat Association / City of Kelowna	Change – taxable portion for caretaker residence and 3 rd party rentals

Schedule G, Cultural Organizations:

FOLIO	LEGAL DESCRIPTION	REGISTERED OWNER/LESSEE	CHANGE/COMMENT
04571.612	Lot 1, Plan KAS944	OCCA Communities Association	Add – acquired property
083731	Lot 3, Plan KAP 57837, DL 139	Okanagan Regional Library / City of Kelowna Library Society	Remove – statutory exemption

Schedule H, Other Non-Profit Societies:

FOLIO	LEGAL DESCRIPTION	REGISTERED OWNER/LESSEE	CHANGE/COMMENT
06199.682	Lot 2, Plan 39917	Father DeLestre Columbus (2009) Society	Remove – property sold

The following applications were received and reviewed, but are not recommended to be approved for an exemption:

FOLIO	LEGAL DESCRIPTION	REGISTERED OWNER/LESSEE	COMMENT
11096.310	Lot B, Plan 30919, DL 136	BC Life Builders Rehabilitation Society	Criteria #8 not met, maximum stay for tenants not defined
05477.765	Lot 2, Plan 39917	Habitat for Humanity Okanagan Society	Criteria #8 not met, maximum stay for tenants not defined
04820.000	Lot 3, Plan KAP2221	Mennonite Central Committee (MCC) British Columbia	Criteria #6 not met, Kelowna residents are not primary beneficiaries of services

On October 1, 2012, Council endorsed Policy # 327 (Permissive Tax Exemption Policy), reaffirming that it is fair, consistent and appropriate.

Conclusion:

It is recommended that Council approve the changes to Schedules A through H shown in the tables above and approve the complete Schedules A through H in the attached proposed Bylaw No. 11936.

Internal Circulation:

Active Living & Culture
Cultural Services
Business & Entrepreneurial Development

Considerations applicable to this report:

Legal/Statutory Authority:

Council may, by bylaw in accordance with sections 220, 224 and 225 of the Community Charter exempt land or improvements, or both, from taxation to the extent, for the period and subject to the conditions provided in the bylaw

Legal/Statutory Procedural Requirements:

Under section 227 of the Community Charter, Council must give notice of a proposed bylaw in accordance with section 94 [public notice must be once a week for 2 consecutive weeks prior], identifying the property that would be subject to the bylaw, describe the proposed exemption, state the number of years that the exemption may be provided and provide an estimate of the amount of taxes that would be imposed on the property if it were not exempt, for the year in which the proposed bylaw is to take effect and the following 2 years.

Under Division 7 – Permissive Exemptions of the Community Charter a bylaw may only be adopted by an affirmative vote of the majority of Council and does not apply to taxation in a calendar year unless it comes into force on or before October 31 in the preceding year.

Existing Policy:

Permissive Tax Exemption Policy 327

Financial/Budgetary Considerations:

Tax exemptions are not financed through a budgetary line item in the same way as municipal spending, nor do they affect the amount that has to be raised through property taxes. Nevertheless, tax exemptions do impose a cost on taxpayers who are not exempt. Tax exemptions reduce the total value of the tax base (i.e. the taxable value of property). Therefore, tax exemptions transfer the burden of taxation from properties that are exempt to properties that are taxable. An increase in the value of tax exemptions increases the taxes paid by properties that are not tax exempt. Refer to Appendix A, 2020 Tax Exemptions Summary – Municipal Tax Impact related to General Exemption and Permissive Exemption and Appendix B, 2020 Tax Exemptions Summary – Municipal Tax Impact related to Permissive Exemption only.

Considerations not applicable to this report:

External Agency/Public Comments:

Communications Comments:

Submitted by: A. Schumacher, CPA, CGA, Revenue Supervisor

Approved for inclusion:



G. Davidson, CPA, CMA, Director, Financial Services

cc: BC Assessment

Attachments:

PTE 2020 Permissive Tax Exemptions Presentation

Appendix A, 2020 Tax Exemptions Summary –Municipal Tax Impact related to General Exemption and Permissive Exemption

Appendix B, 2019 Tax Exemptions Summary –Municipal Tax Impact related to Permissive Exemption only

Appendix C, Policy # 327

Appendix D, Tax Exemption Bylaw –Schedules Background



PERMISSIVE TAX EXEMPTIONS 2020

PERMISSIVE TAX EXEMPTION



2020

A permissive tax exemption is a means for Council to support organizations within the community that further Council's objective to enhance the quality of life while delivering services economically to the citizens of Kelowna.

PERMISSIVE TAX EXEMPTION

2020



- ▶ No Changes for 2020
 - ▶ Schedule C, Hospitals

PERMISSIVE TAX EXEMPTION

2020

► Schedule A, Public Worship

ROLL NO.	REGISTERED OWNER/LESSEE	Change
057010	Ray Chase, Emsley Hunter, and Cyril Nash (Trustees)	Removed

PERMISSIVE TAX EXEMPTION

2020

► Schedule B, Private Schools

ROLL NO.	REGISTERED OWNER/LESSEE	Change
07212.595	Lakeside Educational Society of Kelowna	Name change
07212.596	Lakeside Educational Society of Kelowna	Name change

PERMISSIVE TAX EXEMPTION

2020

► Schedule D, Special Needs Housing

ROLL NO.	REGISTERED OWNER/LESSEE	Change
048730	Resurrection Recovery Resource Society	Addition
048740	Resurrection Recovery Resource Society	Addition
10519.958	Kelowna Child Care Society	Reclass to Sch. E

PERMISSIVE TAX EXEMPTION

2020

► Schedule E, Social Services

ROLL NO.	REGISTERED OWNER/LESSEE	Change
057010	Starbright Children's Development Centre Association	Addition
083933 (082144)	Pathways Abilities Society / City of Kelowna	Removed
10519.958	Kelowna Child Care Society	Reclass from Sch. D

PERMISSIVE TAX EXEMPTION



2020

- ▶ Schedule F, Public Park/Recreation Ground, Public Athletic/Recreational

ROLL NO.	REGISTERED OWNER/LESSEE	Change
11501.989 / 11501.979	Central Okanagan Small Boat Association / City of Kelowna	Taxable portion

PERMISSIVE TAX EXEMPTION

2020



► Schedule G, Cultural Organizations

ROLL NO.	REGISTERED OWNER/LESSEE	Change
o4571.612	OCCA Communities Association	Addition
o83731	Okanagan Regional Library/City of Kelowna Library Society	Removed

PERMISSIVE TAX EXEMPTION 2020

► Schedule H, Other Non-Profit Societies

ROLL NO.	REGISTERED OWNER/LESSEE	Change
o6199.682	Father DeLestre Columbus (2009) Society	Removed

PERMISSIVE TAX EXEMPTION

2020

- ▶ Exemption requests not being recommended
 - ▶ Do not meet eligibility requirements

ROLL NO.	REGISTERED OWNER/LESSEE	Change
11096.310	BC Life Builders Rehabilitation Society	Not eligible
05477.765	Habitat for Humanity Okanagan Society	Not eligible
04820.000	Mennonite Central Committee (MCC) British Columbia	Not eligible

PERMISSIVE TAX EXEMPTION

2020

- ▶ 2020 Tax Exemptions Summary – Estimated Municipal Tax Impact related to Permissive Exemption only:

Municipal Tax Impact	Class o1: Residential	Class o6: Business	Class o8: Recreation/ Non-Profit	Total
Assessed Values	49,040,476	138,265,496	212,666,772	399,972,744
Municipal Taxes	152,699	1,014,645	662,200	\$1,829,544



Questions?

Appendix A, 2020 Tax Exemptions Summary – Municipal Tax Impact related to General Exemption and Permissive Exemption:

Schedule	Class 01: Residential	Class 06: Business	Class 08: Recreation / Non-Profit	Total
A - Places of Worship				
Assessed Values	0	8,165,550	177,042,100	185,207,650
Municipal Taxes	\$0	\$59,891	\$551,271	\$611,162
B - Private Schools				
Assessed Values	0	66,189,550	11,690,700	77,880,250
Municipal Taxes	\$0	\$485,477	\$36,402	\$521,878
C - Hospitals				
Assessed Values	0	13,314,600	0	13,314,600
Municipal Taxes	\$0	\$97,658	\$0	\$97,658
D - Special Needs Housing				
Assessed Values	19,281,000	416,600	0	19,697,600
Municipal Taxes	\$60,037	\$3,056	\$0	\$63,092
E - Social Services				
Assessed Values	4,194,000	35,767,620	2,948,692	42,910,312
Municipal Taxes	\$13,059	\$262,343	\$9,182	\$284,583
F - Public Park or Recreation Ground, Public Athletic or Recreational				
Assessed Values	21,996,076	9,982,676	93,610,080	125,588,832
Municipal Taxes	\$68,491	\$73,219	\$291,482	\$433,192
G - Cultural				
Assessed Values	459,000	45,148,600	3,843,500	49,451,100
Municipal Taxes	\$1,429	\$331,149	\$11,968	\$344,546
H - Other				
Assessed Values	3,110,400	8,159,000	2,133,400	13,402,800
Municipal Taxes	\$9,685	\$59,843	\$6,643	\$76,171
Grand Total				
Assessed Values	49,040,476	187,144,196	291,268,472	527,453,144
Municipal Taxes	\$152,701	\$1,372,636	\$906,948	\$2,432,285

Note: Schedules A, B & C include the land assessed values of the buildings footprint which is a general exemption.

Appendix B, 2020 Tax Exemptions Summary – Municipal Tax Impact related to Permissive Exemption only:

Schedule	Class 01: Residential	Class 06: Business	Class 08: Recreation / Non-Profit	Total
A - Places of Worship				
Assessed Values	0	2,593,000	105,919,600	108,512,600
Municipal Taxes	\$0	\$19,020	\$329,811	\$348,830
B - Private Schools				
Assessed Values	0	28,702,000	4,211,500	32,913,500
Municipal Taxes	\$0	\$210,517	\$13,114	\$223,631
C - Hospitals				
Assessed Values	0	8,087,600	0	8,087,600
Municipal Taxes	\$0	\$59,320	\$0	\$59,320
D - Special Needs Housing				
Assessed Values	19,281,000	396,600	0	19,677,600
Municipal Taxes	\$60,035	\$2,913	\$0	\$62,948
E - Social Services				
Assessed Values	4,194,000	35,555,320	2,948,692	42,698,012
Municipal Taxes	\$13,059	\$260,785	\$9,182	\$283,026
F - Public Park or Recreation Ground, Public Athletic or Recreational				
Assessed Values	21,996,076	9,872,676	93,610,080	125,478,832
Municipal Taxes	\$68,491	\$72,414	\$291,482	\$432,387
G - Cultural				
Assessed Values	459,000	45,039,300	3,843,500	49,341,800
Municipal Taxes	\$1,429	\$330,348	\$11,968	\$343,745
H - Other				
Assessed Values	3,110,400	8,019,000	2,133,400	13,262,800
Municipal Taxes	\$9,685	\$59,329	\$6,643	\$75,657
Grand Total				
Assessed Values	49,040,476	138,265,496	212,666,772	399,972,744
Municipal Taxes	152,699	1,014,646	662,200	\$1,829,544

Note: Schedules A, B & C include the land assessed values of the buildings footprint which is a general exemption.



