

City of Kelowna

Regular Council Meeting

AGENDA



Monday, August 22, 2016
1:30 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

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

2. Confirmation of Minutes

3 - 9

PM Meeting - August 8, 2016

3. Development Application Reports & Related Bylaws

3.1 2486 Highway 97N, Z16-0001 - Kelowna Hwy 97/33 Holdings Ltd.

10 - 20

To consider a zoning bylaw amendment for an approved hotel and retail center from C9 - Tourist Commercial zone to C4 - Urban Center Residential zone to alter the potential tenant mix for the retail component.

3.2 2486 Highway 97N, BL11268 (Z16-0001) - Kelowna Hwy 97/33 Holdings Ltd.

21 - 21

To give Bylaw No. 11268 first reading in order to rezone the subject property to alter the potential tenant mix for the retail component.

3.3 361 Yates Road, Z16-0031 - Cheryl Homes Medical Services Ltd.

22 - 30

To rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone in order to legalize an existing carriage house that was constructed without permits.

3.4 361 Yates Road, BL11271 (Z16-0031) - Cheryl Homes Medical Services Ltd.

31 - 31

To give Bylaw No. 11271 first reading in order to rezone the subject property to legalize an existing carriage house that was constructed without permits.

3.5 4491 Stewart Road West, Z16-0034 - Delauralyn Pihl **32 - 41**

To rezone the subject property from the A1 - Agriculture 1 zone to the A1c - Agriculture with Carriage House zone in order to facilitate a secondary suite in an existing horse barn.

3.6 4491 Stewart Road West, BL11270 (Z16-0034) - Delauralyn Pihl **42 - 42**

To give Bylaw No. 11270 first reading in order to rezone the subject property to allow for a secondary suite in an existing horse barn.

4. Non-Development Reports & Related Bylaws

4.1 Housing Policy Options **43 - 63**

To provide policy options to encourage more housing diversity in Kelowna.

4.2 Transit 2016/2017 Annual Operating Agreement **64 - 66**

To obtain approval from Council for the Transit 2016/2017 Annual Operating Agreement and receive Council authorization to sign the Annual Operating Agreement.

5. Mayor and Councillor Items

6. Termination



City of Kelowna Regular Council Meeting Minutes

Date: Monday, August 8, 2016
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben*, Mohini Singh, Luke Stack

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Cultural Services Manager, Sandra Kochan*; Community Planning Department Manager, Ryan Smith*; Urban Planning Manager, Terry Barton*; Divisional Director, Community Planning & Real Estate, Doug Gilchrist*; Divisional Director, Active Living & Culture, Jim Gabriel*; Property Management Manager, Mike Olson*; Real Estate Director, Derek Edstrom*; Council Recording Secretary, Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:35 p.m.

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

2. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Given

R581/16/08/08 THAT the Minutes of the PM Meeting of July 25, 2016 be confirmed as circulated.

Carried

3. Public in Attendance

3.1 Bumbershoot Theatre

Sandra Kochan, Cultural Services Manager

- Introduced Artistic Director, Bumbershoot Theatre, Tracy Ross

Tracy Ross, Artistic Director, Bumbershoot Theatre

- Displayed a PowerPoint presentation and responded to questions from Council.

Councillor Sieben joined the meeting at 1:41 p.m.

3.2 Ministry of Transportation & Infrastructure - Second Crossing Project/Central Okanagan Planning Study

Murray Tekano, Senior Project Director and Ross Coates, Project Manager, Ministry of Transportation & Infrastructure

- Displayed a PowerPoint presentation and responded to questions from Council.

4. Development Application Reports & Related Bylaws

4.1 Agri-tourist Accommodation (A1t), TA16-0006 - City of Kelowna

Staff:

- Displayed a PowerPoint presentation summarizing the amendments to the Zoning Bylaw and responded to questions from Council.

Moved By Councillor DeHart/Seconded By Councillor Donn

R582/16/08/08 THAT Zoning Bylaw Text Amendment Application No. TA16-0006 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Community Planning Department dated August 8, 2016 be considered by Council;

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

AND FURTHER THAT effective August 8, 2016, in accordance with Development Applications Bylaw No. 10540 Section 2.1.2 (d), Council directs staff to not accept new zone amending applications for Agri-tourist Accommodation in the Agriculture 1 - A1t zone until Text Amendment Bylaw No. 11265 has had final reading consideration.