City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4
250 469-8500
kelowna.ca

Council Policy

Permissive Tax Exemption Policy

APPROVED August 8, 2005

RESOLUTION: R375/10/04/26
REPLACING: R446/06/05/15; R759/05/08/08
DATE OF LAST REVIEW: April 2010

A. PREAMBLE

The City of Kelowna recognizes the significant value of volunteers, volunteer groups and agencies to the spiritual, educational, social, cultural, and physical well-being of the community. A permissive tax exemption is a means for Council to support organizations within the community that further Council's objective to enhance the quality of life while delivering services economically to the citizens of Kelowna.

The Permissive Tax Exemption Policy is intended to:

- Provide clarity, consistency and certainty to the municipality, the public and prospective applicants.

B. EXTENT, CONDITIONS, AND PENALTIES

1. Council may designate only a portion of land/improvements as exempted where the following circumstances exist:
 - a. A portion of the land/improvements is used by private sector and/or organization not meeting Council's exemption criteria.
 - b. The applicant already receives grant in aid from the municipality, provincial or federal government.
 - c. The applicant meets all eligibility criteria, however Council may at its discretion grant a partial exemption.
2. Council may impose conditions on the exempted land/improvements with the applicant organization, including but not limited to:
 - a. Registration of a covenant restricting use of the property
 - b. An agreement committing the organization to continue a specific service/program
 - c. An agreement committing the organization to have field/facilities open for public use for specific times or a total amount of time
 - d. An agreement committing the organization to offer use of the field/facility to certain groups free of charge or at reduced rates
 - e. An agreement committing the organization to immediately disclose any substantial increase in the organization's revenue or anticipated revenue (i.e. receives large operating grant from senior government)
3. Council may impose penalties on an exempted organization for knowingly breaching conditions of exemption, including but not limited to:

- a. Revoking exemption with notice
- b. Disqualifying any future application for exemption for specific time period
- c. Requiring repayment of monies equal to the foregone tax revenue.

C. PROCESS

Council will consider permissive tax exemption applications from Places of Worship, Private Schools and Hospitals for a period of up to 5 years. Other Non-Profit organizations will be considered annually.

The opportunity to apply for a permissive tax exemption will be advertised in the local newspaper once in the month of June. Application forms can be downloaded from the City of Kelowna website, or picked up at City Hall in the Revenue Branch of the Financial Services Department.

Application Forms

Places of Worship, Private Schools and Hospitals are required to complete the Place of Worship, Private School, and Hospital 5 Year Application. The City of Kelowna will administer these applications on a 5 year cycle. If the application is approved the organization will be exempt for the number of years remaining in the cycle. At the end of the 5 year cycle all organizations must complete an application for the next 5 years. It is the organization's responsibility to notify the City of Kelowna of any changes in property ownership and/or use of the property.

For example:

Application Period	Number of Years Exempt	Application Due Date
2011 – 2015	5 Years	July 15, 2010
2012 – 2015	4 Years	July 15, 2011
2013 – 2015	3 Years	July 15, 2012
2014 – 2015	2 Years	July 15, 2013
2015	1 Year	July 15, 2014

Other Non-Profit Organizations will be required to complete a Comprehensive Non-Profit Application. If the application is approved for the next tax year, the organization will be required to submit a short renewal application every year for the next 4 tax years. The renewal application is confirmation that ownership and use of property has not changed and will be reviewed and approved before a permissive tax exemption is granted.

The Place of Worship, Private Schools and Hospital applications and the Comprehensive Non-Profit applications must have the following information attached before consideration of a 5 year permissive tax exemption:

Copy of last Registered Charity Information Return or Non-Profit Organization Information Return submitted to the CCRA

Copy of most current Audited Financial Statements

Financial Budget (pro-forma Balance Sheet and Income Statement) for the current 12 months

Scale Drawing of Property, that includes buildings, parking lots, landscaping, playgrounds, fields, etc.

Copy of Lease Agreement if applicable

Applications with required supporting information must be submitted prior to July 15th of each year to be considered for the next permissive tax exemption year or cycle.

Additional Information

Council may request a presentation from applying organization.

The City of Kelowna may request additional information.

The City of Kelowna reserves the right to review records and/or property to verify information provided in support of application.

Successful applicants may be asked to publicly acknowledge the exemption.

Council may, at its discretion, reject any or all applicants in any given year.

This policy does not apply to permissive tax exemptions for heritage revitalization, riparian, and other special exemption authority.

Eligibility Criteria

To be eligible for a permissive tax exemption an organization must comply with all of the eligibility criteria outlined below. The application forms and supporting documentation are an integral part of this policy. There is no obligation on the part of Council to grant permissive tax exemptions in any given year.

The applicant(s):

1. qualifies for an exemption under the provisions of the Community Charter, general authority for permissive exemptions. (Part 7, Division 7, Section 224).
2. and/or the property owner is in compliance with municipal policies, plans, bylaws, and regulations (i.e. business licensing, zoning).
3. is a Non-Profit Organization.

Tax exemptions will only be granted to organizations that are a Registered Charity or Non-Profit Organization.

The intent of this requirement is to ensure that municipal support is not used to further activities of an organization or individual that, if not for its not-for-profit status would otherwise be considered business, i.e. an organization that is operating as a Non-Profit; although it charges market value for services available, and would be comparable in operations and perception to public as a For Profit Business.

Non-profit organizations conducting retail and/or commercial activity and charging rates or fees at market value are considered to be in competition with for-profit businesses and will not be eligible for tax exemption.

4. provides services or programs that are compatible or complementary to those offered by the City of Kelowna. When a service or program is offered by a non-profit group or club, the Community may benefit from a more cost effective provision of services.

Services provided by an organization should fulfill some basic need, or otherwise improve the quality of life for residents of Kelowna.

5. principal use of property meets Council's objectives. The "principal use of the property" refers to the use related directly to the principal purpose of the organization **owning** the property.

Permissive tax exemptions will be based on the principal use of the property, not on the non-profit or charitable services of the organization.

6. will provide benefits and accessibility to the residents for Kelowna. Specifically, members of the public, within the appropriate age range, are able to join a club or organization and participate in its activities for a nominal rate or fee.

Kelowna residents must be the primary beneficiaries of the organization's services. The services provided on the property must be accessible to the public. Council may at its discretion provide partial exemptions.

7. that provide liquor and/or meal services as their primary function and/or source of revenue will not be eligible for permissive tax exemption.

8. provides short term housing with length of stay up to a maximum of two years.

This would include: emergency shelters, transitional housing, supportive housing for people with special needs, and group homes.

9. that have a residence in the building or on the property will only be exempt if a caretaking function is performed and the property owner (organization) can provide a copy of an agreement demonstrating:

1. rent is not collected on the residence, and
2. there is a caretaker agreement in place.

Administration

The Revenue Branch in the Financial Services Department will review all applications for completeness and contact the applicant if additional information is necessary.

The Revenue Branch will prepare a summary report of applications and bylaw for presentation to Council the first week of October for approval and adoption prior to October 31st of each year.

A public notice will be placed in the local newspaper of proposed bylaw. The notice will include:

Property subject to bylaw

Description of the proposed exemption

Number of years the exemption will be provided

Estimate of the amount of taxes that would be imposed on the property if it were not exempt for the year of exemption and following 2 years.

Public notice will be in accordance with Section 94 of the Community Charter.

Places of Worship, Private Schools, and Hospitals that have been approved for permissive tax exemption will be exempt for up to 5 years.

All other Non-Profit Organizations that have been approved will be exempt for 1 year. To be considered for future years a renewal application must be submitted prior to July 15th of each year of the next 4 tax years. A comprehensive application must be submitted at least every 5 years.

Late Application

Applications that meet the qualification requirements for permissive tax exemption that are received after the July 15th application deadline may be considered for inclusion in the Permissive Tax Exemption Bylaw to be presented to Council in October of the same year. No further consideration will be given to applications received after the current year's Bylaw has been presented to Council.

REASON FOR POLICY

Provide clarity for permissive property tax exemption applications.

LEGISLATIVE AUTHORITY

Section 224 – *Community Charter*

PROCEDURE FOR IMPLEMENTATION

Council Resolution

Appendix D, Tax Exemption Bylaw –Schedules Background:

(all references to "Section" relate to the Community Charter)

SCHEDULE A – Public Worship:

Statutory Exemption

A building set apart for public worship, and the land on which the building stands is exempt from taxation (Section 220(1)(h)) if title to the land is registered in:

- the name of the religious organization using the building,
- the trustees for the use of that organization, or
- religious organization granting a lease of the building and land to be used solely for public worship

A permissive tax exemption may be provided for the land surrounding the exempt building that Council considers necessary (Section 224(2)(f)).

A permissive tax exemption may be provided for land and improvements used or occupied by a religious organization, as a tenant or licensee, for the purpose of public worship (Section 224(2)(g)). The lessee under the lease must be required to pay property taxes directly to the City of Kelowna.

SCHEDULE B – Private Schools:

Statutory Exemption

A building and the land on which the building stands if owned by an incorporated institution of learning that is regularly giving children instruction accepted as equivalent to that given in a public school, is exempt from taxation (Section 220(1)(l)).

A permissive tax exemption may be provided for the land surrounding the exempt building (Section 224(2)(h.1)).

SCHEDULE C – Hospitals:

Statutory Exemption

A building set apart and used solely as a hospital under the Hospital Act, except a private hospital under that Act, together with the land on which the building stands is exempt from taxation (Section 220(1)(j)).

A permissive tax exemption may be provided for the land surrounding the exempt building (Section 224(2)(h)).

A permissive tax exemption may be provided for land or improvements owned or held by a person or organization and operated as a private hospital licensee under the Hospital Act, or an institution licensed under the Community Care Facility Act (Section 224(2)(j)).