Carried
Councillor Hodge - Opposed

4.2 BL11265 (TA16-0006) - Amendments to the A1t - Agriculture 1 with Agri-Tourist Accommodation

Moved By Councillor Gray/Seconded By Councillor Donn

R583/16/08/08 THAT Bylaw No. 11265 be read a first time.

Carried
Councillor Hodge - Opposed

4.3 Upper Mission Drive (E of), OCP16-0011 & Z16-0041 - Calcan Joint Venture

Staff:

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

Moved By Councillor Stack/Seconded By Councillor Given

R584/16/08/08 THAT Official Community Plan Bylaw Amendment No. OCP16-0011 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of portions of North East ¼ Section 14 Township 28 SDYD Except Plans KAP57304 and EPP48322 from the Multiple Unit Residential to Single/Two Unit Residential, from Single/Two Unit Residential to Multiple Unit Residential, and from Multiple Unit Residential to Major Park/Open Space

(Public) as shown on Map "A" attached to the report of Community Planning, dated August 8, 2016 be considered by Council;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the Report of Community Planning, dated August 8, 2016;

AND THAT Rezoning Application No. Z16-0041 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions North East ¼ Section 14 Township 28 SDYD Except Plans KAP57304 and EPP48322 from RH3-Hillside Cluster Housing to RH1-Hillside Large Lot Housing, From RH1-Hillside Large Lot Housing to RH3-Hillside Cluster Housing, and from RH1-Hillside Large Lot Housing to P3-Park and Open Space as shown on Map "B" attached to the report of Community Planning, dated August 8, 2016 be considered by Council;

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

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

Carried

4.4 Upper Mission Drive (E of), BL11266 (OCP16-0011) - Calcan Investments Inc.

Moved By Councillor Hodge/Seconded By Councillor Gray

R585/16/08/08 THAT Bylaw No. 11266 be read a first time;

AND THAT the Bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

4.5 Upper Mission Drive (E of), BL11267 (Z16-0041) - Calcan Investments Ltd.

Moved By Councillor Donn/Seconded By Councillor Given

R586/16/08/08 THAT Bylaw No. 11267 be read a first time.

Carried

5. Bylaws for Adoption (Development Related)

5.1 285 Sadler Road, BL11132 (Z15-0032) - Thorsten Tropf

Moved By Councillor Donn/Seconded By Councillor Given

R587/16/08/08 THAT Bylaw No. 11132 be adopted.

Carried

5.2 2970 Shayler Court, BL11219 (Z15-0056) - Bruce & Helga Morris

Moved By Councillor Hodge/Seconded By Councillor DeHart

R588/16/08/08 THAT Bylaw No. 11219 be adopted.

Carried

6. Non-Development Reports & Related Bylaws

Mayor Basran advised that Item 6.2 would be heard prior to Item 6.1.

Councillor DeHart declared a conflict of interest due to her employment in the hotel industry and by a Hotel that collects the hotel sales tax and departed the meeting at 3:07 p.m.

6.2 Tourism Kelowna - Municipal & Regional District Tax Increase and Service Agreements

Staff:

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

Guest:

Nancy Cameron, CEO, Tourism Kelowna

- Responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Donn

R589/16/08/08 THAT Council receives for information the report from the Divisional Director, Active Living & Culture dated August 8, 2016 regarding Tourism Kelowna;

AND THAT Council directs staff to prepare Service Agreements with Tourism Kelowna to be brought back to Council for approval;

AND THAT Council supports an application to increase the Municipal and Regional District Tax from two per cent to three per cent;

AND THAT Council authorizes the Division Director, Active Living & Culture, to sign the documents relating to an application to increase the Municipal and Regional District Tax from two per cent to three per cent;

AND FURTHER THAT Bylaw No. 11258 being the City of Kelowna Municipal and Regional District Tax Bylaw be forwarded for reading consideration.

Carried

6.3 BL11258 - City of Kelowna Municipal and Regional District Tax Bylaw

Moved By Councillor Hodge/Seconded By Councillor Stack

R590/16/08/08 THAT Bylaw No. 11258 be read a first, second and third time.

Carried

Councillor DeHart rejoined the meeting at 3:36 p.m.

6.1 Quarterly report update - Q2 2016

City Manager:

- Displayed a PowerPoint presentation summarizing highlights from the Quarterly Report and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Singh

R591/16/08/08 THAT Council receives, for information, the Quarterly report update from the City Manager, dated Aug. 3, 2016.

Carried

Councillor Stack declared a conflict of interest for Items 6.4 to 6.8 as he is employed by one of the organizations entering into a revitalization tax agreement with the City and departed the meeting at 4:01 p.m.

6.4 678 Richter Street, RTE16-0002 - Revitalization Tax Exemption Agreement, The Society of Housing Opportunities and Progressive Employment

Moved By Councillor Given/Seconded By Councillor Gray

R592/16/08/08 THAT Council approves the City of Kelowna entering into a Revitalization Tax Exemption Agreement with The Society of Housing Opportunities and Progressive Employment for Lot B, District Lot 9, ODYD, Plan EPP39552, located on 678 Richter Street, Kelowna, BC, in the form attached to the report from Community Planning dated August 8, 2016;

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

Carried

6.5 2065 Benvoulin Court, RTE16-0003 - Revitalization Tax Exemption Agreement, National Society of Hope

Moved By Councillor Given/Seconded By Councillor Gray

R593/16/08/08 THAT Council approves the City of Kelowna entering into a Revitalization Tax Exemption Agreement with National Society of Hope for Lot 1, District Lot 128, ODYD, Plan EPP37196, located on 2065 Benvoulin Court, Kelowna, BC, in the form attached to the report from Community Planning dated August 8, 2016:

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

Carried

6.6 460 Doyle Avenue, RTE15-0002 - Revitalization Tax Exemption Agreement Amendment, Kelowna Sustainable Innovation Group Ltd.

Moved By Councillor Given/Seconded By Councillor Gray

R594/16/08/08 THAT Council approves the City of Kelowna entering into an amended Revitalization Tax Exemption Agreement with Kelowna Sustainable Innovation Group Ltd. for Lot 4, District Lot 139, ODYD, Plan KAP57837, located on 460 Doyle Avenue, Kelowna, BC, in the form attached to the report from Urban Planning dated August 8, 2016;

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

Carried

6.7 805 Academy Way, RTE16-0001 - Revitalization Tax Exemption Agreement, Mission Group Holdings Ltd.

Moved By Councillor Given/Seconded By Councillor Gray

R595/16/08/08 THAT Council approves the City of Kelowna entering into a Revitalization Tax Exemption Agreement with Mission Group Holdings Ltd. For Lot 1, Sections 3 and 10, Township 23, ODYD, Plan EPP53793, located on 805 Academy Road,

Kelowna, BC, in the form attached to the report from Community Planning dated August 8, 2016.

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

Carried

6.8 305 Homer Road, RTE15-0003 - Revitalization Tax Exemption Agreement, Davara Holdings Ltd.

Moved By Councillor Given/Seconded By Councillor Gray

R596/16/08/08 THAT Council approves the City of Kelowna entering into a Revitalization Tax Exemption Agreement with Davara Holding Ltd for Lot 1, Section 27, Township 26, ODYD, Plan KAP18004, located on 305 Homer Road, Kelowna, BC, in the form attached to the report from Community Planning dated August 8, 2016;

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

Carried

Councillor Stack rejoined the meeting at 4:06 p.m.

6.9 Kneller Road (Portion of) adjacent to 1170 Hwy 33 West - Road Closure

Moved By Councillor Hodge/Seconded By Councillor Given

R597/16/08/08 THAT Council receives, for information, the Report from the Manager, Real Estate Services dated August 8, 2016, recommending that Council adopt the proposed road closure of a portion of road adjacent to 1170 Hwy 33 West;

AND THAT Bylaw No.11259, being proposed road closure of a portion of road adjacent to 1170 Hwy 33 West, be given reading consideration.