SCHEDULE D – Special Need Housing:

A permissive tax exemption may be provided for land and improvements that are owned or held by a registered charity or non-profit, and Council considers are used for a purpose that is directly related to the purposes of the corporation (Section 224(2)(a)). Special needs housing to members of the community such as:

- Short term emergency or protection housing
- Halfway houses, group homes, or supportive housing for people with special needs

SCHEDULE E – Social Services:

A permissive tax exemption may be provided for land and improvements that are owned or held by a registered charity or non-profit, and Council considers are used for a purpose that is directly related to the purposes of the corporation (Section 224(2)(a)). Social services to members of the community such as:

- Food banks, drop in centres for people with special needs, seniors or youth.
- Support services and programs for people with special needs, who are in some way disadvantaged and need assistance in maximizing their quality of life. (i.e. counselling for substance abuse, employment re-entry programs)

SCHEDULE F – Public Park or Recreation Ground, Public Athletic or Recreational

A permissive tax exemption may be provided for land or improvements owned or held by a person or athletic or service club or association and used as a public park or recreational ground or for public athletic or recreational purposes (Section 224(2)(i)).

- Facilities must be available to the public; exclusive membership clubs or associations not eligible for exemption.
- Council may impose covenant restricting use of property or require agreement committing organization to offer the field/facility to certain groups free of charge or at reduced rates.

A permissive exemption may be provided when land and improvements are owned by public authority or local authority and used by a non-profit organization for the purpose of public park or recreation ground or athletic or recreational purposes, which would have been exempt if land and improvements were owned by that organization (Section 224(2)(d)). The lessee under the lease must be required to pay the property taxes directly to the City of Kelowna, or have a partnership agreement with the City of Kelowna.

SCHEDULE G – Cultural Organizations

A permissive exemption may be provided for land and improvements that are owned or held by a non-profit that provides cultural education and recreation (Section 224(2)(a)). The Facility must be available for members of the public.

SCHEDULE H – Other Non-Profit Societies

A permissive tax exemption may be provided for land and improvements that are owned or held by a registered charity or nonprofit society that Council deems beneficial to the community, such as museums, animal shelters, property to preserve wildlife and environmental areas (Section 224(2)(a)).

A permissive tax exemption may be provided for land or improvements, for which a grant has been made, after March 31, 1974, under the Housing Construction (Elderly Citizens) Act before its repeal (Section 224(2)(k)).

SCHEDULE I – Assessment and Taxation Impact

Includes land and improvements associated with the following:

- Total projected municipal taxation impact for each of Schedules A through H by assessment class for the years 2020, 2021 and 2022.
- The projected taxation impact for 2020, 2021, 2022 have been calculated by increasing the 2019 actual municipal taxation rate by 2.85%, 2.02%, and 2.36% respectively according to the 2019 five-year financial plan approved by Council.

CITY OF KELOWNA

BYLAW NO. 11936

2020 Permissive Tax Exemption Bylaw

A bylaw pursuant to Sections 220, 224 and 225 of the Community Charter, to exempt from taxation certain lands and improvements situated in the City of Kelowna

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

1. Those certain parcels or tracts of land and improvements, situated, lying and being in the City of Kelowna, as described in Schedules "A" to "I" attached hereto and forming part of this bylaw, shall be exempt from taxation.
2. This bylaw shall come into full force and effect and is binding on all persons during the 2020 taxation year.
3. This bylaw may be cited as "2020 Permissive Tax Exemption Bylaw No. 11936".

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

Adopted by 2/3 of the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule A – Public Worship			
FOLIO	LEGAL DESCRIPTION	REGISTERED OWNER/LESSEE	COMMENTS
1230	Lot 1, Blk 13, Plan 202, DL138	The Union of Slavic Churches of Evangelical Christians c/o Trustees	
1350	Lots 2 and 3, Blk 15, Plan 202, DL 138	Trustees of First United Church	
1360	Lot 4, Blk 15, Plan 202, DL 138 In Trust - DD 197582F	Trustees of First United Church	Note: Parking Lot
1370	Lot 5, Blk 15, Plan 202, DL 138 In Trust - DD 197582F	Trustees of First United Church	Note: Parking Lot
6911	Lot 25, Plan 578, DL 138, Except Plan H16278, & Lot A PL	Kelowna Buddhist Society	
018380	Lot 2, Plan KAP1319, DL 138	Truth Now Tabernacle United Pentecostal Church	
021300	Lot 19-20, Plan 2085, District Lot 139	Unitarian Fellowship of Kelowna Society	Criteria #5: 1462 sq ft taxable for lease/rental to Serendipity Daycare
022500	Lot 6, Plan 2271, DL 139	Kelowna Tabernacle Congregation - Trustees	
051070	Lot 1, Plan 11332, DL 137	Governing Council of the Salvation Army in Canada	Note: Parking Lot
057510	Lot A, Plan 16013, DL 137	Convention Baptist Churches of BC	
062110	Lot A, KAP65650	The Trustees of Congregation of Kelowna Bible Chapel	
062120	Lot 2, Plan 17933	Congregation of Kelowna Bible Chapel	Note: Parking Lot
068680	Lot 3, Plan 25524	Trustees Congregation - Grace Baptist Church	Criteria #3: Thrive daycare on avg. below market
069380	Lot A, Plan 27070	Roman Catholic Bishop Of Nelson	Criteria #9: Residences excluded (Church Manse/Rectory)
071130	Lot 1, Plan 30180, DL137	Governing Council of the Salvation Army in Canada (Community Church)	
071680	Lot 4, Plan 30824	BC Corp of the Seventh-Day Adventist Church	
074502	Lot A, Plan 33076, DL138	Roman Catholic Bishop of Nelson	Criteria #9: Residences excluded (Church Manse/Rectory)
075210	Lot 1, Plan 34637	Trustees of The Congregation of the Christ Evangelical Lutheran Church	
076394	Lot C, Plan 40170, DL137	The Congregation of the First Mennonite Church	
078266	Lot 1, Plan KAP47242	Ukrainian Catholic Eparchy of New Westminster	Criteria #9: Residences excluded (Church Manse/Rectory)
083239	Lot A, Plan KAP91385, DL 14	Synod of the Diocese of Kootenay	
03255224	Lot 1, Plan KAP56294	Trust Cong St David's Presb Church	
3337370	Lot A, Plan 23927	Kelowna Christian Reformed Church	Criteria #5: 2,974 sq ft taxable for lease/rental to GRASP

Schedule A – Public Worship			
FOLIO	LEGAL DESCRIPTION	REGISTERED OWNER/LESSEE	COMMENTS
3337769	Lot A, Plan KAP83760	Okanagan Jewish Community Association	Criteria #5: 1,200 sq ft taxable for lease/rental to North Glenmore Daycare
3378102	Lot A, Plan 44041	Trustees of the Glenmore Congregation of Jehovah's Witnesses	
3922000	Lot A, Plan 5223	BC Association of Seventh Day Adventists	
4310442	Lot A, Plan 31085	Seventh-Day Adventist Church (BC Conference)	
4423888	Lot PT 26, Plan 187 Except Plan 3067, That PT of L 25 PL 187 S/O PL B130	Synod of the Diocese of Kootenay	
4571592	Lot 1, Sec 19, Twp 26, Plan 37842	Kelowna Full Gospel Church Society	Criteria #3: Thrive daycare on avg. below market. Criteria #9: Residences excluded (Note: Housing Society)
4645000	Lot 7, Plan 3727	Church of the Nazarene - Canada Pacific	
4660000	Lot 1, Plan 4877	Serbian Orthodox Par-Holy Prophet St Ilija (Parish)	Criteria #9: 680 sq. ft taxable as residences excluded (Note: Church Manse/Rectory)
4803157	Lot A, Sec 22, Twp 26, Plan 71145	Seventh-Day Adventist Church (BC Conference)	
4804250	Lot A, Plan 29696	Gurdwara Guru Amardas Darbar Sikh Society	Criteria #9: 240 sq ft taxable as residences excluded (Note: Church Manse/Rectory)
5475931	Lot Pcl Z, Sec 23, Twp 26, Plan 24426, Except Plan KAP69971, DD J53659	Evangelical Missionary Church of Canada	
5476791	Lot B, Plan 41234	BC Conference of Mennonite Brethren Churches	Criteria #9: Residences excluded (Note: Housing Society)
5606001	Lot A, Plan KAP76650	Okanagan Sikh Temple & Cultural Society	Criteria #9: Residences excluded (Note: Church Manse/Rectory)
5611000	Lot PT 2, Plan 2166	Roman Catholic Bishop of Nelson	Criteria #9: Residences excluded (Note: Church Manse/Rectory)
5669001	Lot A, Plan 51686	Okanagan Buddhist Cultural Centre	
5752000	Lot A, Plan 4841	Okanagan Chinese Baptist Church	
06198870	Lots 78, 79 & 80, Sec 26, Twp 26, Plan 22239	Pentecostal Assemblies of Canada	
06198872	Parcel A, Plan 22239	Synod of the Diocese of Kootenay	
06199358	Lot H, Sec 26, Twp 26, Plan 26182	Faith Lutheran Church of Kelowna	Criteria #5: 800 sq ft taxable for lease/rental to Imagination Way Preschool
6337001	Lot 1, Sec 27, Twp 26 Plan 63747	BC Muslim Association	
6370120	Lot A, Plan 19465, DL 143, Sec 27, Twp 26	Trustees of Spring Valley Congregation of Jehovah's Witnesses	