Carried

6.10 Kneller Road (Portion of) adjacent to 1170 Hwy 33 West - Road Closure and Removal of Highway Dedication Bylaw

Moved By Councillor Stack/Seconded By Councillor DeHart

R598/16/08/08 THAT Bylaw No. 11259 be read a first, second and third time.

Carried

6.11 825 Walrod Street (Former Walrod School) - Lease to the Justice Institute of British Columbia

Staff:

- Displayed a PowerPoint presentation summarizing the Lease Agreement.

Moved By Councillor Hodge/Seconded By Councillor Given

R599/16/08/08 THAT Council approves the City entering into a three (3) year Lease Agreement with the Justice Institute of British Columbia, with the option to renew for

one (1) additional term of two (2) years, in the form attached to the Report of the Manager, Property Management, dated August 8, 2016;

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

Carried

7. Bylaws for Adoption (Non-Development Related)

7.1 BL11250, Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw

Moved By Councillor Stack/Seconded By Councillor DeHart

R600/16/08/08 THAT Bylaw No. 11250 be adopted.

Carried

8. Mayor and Councillor Items

Councillor Gray:

- Will be representing the Mayor at the Vancouver Career College Graduation this Friday, August 12th.
- Looking forward to the Rock the Lake Concert this coming weekend.

Councillor Sieben:

- Kudos to the Mayor for participating in the One Bag Challenge in support of the Kelowna Food Bank.
- Kudos to the Mayor for hosting the 7th Annual and Final Charity Open Golf tournament that raises funds for the Canadian Mental Health Association.

Councillor DeHart:

- Participated in the Josh Georges Road Hockey Fundraising Event.

Mayor Basran:

- Participated in the 1st Annual Okanagan Dream Rally organized by the August family foundation; money raised for the Central Okanagan Hospice Association.

Councillor Given:

- Reminder of the Pride Festival Celebration in City Park on Saturday, August 13th.

9. Termination

This meeting was declared terminated at 4:14 p.m.

Mayor

/acm

City Clerk

REPORT TO COUNCIL



Date: August 22, 2016

RIM No. 1250-30

To: City Manager

From: Community Planning Department (RR)

Application: Z16-0001

Owner: Kelowna Hwy 97/33 Holdings Ltd., Inc. No.BC1003626

Address: 2486 Highway 97 N

Applicant: Calnitsky Architecture

Subject: Rezoning Application

Existing OCP Designation: COMM - Commercial

Existing Zone: C9 - Tourist Commercial

Proposed Zone: C4 - Urban Center Commercial

1.0 Recommendation

THAT Rezoning Application No. Z16-0001 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 DL 125 ODYD Plan 18724 Except Plans KAP78413 and KAP80632 located at 2486 Hwy 97 North, Kelowna, BC from the C9 - Tourist Commercial zone to the C4 - Urban Center Commercial zone be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated August 8, 2016.

2.0 Purpose

To consider a zoning bylaw amendment application for an approved hotel and retail center from C9 - Tourist Commercial to C4 - Urban Center Residential to alter the potential tenant mix for the retail component.