Schedule A – Public Worship			
FOLIO	LEGAL DESCRIPTION	REGISTERED OWNER/LESSEE	COMMENTS
6372497	Lot 1, Plan KAP55460	Kelowna Christian Centre Society Inc	Property assessed 50% each under categories A & B
6372506	Lot A, Plan KAP56177	New Apostolic Church of Canada Inc.	
6496742	Lot 1, Sec 29 & 32, Plan KAP64073	The Church of Jesus Christ of Latter-Day Saints	
6735000	Lot A, Plan 11320	Trustees Rutland United Church Pastoral Charge of the United Church	Criteria #5: 1645 sq ft taxable for lease/rental to Green Gables Daycare
7212492	Lot 1, Plan 37256	Synod of the Diocese of Kootenay	
10407200	Lot A, Plan 20452, DL 128	Christian & Missionary Alliance - Canadian Pacific District	
10468000	Lot 2, Plan 9491, DL 129	St. Peter & Paul Ukrainian Greek Orthodox Church of Kelowna	Criteria #9: Residences excluded (Note: Housing Society)
10519844	Lot A, Plan 37351 (Portion of Lot)	Apostolic Resource Centre Society	Criteria #5: 8896 sq ft taxable for Commercial Class 06
10519903	EPP64708, Lot A, DI 129, LD 41	Kelowna Trinity Baptist Church	
10738366	Lot 2, Plan KAP44292, DL 131	Evangel Tabernacle of Kelowna	Criteria #3: Church daycare on avg. below market. Property assessed 50% each under categories A & B
10768002	Lot 2, Plan KAP81588	Roman Catholic Bishop of Nelson	Criteria #9: Residences excluded (Note: Church Manse/Rectory)
10936348	Lot 1, Plan 35917	Kelowna Gospel Fellowship Church	
10936653	Lot 1, Plan 41844	Canadian Mission Board of the German Church of God Dominion of Canada	Criteria #9: Residences excluded (Note: Housing Society)
10937443	Lot A, Plan KAP76720	First Lutheran Church of Kelowna BC	Property assessed 50% each under categories A & B
11025140	Lot 1, Plan 25466, DL 135	Trustees of The Lakeshore Congregation of Jehovah's Witnesses	
11025172	Lot 7, Plan 25798, DL 135	Congregation of Bethel Church of Kelowna	Criteria #3: Village daycare on avg. below market
11059000	Lot 1, Plan 12441, DL 136 Trustees	Providence Baptist Church	
11097073	Lot 1, Plan KAP52447, DL 136	C3 Church	

Schedule B – Private Schools			
FOLIO	LEGAL DESCRIPTION	REGISTERED OWNER/LESSEE	COMMENTS
52700	Lot C, Plan 12546, DL 138	Roman Catholic Bishop of Nelson	
074502	Lot A, Plan 33076, DL 138	Roman Catholic Bishop of Nelson	Criteria #9: Residences excluded (Note: Church Manse/Rectory)
3458033	Lot 1, KAP86356	Aberdeen Hall Senior School Society	Criteria #5: Two parcels amalgamated w/prop. in 2014 taxable as Class 01
4417000	Lot A, Plan KAP1725	Okanagan Montessori Elementary School Society	Criteria #3: Daycare on avg. below market
5122000	Lot 2, KAP3849	Seventh-Day Adventist Church - BC Conference	
6372497	Lot 1, Plan KAP55460	Kelowna Christian Centre Society Inc	Property assessed 50% each under categories A & B
6372527	Lot A, Plan KAP71175	Vedanta Educational Society Inc	
7212595	Lot A, Plan KAP48732	Lakeside Educational Society of Kelowna	Criteria #3: Daycare on avg. below market.
7212596	Lot B, Plan KAP48732	Lakeside Educational Society of Kelowna	
10589111	Lot 1, Plan KAP59724	Kelowna Society for Christian Education	Criteria #3: Daycare on avg. below market.
10738366	Lot 2, Plan KAP44292, DL 131	Evangel Tabernacle of Kelowna	Property assessed 50% each under categories A & B
10738378	Lot A, Plan KAP54674, DL 131	The Catholic Independent Schools of Nelson Diocese	
10937443	Lot A, Plan KAP76720	First Lutheran Church of Kelowna	Property assessed 50% each under categories A & B

Schedule C – Hospitals			
FOLIO	LEGAL DESCRIPTION	REGISTERED OWNER/LESSEE	COMMENTS
79392	Lot A, Plan KAP60581, DL 14	Canadian Cancer Society	

Schedule D – Special Needs Housing			
FOLIO	LEGAL DESCRIPTION	REGISTERED OWNER/LESSEE	COMMENTS
004340	Lot 15, Plan 462, DL 139	Kelowna Gospel Mission Society	
007270	Lot 4, Plan 635, DL 14	The Bridge Youth & Family Services Society	
023390	Lot 10, Plan 2498, DL 137	Bridges to New Life Society	
033110	Lot 2, Plan 3929	New Opportunities for Women (NOW) Canada Society	
046240	Lot 20, Plan 9138	Kelowna Gospel Mission Society	
046250	Lot 21, Plan 9138	Kelowna Gospel Mission Society	
048500	Lot 8, Plan 10011	Okanagan Halfway House Society Inc	
048750	Lot 33, Plan 10011, D.L. 137	Resurrection Recovery Resource Society	
048770	Lot 35, Plan 10011	Okanagan Halfway House Society	
050050	Lot 22, Plan KAP10689	Resurrection Recovery Resource Society	
050060	Lot 23, Plan 10689	Resurrection Recovery Resource Society	
050070	Plan 10689, Lot 24	Resurrection Recovery Resource Society	
050080	Lot 25, Plan 10689	Resurrection Recovery Resource Society	
050650	Lot A, PL 11018	Society of St. Vincent De Paul of Central Okanagan	
055030	Lot 4, Plan 14741	Central Okanagan Emergency Shelter Society	
055040	Lot 5, Plan 14741	Central Okanagan Emergency Shelter Society	
055150	Lot A, Plan 14836	Okanagan Halfway House Society	
071805	Lot 1, Plan 31133	Adult Integrated Mental Health Services Society	
080873	Plan KAS2634, Lot 1	Okanagan Mental Health Services Society	
5476630	Plan KAP33003, Lot A	The Bridge Youth & Family Services Society	
6370241	Plan KAP22268, Lot D	The Bridge Youth & Family Services Society	
11097075	PCL A, Plan KAP52447, DL 136	National Society of Hope /Provincial Rental Housing Corp	
048740	Lot 32, Plan 10011, DL 137	Resurrection Recovery Resource Society	New applicant
048730	Lot 31, Plan 10011, DL 137	Resurrection Recovery Resource Society	New applicant - Criteria #8: Short term housing less than 2 years.

Schedule E – Social Services			
FOLIO	LEGAL DESCRIPTION	REGISTERED OWNER/LESSEE	COMMENTS
4330	Lot 14, Plan 462 Block 5	Kelowna Gospel Mission Society	
004580	Lots 3 and 4, Blk 8, DL 139, Plan 462	Ki-Low-Na Friendship Society	
009900	Plan 830, Lot 2, DL 14, Blk 21 exc Parcel 2A, B1750	Canadian Mental Health Association	
010470	Lot 11, Plan 922	Kelowna & District S.H.A.R.E. Society	
16740	Lot A, Plan 46222	Pathways Abilities Society	
026190	Lot 138, Plan 3163	Okanagan Boys & Girls Clubs/City of Kelowna	Criteria #3: Daycare on avg. below market.
045862	Lot A, Plan 9012	Okanagan Boys & Girls Clubs/City of Kelowna	Criteria #3: Daycare on avg. below market.
055261	Plan EPP11464 Lot A	Daycare Connection Childcare Society	
057060	Plan 15778, Lot B	Ki-Low-Na Friendship Society	
059530	Lot A, Plan 16898	Okanagan Boys & Girls Clubs/City of Kelowna	Criteria #3: Daycare on avg. below market.
066250	Lot 1, Plan 22678	Kelowna(#26) Royal Canadian Legion	Criteria #7: 1,786 sq ft (32%) taxable for dining and cooler areas
070175	Lot A, Plan 28500	Central Okanagan Community Food Bank Society	
076262	Lot 1, Blk 6, Sec 20, Twp 26, ODYD, Plan 39580	Central Okanagan Child Development Association	
079078	Lot A, FL 139, LD 41, Plan KAP58056	Kelowna Community Resources Society	
4918002	Lot A Plan KAP90062	Governing Council of the Salvation Army in Canada	
05477053	Lot 5 Plan KAS2126	MADAY Society for Seniors	
06198704	Lot 1, Plan KAP91112	Boys & Girls Clubs/City of Kelowna	Criteria #3: Daycare on avg. below market.
06370273	Lot 19, Plan 23749	Ki-Low-Na Friendship Society	
06371030	Lot 2, Plan KAP30323	Pathways Abilities Society	
06774486	Lot 2 Plan: KAS2048	Big Brothers Big Sisters of the Okanagan Society	
06774491	Lot:7 Plan KAS2048	Big Brothers Big Sisters of the Okanagan Society	
10508002	Lot 2, Plan 15777	Kalano Club of Kelowna	
10519925	Lot A, Plan KAP54261	Reach Out Youth Counselling & Services Society	

Schedule E – Social Services			
FOLIO	LEGAL DESCRIPTION	REGISTERED OWNER/LESSEE	COMMENTS
10519958	Lot 4, Plan KAS1717	Kelowna Child Care Society	
10707000	Lot 1, Plan 15596, Except Plan KAP73753	BHF Building Healthy Families Society	
057010	Lot 1, Sec 20, Twp 26, ODYD, Plan 15741	Starbright Children's Development Centre Association	New applicant - Criteria #5: 3,292 sq ft taxable for lease/rental to L'Escale Francophone Daycare, Music & Motion, and piano lessons

Schedule F – Public Park or Recreation Ground, Public Athletic or Recreational			
FOLIO	LEGAL DESCRIPTION	REGISTERED OWNER/LESSEE	COMMENTS
000571	Part DL 14 (.727 Acres) Lot A, Plan 5352	Kelowna Lawn Bowling Club /City of Kelowna	
037220	Lot 4, Plan 4921	Kelowna Badminton Club/City of Kelowna	
073507	Lot 2, Plan 32159	Kelowna Cricket Club/City of Kelowna	
080966	Lot B, Plan KAP76448	Kelowna Major Men's Fastball Association / City of Kelowna	
080967	Lot A, Plan KAP76448	Kelowna Curling Club / City of Kelowna	Criteria #7: 2,000 sq ft taxable for liquor/food services.
083521	Lot 1, Plan EPP29214	Kelowna Yacht Club	Criteria #7: 21,168 sq ft (88%) taxable for rental/lease/restaurant
4009000	Plan 2020, Parcel A, PCL A (KG34204)	Kelowna & District Fish & Game Club	Exempting non-commercial and non-residential class only
04078511	Lot 2, KAP80134	Kelowna United Football Club/City of Kelowna	
04078511	Lot 2, KAP80134	City of Kelowna	H2O Centre exempted except for Jugo Juice taxed under folio 4078513
04453000	Lot 1 & 2, Plan 3067	East Kelowna Community Hall Association	Criteria#9: Caretaker Agreement in place
04525505	Lot 1, KAP61083	Central Okanagan Land Trust / Central Okanagan (Regional District)	Land Conservation (Parkland)
06198705	Lot 1, Plan KAP91112	Okanagan Gymnastic Centre / City of Kelowna	
06225585	Lot B, Plan KAP53836	Rutland Park Society	Criteria #5: 1,200 sq ft taxable for lease/rental to Lil' Bloomers Daycare
06935000	Part S 1/2 of SW 1/4	Central Okanagan Land Trust / Central Okanagan (Regional District)	Land Conservation (Parkland)
06936000	Part N 1/2 of SW 1/4	Central Okanagan Land Trust / Central Okanagan (Regional District)	Land Conservation (Parkland)
06961000	Lot Fr E 1/2 Sec 17, Twp 28 exc Plan B4553	Nature Trust of BC	Land Conservation (Parkland)
06962004	Fr NE 1/4 Sec 17, Twp 28 SDYD, shown Amended Plan B4553, exc Plan 26911	Nature Trust of BC	Land Conservation (Parkland)
06962006	Lot A, Sec 17, Twp 28, Plan 41403	Nature Trust of BC	Land Conservation (Parkland)
06962008	Lot B, Plan 41403	Nature Trust of BC	Land Conservation (Parkland)
06974000 - 06974001	Lot 11, Sec. 22, Plan 4080	Scout Properties (BC/Yukon) Ltd	
06976000	Lot 11, Sec. 22, Plan 4080	Scout Properties (BC/Yukon) Ltd	

Schedule F – Public Park or Recreation Ground, Public Athletic or Recreational			
FOLIO	LEGAL DESCRIPTION	REGISTERED OWNER/LESSEE	COMMENTS
09461001	Lot B, DL 14, LD 41, KAP 10727	Kelowna Outrigger Racing Canoe Club Society/City of Kelowna	Criteria #9: Caretaker Agreement in place
09472588	Lot 2, DL 14, LD 41, KAP53240	Kelowna Outrigger Racing Canoe Club Society/City of Kelowna	Criteria #9: Caretaker Agreement in place
10776000	Plan 9359, Lot 2	Kelowna Riding Club	Criteria #9: Caretaker Agreement in place
11501989 / 11501979	Lot 1, Plan 35229	Central Okanagan Small Boat Association / City of Kelowna	Criteria #5 & #9: 24% taxable for Caretaker residence and 3rd party rentals of hall
11151004	Lot 1, Plan 11796	Kelowna Minor Fastball Society/City of Kelowna	
12184556	Lot 1, Plan KAP69898	Okanagan Mission Community Hall Association	

Schedule G – Cultural			
FOLIO	LEGAL DESCRIPTION	REGISTERED OWNER/LESSEE	COMMENTS
000950	Lot 1, Block 12, Plan 202	Centre Cultural François De L' Okanagan	
001830	Lot 49, Plan 262, Blk 15	Kelowna Canadian Italian Club	
038641	Lot A, Plan 5438	Kelowna Museums Society / City of Kelowna	
038644	Plan 5438, D.L. 139	Kelowna Museums Society / City of Kelowna	
075959	Lot 2, Plan 37880	Kelowna Music Society	
077062	Lot 1, Plan 42511	City of Kelowna/Kelowna Museums Society	Criteria #3: 200 sq ft (1.8%) taxable for gift shop
079932	Lot A, Plan KAP67454	Kelowna Art Gallery / City of Kelowna	
080250	Lot A, KAP67454	Kelowna Visual & Performing Arts Centre Society / City of Kelowna	
080252	Lot A, KAP67454	Kelowna Visual & Performing Arts Centre Society / City of Kelowna	
080259	Lot A, KAP67456	Kelowna Visual & Performing Arts Centre Society / City of Kelowna	
083355	Lot 1, KAP92254	Okanagan Symphony Society/City of Kelowna	
07212624	Lot 10, KAP72245	Westbank First Nation	
10349220	Lot B, Plan 28112	German - Canadian Harmonie Club	Criteria #7: 4,413 sq ft taxable for liquor/meal services
10388000	Lots 15 and 16, Blk. 7, Plan 415B	Central Okanagan Heritage Society	Criteria #9: Caretaker agreement in place.
10768001	Lot A, Plan 6710	Roman Catholic Bishop of Nelson Pandosy Mission	
04571612	Plan KAS944 Lot 1 Section 19 Township 26	OCCA Communities Association	New applicant

Schedule H – Other Non-Profit Societies			
FOLIO	LEGAL DESCRIPTION	REGISTERED OWNER/LESSEE	COMMENTS
000641	Plan EPP 74060, Lot 1527	Tourism Kelowna Society	
016620	Lot 8, Plan 1303 & Lot 1, DL 139 PL13585 & Lot 1 DL139 PL 3585	The BC Conference of the Mennonite Brethren Church	
016680	Plan KAP 1303, Lot 17, DL 139	The BC Conference of Mennonite Brethren Church & Chronos Properties Ltd.	Partial exemption as 48% ownership (property utilized 100% by Church)
016670	Lot 16, Plan 1303	Kelowna Yoga House Society	Criteria #4: residence on property used by society & similar programs offered at Sport & Rec.
28740	Lot 8, Plan 3398	Kelowna Centre for Positive Living Society	
077364	Lot A, Plan 43658	Kelowna Sr. Citizens Society of BC	Criteria #9: Caretaker agreement in place.
05763001	Lot A, Plan KAP82536	Kelowna General Hospital Foundation	
06198706	PL KAP91112, LT 1, SEC 26, TWP 26	Kelowna & District Safety Council Society / City of Kelowna	
10759011	Lot 11, Plan 515, Blk 1	BC Society for Prevention of Cruelty to Animals	
06371365 - 06371403	Lot 1-39, Plan KAS384	The Society of Housing Opportunities and Progressive Employment	Partial Exemption based on difference - one parcel vs. individual strata units

Schedule I - Municipal Tax impact for the years 2020-2022:

Schedule	Property Classification	2020	2021	2022
A - Places of Worship				
	Class 01 - Residential	0	0	0
	Class 06 - Business	19,020	19,403	19,861
	Class 08 - Recreation/Non-Profit	329,811	336,474	344,420
	Total Municipal Taxes	\$348,830	\$355,877	\$364,281
B - Private Schools				
	Class 01 - Residential	0	0	0
	Class 06 - Business	210,517	214,771	219,839
	Class 08 - Recreation/Non-Profit	13,114	13,378	13,693
	Total Municipal Taxes	\$223,631	\$228,149	\$233,532
C - Hospitals				
	Class 01 - Residential	0	0	0
	Class 06 - Business	59,320	60,518	61,946
	Class 08 - Recreation/Non-Profit	0	0	0
	Total Municipal Taxes	\$59,320	\$60,518	\$61,946
D - Special Needs Housing				
	Class 01 - Residential	60,035	61,251	62,696
	Class 06 - Business	2,913	2,968	3,038
	Class 08 - Recreation/Non-Profit	0	0	0
	Total Municipal Taxes	\$62,948	\$64,219	\$65,734
E - Social Services				
	Class 01 - Residential	13,059	13,322	13,637
	Class 06 - Business	260,785	266,053	272,330
	Class 08 - Recreation/Non-Profit	9,182	9,368	9,589
	Total Municipal Taxes	\$283,026	\$288,743	\$295,556
F - Public Park or Recreation Ground, Public Athletic or Recreational				
	Class 01 - Residential	68,491	69,875	71,526
	Class 06 - Business	72,414	73,877	75,618
	Class 08 - Recreation/Non-Profit	291,482	297,371	304,390
	Total Municipal Taxes	\$432,387	\$441,123	\$451,534
G - Cultural				
	Class 01 - Residential	1,429	1,458	1,492
	Class 06 - Business	330,348	337,022	344,975
	Class 08 - Recreation/Non-Profit	11,968	12,210	12,499
	Total Municipal Taxes	\$343,744	\$350,690	\$358,966
H - Other				
	Class 01 - Residential	9,685	9,881	10,114
	Class 06 - Business	59,329	60,528	61,956
	Class 08 - Recreation/Non-Profit	6,643	6,777	6,937
	Total Municipal Taxes	\$75,657	\$77,186	\$79,007
Total Impact				
	Class 01 - Residential	152,699	155,787	159,465
	Class 06 - Business	1,014,646	1,035,140	1,059,563
	Class 08 - Recreation/Non-Profit	662,200	675,578	691,528
	Total Municipal Taxes	\$1,829,544	\$1,866,505	\$1,910,556

Report to Council



Date: October 7, 2019
To: Council
From: City Manager
Subject: Proposed Amendments to the RDCO Preparation for Emergencies Bylaw No. 489, 1991
Department: Kelowna Fire Department

Recommendation:

THAT the City of Kelowna hereby consents to the Regional District adopting the Regional District of Central Okanagan Emergency Preparedness Service Establishment Amendment Bylaw No. 1443, 2019; and,

WHEREAS Council wishes to establish an emergency management organization, as required by the *Emergency Program Act* and to provide a framework for the municipality to develop its own operational emergency response protocols, Council hereby resolves that:

1. Pursuant to the *Emergency Program Act* (British Columbia), the emergency management organization established by under Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019 is hereby established as the emergency management organization for the whole of the municipality; and,
2. All of Council's duties and powers under the *Emergency Program Act* (British Columbia) are hereby delegated to that emergency management organization, except for the power to make a declaration of a state of local emergency under that Act.

Purpose:

To update the bylaws supporting the Regional Emergency Program to be consistent both with current legislation as well as current operational practices.

Background:

The Regional Emergency Program operates as a regional service under the Regional District of Central Okanagan. It is operationally administered by the City of Kelowna through the Kelowna Fire Department.

The regional program is well regarded as one of the most effective, robust programs in the province. This was clearly demonstrated during the regional floods of 2017, where the regional system allowed a collaborative approach to support multiple jurisdictions with shared resources and staff.

The proposed bylaw amendments have been recommended to align the bylaw with current legislation and to recognise the current operational model.

This bylaw was considered by the Regional Board on July 19, 2019 and was subsequently circulated to municipalities for consideration and consent.

The recommendation from staff is consistent with motions presented to all local municipal Councils within the region. Attached is the background information as provided by the Regional District, including background information on the changes, and the proposed Regional Bylaw.

Financial/Budgetary Considerations:

Support for the amendments will continue the Emergency Program as a regionally funded service.