3.0 Community Planning

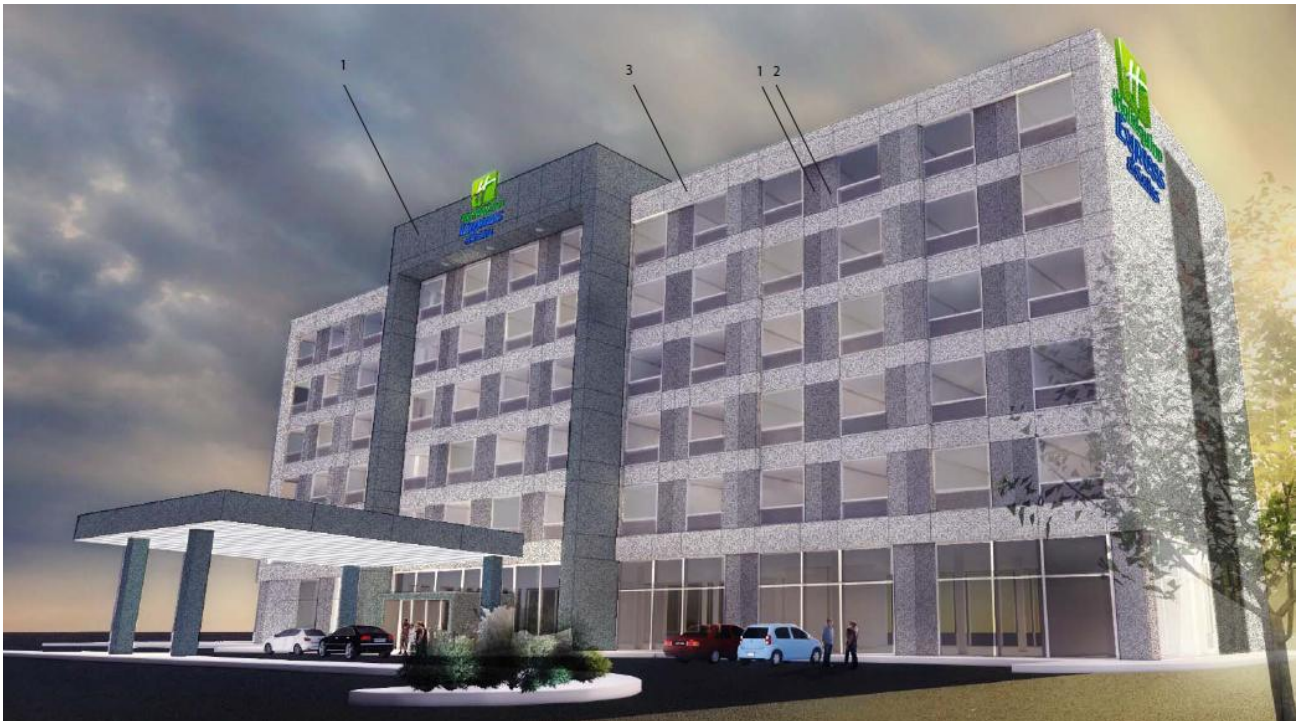
Community Planning supports the proposed zoning bylaw amendment. Council has already given approval for the proposed hotel and retail center on the property, and the bylaw amendment will allow the developer to appeal to a broader mix of tenants. The C4 - Urban Center Commercial zone allows the hotel use.

4.0 Proposal

4.1 Background

On June 28th, Council approved DP16-0001 and DVP16-0002, allowing the development of the subject property with a 6 storey hotel and a one storey retail center. At the time, staff advised council that while all of the proposed uses were permitted under the C9-Tourism Commercial Zone, that the applicant would also be seeking to rezone the property to C4 - Urban Center Commercial. The purpose of the rezoning would be to allow a broader mix of non-tourism tenants in the retail center.

Traditionally, the City of Kelowna practice is always to complete a rezoning prior to the issuance of the development permit. In this instance, because the uses were permitted by both zones, the process was reversed to allow the project to hit an earlier building window.



4.2 Bylaw Amendment

The property is currently zoned C9 - Tourist Commercial. The Tourist Commercial zone allows hotels, and limited retail and restaurant use. Retail uses are limited to 90 m² per unit, and no financial, medical or other services are permitted. Because of the size of the commercial development, the applicant is seeking to expand on permitted uses.

The proposed zone, the C4 - Urban Center Commercial zone, allows a large range of commercial uses, including medical, office, financial and larger scale retail uses. The applicant believes this will help ensure the viability of the commercial development.

The properties surrounding the site are not zoned for Tourist Commercial use. Predominantly, the properties are zoned for Service Commercial use. Staff are not concerned that the re-zoning will impugn on tourist amenities, and in fact believe that additional commercial uses may make the site more appealing to potential tourists or business travellers.

At the time of approval, the project needed several setback variances, which Council granted. If the zoning bylaw is amendment, those variances would no longer be required under the C4 Zone.