Internal Circulation:

Stephen Fleming, City Clerk

Stu Leatherdale, Divisional Director Human Resources and Public Safety

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

External Agency/Public Comments:

Communications Comments:

Submitted by:

T. Whiting
Fire Chief, Kelowna Fire Department

Approved for inclusion:



S. Leatherdale, Divisional Director, Human Resources

Attachments:

Administrators – 2019 Emergency Management Program Amendments.pdf



Corporate Service

1450 K.L.O. Road
Kelowna, B.C. V1W 3Z4

Telephone: 250-469-6224
Fax: 250-763-0606
www.regionaldistrict.com

July 23, 2019
File No: 0110-01

City of Kelowna
Doug Gilchrist
City Manager
1435 Water Street
Kelowna, BC V1Y 1J4
Via Email: dgilchrist@kelowna.ca

District of Lake Country
Alberto De Feo
Chief Administrative Officer
10150 Bottom Wood Lake Road
Lake Country, BC V4V 2M1
Via Email: adefeo@lakecountry.bc.ca

District of Peachland
Elsie Lemke
Chief Administrative Officer
5806 Beach Avenue
Peachland, BC V0H 1X7
Via Email: elemke@peachland.ca

City of West Kelowna
Paul Gipps
Chief Administrative Officer
2760 Cameron Road
West Kelowna, BC V1Z 2T6
Via Email: paul.gipps@westkelownacity.ca

Dear Administrators:

Re: Central Okanagan Emergency Management Program Amendments

As you will recall, the proposed amendments to the Central Okanagan Emergency Management Program were presented to the RDCO CAO Committee on June 19, 2019 and received unanimous support.

The Regional Board at its meeting of July 18, 2019 considered the amendments and gave reading consideration to the following Bylaws:

- Regional District of Central Okanagan Emergency Preparedness Service Establishment Amendment Bylaw No. 1443, 2019; and
- Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019

As a municipal partner, you are required to bring this matter forward to your respective Councils for consideration and provide "consent" to the adoption of Bylaw No. 1443 in accordance with Section 346 of the *Local Government Act* (example below).

THAT the City of hereby consents to the Regional District adopting the Regional District of Central Okanagan Emergency Preparedness Service Establishment Amendment Bylaw No. 1443, 2019.

In addition, in order to legitimize the adoption of Bylaw No. 1444, pursuant to the *Emergency Program Act*, all municipal participants must adopt a Council resolution worded as follows:

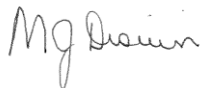
"Whereas council wishes to establish an emergency management organization, as required by the Emergency Program Act and to provide a framework for the municipality to develop its own operational emergency response protocols, Council hereby resolves that:

- 1. Pursuant to the Emergency Program Act (British Columbia), the emergency management organization established by under Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019 is hereby established as the emergency management organization for the whole of the municipality and.*
- 2. All of council's duties and powers under the Emergency Program Act (British Columbia) are hereby delegated to that emergency management organization, except for the power to make a declaration of a state of local emergency under that Act."*

The Regional District requests the attached bylaws (staff report attached as well) be placed on a future Council agenda; staff would be pleased to attend the meeting to address any questions Council may have. Once the resolutions have been adopted please forward the consent to my attention.

Should have you have any questions please do not hesitate to contact Brian Reardon, CAO or the undersigned.

Yours truly,



Mary Jane Drouin
Manager – Corporate

Encls: RDCO Staff Reports; and
Regional District of Central Okanagan Emergency Preparedness Service Establishment
Amendment Bylaw No. 1443, 2019
Regional District of Central Okanagan Emergency Management Program Bylaw No.
1444, 2019

Governance & Services Committee

TO: Governance and Services Committee

FROM: Brian Reardon, CAO

DATE: July 2, 2019

SUBJECT: Proposed Amendments to the Preparation for Emergencies Bylaw No. 489, 1991

Purpose: To amend the Regional District of Central Okanagan Preparation for Emergencies Bylaw No. 489, 1991.

Executive Summary:

As part of the systematic review of all documents associated with service establishment bylaws, staff is pleased to present proposed amendments to the Preparation for Emergencies Bylaw No. 489, 1991. This bylaw authorizes the Regional District of Central Okanagan (RDCO) to provide a service for the preparation for emergencies. This bylaw has its origins going back 27+ years.

Proposed amendments being brought forward for the Committee's consideration include adding a description of the service, updating the participating areas to reflect municipal incorporations and renaming the electoral areas', expressly refer to additional cost recovery methods, and to rename the bylaw using current legislative terminology. These proposed amendments were presented to the RDCO CAO Committee on June 19, 2019 and received unanimous support.

Should the Committee support the proposed amendments, a motion supporting staff's recommendation below would be in order. In terms of process, all amendments to service establishment bylaws must receive approval from the Inspector of Municipalities in Victoria before the Board is able to give final consideration and approval to this bylaw. We will also be seeking consent from the Electoral Areas and Municipalities to approve this amendment bylaw.

RECOMMENDATION:

THAT the Governance and Services Committee recommend the Board approve First, Second and Third Readings to Regional District of Central Okanagan Emergency Preparedness Service Establishment Amendment Bylaw No. 1443, 2019 and seek 'consent' from the service participants in accordance with Sections 346 and 347 of the *Local Government Act*.

Respectfully Submitted:



Brian Reardon, CAO

Background:

In the fall of 1991 the Regional Board gave initial readings to Bylaw No. 489 being a bylaw to establish and operate an extended service for the preparation for emergencies. This service establishment bylaw was subsequently approved by the Inspector of Municipalities and referred back to the Regional Board in January, 1992 at which point it was approved. The participants in the service included the District of Peachland and Electoral Areas "A", "G", "H" and "I".

A lot has happened with the service in following 27+ years. In 1993, a year after the creation of the service, the Board approved an Emergency Program Bylaw No. 576 that set out the parameters on how the program would operate. In July, 1994 the Board approved Amendment Bylaw No. 589 which added the City of Kelowna as a new participant to the service and converted a sub-regional service into a fully regional service. In 1995, a year after the City of Kelowna joined the service the Board approved an updated Emergency Program Bylaw (Bylaw No. 635).

Service Establishment Bylaw No. 489, 1991 has been amended twice since its adoption. The first amendment, Bylaw No. 506, 1992, added a reference to the applicable section of the then Municipal Act that establishes a service. Then in July 1994, Bylaw No. 589 added the City of Kelowna as a participant in the service and provided changes to the cost allocation formula. .

With respect to the service establishment bylaw, staff is recommending changes that include:

Proposed Amendments	Reasoning:
Add a Description of the Service	Pursuant to Section 339(1) (a) of the <i>Local Government Act</i> an establishing bylaw must describe the service. Bylaw No. 489, 1991, as amended, currently has no description.
Updating the Participating Areas in the Service	Since the adoption of Bylaw 489 in 1991 the District of Lake Country and the City of West Kelowna have incorporated. Also, the names of the two Electoral Areas have been changed.
Include Additional Cost Recovery Methods	In addition to the current method of recovering costs through property value taxes, it is deemed prudent to also recover costs by way of agreement, enterprise, gift, grant or otherwise in accordance with the <i>Local Government Act</i> .
Rename the Bylaw using Current Legislative Terminology	The current bylaw name implies the scope of the service is for the " <i>preparation for emergencies</i> ". In fact the Provincial legislation regulating this type of service includes preparation for, response to, and recovery from emergencies.

These proposed amendments were presented to the RDCO CAO Committee on June 19th, 2019 and received unanimous support.

Financial Considerations:

Recognizing that the service has evolved significantly over time, one of the guiding principles in redrafting this bylaw was to reflect our current practice that has made our Emergency Management Program one of the best in the Province. To that end, the provisions contained in the “Emergency Preparedness Service Establishment Amendment Bylaw No. 1443, 2019” will not increase costs associated with this service. To the contrary, by adding the authority to generate other revenue streams we hope we will be able to offset program costs in the future.

Organizational Issues: None.**External Implications:**

Updating this service establishment bylaw will clarify the current scope of the program, reflect current participants in the service and bring our current procedures into compliance with all legislative requirements. This will be appreciated by all of our municipal partners and Westbank First Nation. WFN is a valued partner in the service and participates through a service agreement with the RDCO.

All of our municipal partners will be required to bring this matter forward to their respective Council for consideration and provide “consent” to the adoption of Bylaw No. 1443, 2019 in accordance with Section 346 of the *Local Government Act*.

Additionally, both Electoral Area Directors will be asked to provide their “consent” to the adoption of Bylaw No. 1443, 2019 in accordance with Section 347 of the *Local Government Act*.

Alternative Recommendation:

Regional District of Central Okanagan Preparation for Emergencies Bylaw No. 489, 1991 is more than 27 years old, does not meet current legislative requirements, and limits our ability to provide this service in an effective manner. The proposed amendments to this service establishment bylaw reflect our current practice which has been in place for more than two decades. The recommendation in this report aims to align the bylaw provisions with our current practice and meet current legislative requirements.

As such, staff has no alternative recommendation at this time.

Attachment(s): Bylaw No. 489, 1991
Bylaw No. 506, 1992
Bylaw No. 589, 1994
Draft Bylaw No. 1443, 2019



Governance & Services Committee

TO: Governance and Services Committee

FROM: Brian Reardon
Chief Administrative Officer

DATE: July 5, 2019

SUBJECT: Proposed Update to Emergency Program Bylaw No. 635, 1995

Purpose: To replace and rescind Regional District of Central Okanagan Emergency Program Bylaw No. 635, 1995.

Executive Summary:

As part of the systematic review of all documents associated with service establishment bylaws, staff is pleased to present a complete rewrite of the Emergency Program Bylaw No. 635, 1995. This bylaw establishes the operational parameters under which the Regional District of Central Okanagan (RDCO) provides a regional emergency management program.

The program has evolved significantly in the past 24+ years. Upon review, it became apparent that a complete rewrite and rescindment of the current bylaw would be necessary in order to meet current provincial regulations and match our current operating guidelines.

It should be noted that the Central Okanagan Regional Emergency Management Program is touted as one of the best in the Province. This is in large part due to lessons learned in the 2003 Kelowna Fire Storm, the 2017 & '18 flood seasons and the expertise of our Emergency Program Coordinators over the years. The new Emergency Management Program Bylaw was developed in collaboration with our Emergency Program Coordinator, Travis Whiting, with the assistance of our solicitors and presented to the RDCO CAO Committee on June 19, 2019 which received unanimous support.

Should the Committee support the proposed amendments, a motion supporting staff's recommendation below would be in order. In addition, the wording of the Council Resolution mentioned under External Implications of this report will be forwarded to all municipal partners.

RECOMMENDATION:

THAT the Governance and Services Committee recommend the Regional Board approve First, Second, and Third Readings and Adoption of the Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019.

Respectfully Submitted:

Brian Reardon, CAO

Background:

Four months after the City of Kelowna became a participant in the extended service for the preparation for emergencies the Regional Board adopted RDCO Emergency Program Bylaw No. 576, 1993 being a bylaw that established the operational parameters under which the Regional District of Central Okanagan provides a regional emergency management program in accordance with the powers conferred to it in Provincial Regulation #445/92.

Bylaw No. 576 was subsequently repealed when, in the spring of 1995, the Regional Board gave initial readings and adopted Bylaw No. 635 which added the newly incorporated District of Lake Country as a participant. Bylaw No. 635 has remained unchanged to this day.

A lot has happened with the service in the 24+ following years. Amongst them are the lessons learned during the 2003 Kelowna Fire Storm and the 2017/18 Flood Seasons. Despite the best of intentions, the paperwork related to this service never kept up with the evolution of the program and the changes that had to be made to keep the program running. It was out of necessity that new operating guidelines were introduced and with time have become established practice over the years.

Upon review, it became apparent that a complete rewrite and rescindment of the current bylaw would be necessary in order to meet current provincial regulations and reflect our current operating guidelines. In 2017, just weeks before record setting flooding occurred in the Okanagan Valley, a complete review of Bylaw No. 635 was identified as a top priority.

It should be noted that the Central Okanagan Regional Emergency Management Program is touted as one of the best in the Province. This is in large part due to lessons learned in the 2003 Kelowna Fire Storm, the 2017 & '18 flood seasons and the expertise of our Emergency Program Coordinators.

The new Emergency Management Program Bylaw was developed in collaboration with our Emergency Program Coordinator, Travis Whiting and led by the RDCO Chief Administrative Officer, with assistance from our solicitors at Young Anderson. Our systematic approach included this new draft bylaw being presented to the RDCO CAO Committee on June 19th, 2019 which received unanimous support.

Guiding Principles:

The guiding principles used to develop Emergency Management Program Bylaw No. 1444 are:

- Must meet all requirements of the Provincial Emergency Program Act,
- Must meet all requirements of the BC Emergency Program Management Regulation,
- Must conform to the B.C. Emergency Management System (BCEMS),
- Must reflect current RDCO EOC operating guidelines and established practices,
- Must be structured as a regional program with a clear reporting structure,
- New bylaw to be written to replicate the systems and structure used in 2018. Any deviations from that are identified, explained and agreed to prior to moving forward,
- New bylaw to be written with the appropriate delegated authority to the Emergency Management Organization and the Regional District CAO.

Emergency Management Program Bylaw No. 1444, 2019 is based on the principles noted above. At its core it has the Board, an Emergency Management Organization, an Emergency

Program Coordinator, and an Emergency Operations Centre Director as the four entities and persons that form the Regional District's Emergency Management Program. The roles, responsibilities, and authority of each person and entity are described in the bylaw.

The draft Emergency Management Program Bylaw No. 1444, 2019 envisions the Regional Board delegating its full authority to the Emergency Management Organization comprised of the CAO's from each member municipality plus the Emergency Program Coordinator. It is also based on the continuation of a Service Agreement with the City of Kelowna for the provision of an Emergency Program Coordinator and the Emergency Operations Centre itself.

The Emergency Management Organization is responsible for developing and implanting the Emergency Management Program, including emergency plans and other preparedness, response and recovery measures for emergencies and disasters. This is further explained in Section 4.3 of Bylaw No. 1444.

The Emergency Program Coordinator is appointed by the Regional District CAO, reports to the Regional District CAO, and is responsible for providing leadership and administration services to the Emergency Management Program. This is further explained in Section 5.3 of Bylaw No. 1444.

The Emergency Operations Centre (EOC) Director is designated using criteria approved by the Emergency Management Organization and will depend on the location(s) of the emergency, the Director's proximity to the EOC and the nature of the emergency. The default EOC Director at this time is the Regional District CAO. The EOC Director is accountable to the Emergency Management Organization. Emergency Response Authority is further explained in Section 6 of Bylaw No. 1444.

The Regional Board and Municipal Councils retain the exclusive authority to declare a State of Local Emergency, which is something that cannot be delegated.

Financial Considerations:

The adoption of the Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019 reflects current operational requirements and in of itself will not result in any increase in costs.

The other financial consideration associated in the adoption of this bylaw can be found in Section 7 of Bylaw No. 1444 which includes provisions that regulate maximum spending limits for the Regional District CAO when responding to Electoral Area Emergencies and Disasters. Municipalities establish maximum spending limits for their CAO's through a separate municipal bylaw.

Organizational Issues:

The adoption of Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019 will create a true regional emergency management program that is rooted under the authority of the Regional District, is written with shared decision making and collaboration in mind and maintains the grit and essence of the best Emergency Management Program in the province.

External Implications:

In order to legitimize the adoption of this Emergency Program Bylaw all municipal participants in the RDCO Emergency Preparedness Service must adopt a Council resolution worded as follows:

“Whereas council wishes to establish an emergency management organization, as required by the Emergency Program Act and to provide a framework for the municipality to develop its own operational emergency response protocols, Council hereby resolves that:

- 1. Pursuant to the Emergency Program Act (British Columbia), the emergency management organization established by under Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019 is hereby established as the emergency management organization for the whole of the municipality and.*
- 2. All of council's duties and powers under the Emergency Program Act (British Columbia) are hereby delegated to that emergency management organization, except for the power to make a declaration of a state of local emergency under that Act.”*

The wording of the resolution was provided by our solicitors at Young Anderson and has been reviewed and approved by myself and our Emergency Program Coordinator. It provides the necessary linkages to the Regional District Emergency Management Program and formalizes council's delegation of duties and powers, except for the power to make a declaration of a state of local emergency under the Emergency Program Act.

Alternative Recommendation:

Regional District of Central Okanagan Emergency Program Bylaw No. 635, 1995 is more than 24 years old, does not reflect our current practice, and limits our ability to provide this service in an effective manner. The recommendation in this report aims to align the new bylaw provisions with our established practices and meet current legislative requirements.

As such staff has no alternative recommendation at this time.

Attachment(s): Bylaw No. 576, 1993
Bylaw No. 635, 1995
Draft Bylaw No. 1444, 2019

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 1443

Being a bylaw to amend the Regional District of Central Okanagan Preparation for Emergencies Bylaw No. 489, 1991.

WHEREAS a regional district may, under section 332(1) [*General authority for services*] of the *Local Government Act* operate any service that the board considers necessary or desirable for all or part of the regional district subject to certain limitations and conditions;

AND WHEREAS under section 338(1) [*Establishing bylaws required for most services*] of the *Local Government Act*, in order to operate a service the board of a regional district must first adopt an establishing bylaw for the service;

AND WHEREAS the Regional District of Central Okanagan is a local authority under the *Emergency Program Act*;

AND WHEREAS the Regional Board has established a service for the preparation for emergencies, through the adoption of the Regional District of Central Okanagan Preparation for Emergencies Bylaw No. 489, 1991;

AND WHEREAS the Regional Board wishes to amend Bylaw No. 489, 1991, to modernize the description of the service, update the participating areas to reflect municipal incorporations and expressly refer to additional cost recovery methods under the *Local Government Act*;

AND WHEREAS consent from the participating Municipalities and Electoral Areas has been obtained pursuant to Sections 346 and 347, respectively, of the *Local Government Act*.

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan in open meeting assembled enacts as follows:

1. That the Regional District of Central Okanagan Preparation for Emergencies Bylaw No. 489, 1991, as amended be further amended by deleting Sections 1, 2, 3, 4, and 5 in their entirety and replacing them with the following:

“Service Description

1. The service of regional emergency management, planning and coordination, including:
 - a. developing or assisting in the development of strategies, plans and programs for:
 - i. the prevention of,
 - ii. preparation for,
 - iii. response to, and
 - iv. recovery from

regional emergencies, which, for the purposes of this bylaw, means an emergency or disaster that affects or threatens more than one of

the participating areas or that activates the Regional Emergency Operations Centre by the Emergency Program Coordinator and/or the Emergency Operations Centre Director ;

- b. supporting and coordinating or assisting in supporting and coordinating:
 - i. the management and implementation of the plans, strategies and programs referred to in subsection 1(a) of this bylaw, and
 - ii. the preparation for, response to and recovery from regional emergencies;
- c. establishing, operating and maintaining or assisting in the establishment, operation and maintenance of regional emergency facilities; and
- d. preparing for, responding to and recovering from or assisting in the preparation for, response to and recovery from emergencies that affect or may affect the delivery of services provided by the participating areas;

is hereby established.

Participating Areas

- 2. The participating areas for the service consist of all of Central Okanagan East Electoral Area (electoral area "I"), Central Okanagan West Electoral Area (electoral area "J"), the District of Peachland, the City of Kelowna, the District of Lake Country and the City of West Kelowna.

Service Area

- 3. The service area for the service is all of the area within the boundaries of the participating areas.

Cost Recovery

- 4. The costs of the service shall be recovered by:
 - a. property value taxes imposed in accordance with *Part 11 – Regional Districts: Financial Management, Division 3 [Requisition and Tax Collection]* of the *Local Government Act*;
 - b. revenues raised by other means authorized under the *Local Government Act* or another Act; and
 - c. revenues received by way of agreement, enterprise, gift, grant or otherwise.

Cost Apportionment

5. The costs of the service, after deducting the revenues (if any) raised or received under subsections 4(b) and (c) above, shall be apportioned among the participating areas on the basis of converted value of land and improvements in those areas pursuant to Section 380(2) *[Apportionment of costs]* of the *Local Government Act*.”
2. This bylaw may be cited for all purposes as the ‘Regional District of Central Okanagan Emergency Preparedness Service Establishment Amendment Bylaw No. 1443, 2019’.

READ A FIRST TIME THIS	DAY OF	, 2019
READ A SECOND TIME THIS	DAY OF	, 2019
READ A THIRD TIME THIS	DAY OF	, 2019
APPROVED BY INSPECTOR THIS	DAY OF	, 2019
ADOPTED THIS	DAY OF	, 2019

CHAIRPERSON

DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1443 cited as the “Regional District of Central Okanagan Emergency Preparedness Service Establishment Amendment Bylaw No. 1443, 2019” as read a third time by the Regional Board on the ____ day of ____ 2019.

Dated at Kelowna, B.C. this
____ day of ____ 2019

DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1443 cited as the “Regional District of Central Okanagan Emergency Preparedness Service Establishment Amendment Bylaw No. 1443, 2019” as adopted by the Regional Board on the ____ day of ____ 2019.

Dated at Kelowna, B.C. this
____ day of ____ 2019

DIRECTOR OF CORPORATE SERVICES

REGIONAL DISTRICT OF CENTRAL OKANAGAN
EMERGENCY MANAGEMENT PROGRAM BYLAW NO. 1444, 2019

Being a bylaw to update, modernize and replace the current Regional District of Central
Okanagan Emergency Program Bylaw No. 635, 1995

WHEREAS:

- A.** The Regional District of Central Okanagan has, by Preparation for Emergencies Service Establishing Bylaw No. 489, 1991, and amendments made thereto, established the service for the preparation for emergencies;
- B.** The Board wishes to provide a comprehensive regional emergency management program by a coordinated response of the Board, its member municipal councils and Westbank First Nation Council, and their respective officers and employees, volunteer service groups and external agencies, that will respond to natural and man-made emergencies and disasters with the goal of preserving life, property, the local economy and the environment in a comprehensive approach using prevention, preparedness, response and recovery, all in a manner that will ensure the continuity of government;
- C.** The Board has, through Emergency Program Bylaw No. 635, 1995, established a regional emergency management program in accordance with the *Emergency Program Act*, AND
- D.** The Board wishes to update and modernize the provisions of its Emergency Program Bylaw, to amend the Committee structure, to clarify the reporting structure, and to delegate Board authority to the EOC Director in order to effectively execute the RDCO Emergency Management Program.

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan in open meeting assembled enacts as follows:

1. Interpretation

- 1.1. In this bylaw, “Act” means the *Emergency Program Act*.
- 1.2. Unless otherwise specifically stated, the words used in this bylaw shall have the same meaning as words have in the *Act*.
 - a) “Board” means the board of the Regional District,
 - b) “CAO” means the Chief Administrative Officer, Administrator or City Manager of the applicable organization.
 - c) “Chair” means that person elected by the Board as chair.
 - d) “Region” means all of the area within the boundaries of the Regional District.
 - e) “Regional District” means the Regional District of Central Okanagan.

- f) “Declaration of a State of Local Emergency” means a declaration, pursuant to Section 12(1) of the *Act* by the Chair, or by a municipal council or Mayor, or by a Band Council or Chief as the case may be, that an emergency exists or is imminent.
- g) “Disaster” has the same meaning as under the *Act*, being “a calamity that:
 - i. is caused by accident, fire, explosion or technical failure or by the forces of nature, and
 - ii. has resulted in serious harm to the health, safety or welfare of people, or in widespread damage to property.
- h) “Emergency” has the same meaning as under the *Act*, being “a present or imminent event or circumstance that:
 - i. is caused by accident, fire, explosion or technical failure or the forces of nature, and
 - ii. requires prompt coordination of action or special regulation of persons or property, to protect health, safety or welfare of a person or to limit damage to property”.
- i) “Emergency Program Coordinator” means the person appointed by the Regional District CAO as coordinator for the Emergency Management Organization pursuant to section 6(3.1) of the *Act*.
- j) “Emergency Management Organization” means the organization of that name established under this bylaw.
- k) “Emergency Management Program” means the organization, plan and procedures established from time to time for overall coordination of emergency planning, preparedness, response and recovery actions within the Region.
- l) “EOC” means the Emergency Operations Centre as defined in the Emergency Management Program, or such other facility as may be designated from time to time as the EOC.
- m) “EOC Director” means the person with overall responsibility and authority for coordinating the site support response and recovery in the Regional District EOC.

2. Emergency Program

- 2.1. The following entities and persons are part of the Regional District’s Emergency Management Program:
 - a) the Board,
 - b) an Emergency Management Organization,
 - c) an Emergency Program Coordinator, and
 - d) an Emergency Operations Centre Director.

3. The Board

- 3.1. In accordance with the section 6(1) of the *Act*, the Board is at all times responsible for the direction and control of the response of the Board to an emergency or disaster, and in particular:

- a) in accordance with the Act, the Board may declare a State of Local Emergency in an electoral area;
 - b) the Board may delegate its powers and duties under the Act, as required, and to monitor the use of such powers; and
 - c) to prepare, or cause to be prepared an emergency plan respecting preparation for, response to, and recovery from an emergency or disaster.
- 3.2. Notwithstanding the provisions of subsection 3.1, in accordance with the Act the Chair may carry out the responsibilities specified in clause (a), provided the Chair has used best efforts to obtain the consent of the other members of the Board.

4. Emergency Management Organization

- 4.1. The Board hereby delegates its responsibilities and powers under the Act, except for the power to make a Declaration of a State of Local Emergency, to the Emergency Management Organization.
- 4.2. An Emergency Management Organization consisting of the following persons is hereby established pursuant to section 6(3) of the Act:
- a) the CAO for each of the following:
 - i. the City of Kelowna,
 - ii. the City of West Kelowna,
 - iii. the District of Peachland,
 - iv. the District of Lake Country,
 - v. the Regional District, and
 - b) the Emergency Program Coordinator.

The Emergency Management Organization is accountable to the Board and shall have as its Chair, the CAO from the Regional District.

- 4.3. The Emergency Management Organization shall be responsible for the following:
- a) developing and implementing the Emergency Management Program, including emergency plans and other preparedness, response and recovery measures for emergencies and disasters,
 - b) providing strategic direction and oversight to the Emergency Program Coordinator,
 - c) recommending the appointment of the Emergency Program Coordinator;
 - d) providing oversight of the Emergency Management Program;
 - e) producing an Emergency Plan Manual based on the principles of the British Columbia Emergency Management System, which manual shall provide a general framework that covers preparedness, response, and recovery plans within which the Emergency Management Organization can formulate roles and responsibilities to deal with emergencies and disasters (for clarity, minor amendments, such as names, addresses and telephone numbers in the Emergency Plan Manual may be approved by the Emergency Program Coordinator),.

- f) completing the annual Emergency Management Program budget and work plan then forwarding it to the Regional District Chief Financial Officer,
- g) approving emergency plans and procedures developed by the Emergency Program Coordinator,
- h) establishing such sub-committees and working groups as it deems necessary to carry out its duties and obligations.

5. Emergency Program Coordinator

- 5.1. The Board hereby delegates to the Regional District CAO the responsibility and power to appoint the Emergency Program Coordinator.
- 5.2. The Emergency Program Coordinator is accountable to the Regional District CAO.
- 5.3. The Emergency Program Coordinator is responsible for:
 - a) providing leadership and administration for the emergency management program,
 - b) coordinating and/or supervising any sub-committees or work groups,
 - c) developing a Strategic Plan, action plans and budget,
 - d) maintaining all emergency plans and documentation,
 - e) providing an annual status report on the level of preparedness,
 - f) coordinating a training and exercise program,
 - g) coordinating with other governments, non-government agencies, First Nations and private sector organizations,
 - h) establishing and maintaining an EOC, and
 - i) establishing, coordinating and supporting volunteer programs.
- 5.4. The Emergency Program Coordinator will produce an annual program budget and work plan and submit it to the Regional District CAO prior to January 1st.
- 5.5. The Emergency Program Coordinator may establish committees and working groups as considered necessary to assist with carrying out the Emergency Coordinator's duties and obligations.

6. Emergency Response Authority

- 6.1. The Emergency Management Program will conform to the "*B.C. Emergency Management System*" (BCEMS).
- 6.2. The Emergency Management Organization will determine the criteria and implement a policy & procedure that designates who the EOC Director is under various conditions and stages of EOC activation.
- 6.3. The EOC Director is accountable to the Emergency Management Organization.

- 6.4. Pursuant to Section 8 of the *Act*, the EOC Director may, whether or not a Declaration of a State of Local Emergency has been made, implement all or portions of the Emergency Management Program, if, in the opinion of the EOC Director, there is an emergency disaster within the Region.
- 6.5. Pursuant to Section 12 of the *Act*, upon issuance of a Declaration of a State of Local Emergency, the EOC Director will implement the applicable portions of the Emergency Management Program.
- 6.6. For clarity, in the case of an emergency or disaster, the jurisdiction or jurisdictions in which the emergency or disaster occurs, shall have the primary responsibility for response to the emergency or disaster, including all associated costs, including the recovery of such costs from the Provincial and/or Federal emergency funding resources.
- 6.7. The Regional District and the Westbank First Nation have entered into an agreement, and may enter into further agreements in the future, establishing and setting out the relationship between the Regional District and the Westbank First Nation in respect of equitable distribution of costs pertaining to the subject matter of this bylaw, and including the role of the CAO from the Westbank First Nation, the role of the Westbank First Nation in the Emergency Management Organization and the roles of the Westbank First Nation, CAO of the Westbank First Nation, Emergency Management Organization, Emergency Program Coordinator and EOC Director in relation to emergencies and disasters affecting the jurisdiction of the Westbank First Nation.

7. Emergency Expenditures for Electoral Area Emergencies and Disasters

- 7.1. Pursuant to *Section 401 [Limit on Expenditures]* of the *Local Government Act*, the Regional District CAO is authorized to make expenditures on behalf of the Regional District which are not included in the financial plan of the Regional District, where such expenditures are required for the preservation of life, health and the protection of property during an emergency or disaster in the electoral areas, on the following basis:
 - a) Up to and including two hundred and fifty thousand dollars (\$250,000), after consultation with the Chair; and
 - b) All amounts exceeding two hundred and fifty thousand dollars (\$250,000), with the prior written approval of the Chair.

Any expenditure made under this section must be presented to the Board in a report under the signature of the Chair.

8. Liability

- 8.1. In accordance with the *Act*, no person, including, without limitation, the Board, its municipal Councils, their respective officers and employees, the Chair, members of Regional District of Central Okanagan Emergency Management Organization, a volunteer and any other persons appointed, authorized or requested to carry out measures relating to emergencies or disasters, is liable for any loss, cost, expense, damages or injury to persons or property that result from:

- a) the person in good faith doing or omitting to do any act that the person is appointed, authorized or required to do under this bylaw, unless, in doing or omitting to do the act, the person was grossly negligent, or
- b) any acts done or omitted to be done by one or more of the persons who were, under this bylaw, appointed, authorized or required by the person to do the acts, unless in appointing, authorizing or requiring those persons to do the acts, the person was not acting in good faith.

9. Repeal

9.1. Regional District of Central Okanagan Emergency Program Bylaw No. 635, 1995 as adopted by the Regional Board on the 8th day of May 1995 is hereby repealed.

10. Citation

10.1. This bylaw may be cited for all purposes as the "Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019.

READ A FIRST TIME THIS DAY OF 2019

READ A SECOND TIME THIS DAY OF 2019

READ A THIRD TIME THIS DAY OF 2019

ADOPTED THIS DAY OF 2019

CHAIRPERSON

DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1444 cited as the "Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019" as read a third time and adopted by the Regional Board on the day of 2019.

Dated at Kelowna, B.C. this
day of 2019

DIRECTOR OF CORPORATE SERVICES