4.3 Site Context

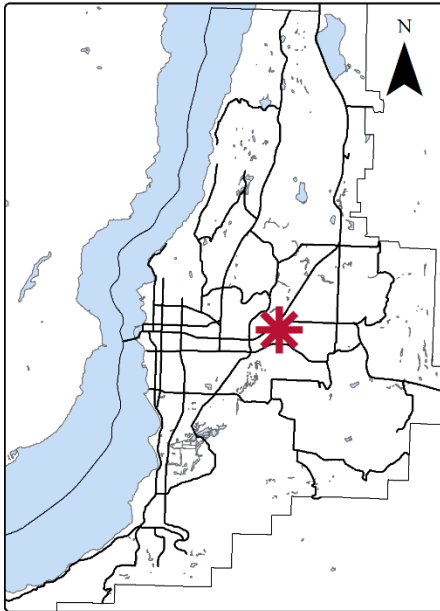
The property is in a heavily urbanized area of the city, at the junction of two major highways. The site is adjacent to another large hotel to the south. The large warehouse retailer Costco is directly across Highway 97.

As Highway 33 is extended, it is anticipated that this intersection will grow more and more busy and prominent.

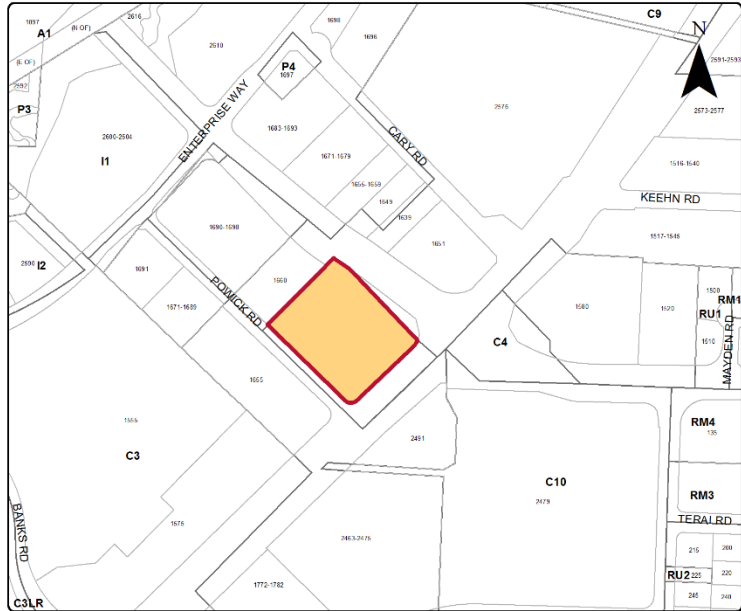
Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C10 - Service Commercial	Ashley Furniture
East	C10 - Service Commercial	Costco
South	C4 - Urban Centre Commercial	Fairfield Hotel
West	C10 - Service Commercial	Event Rentals Store

Subject Property Map:



CONTEXT



NEIGHBOURING ZONING



SUBJECT PROPERTY

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

6.0 Technical Comments

6.1 Building & Permitting Department

- 1 Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- 2 Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- 3 A Hoarding permit may be required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP
- 4 A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
 - a. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect. This includes separations of the parkade into restricted areas if any.
 - b. Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
- 5 A Structural peer review may be required at time of building permit application for the 6 storey structure.
- 6 A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit. This minimum Geodetic elevation is required for all habitable spaces. This building may be designed to low, which may affect the form and character of the building.
- 7 Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.

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

6.2 Development Engineering Department

See attached Memorandum dated February 23, 2016

6.3 Fire Department

- 1 Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- 2 Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. Should a hydrant be required on this property it shall be operational prior to the start of construction.
- 3 A visible address must be posted as per City of Kelowna By-Laws . As the only access to this site is off of Powick Rd, the buildings should be addressed off of Powick Rd.
- 4 Sprinkler drawings are to be submitted to the Fire Dept. for review when available.
- 5 A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD
- 6 Fire Department access is to be met as per BCBC 3.2.5. -
- 7 Approved Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire dept. entrance.
- 8 All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met
- 9 Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- 10 Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- 11 Fire department connection is to be within 45M of a fire hydrant - unobstructed
 - 11.1 *ensure FD connection is clearly marked and visible from the street
 - 11.2 *standpipes to be located on intermediate landings.
 - 11.3 *sprinkler zone valves shall be accessible as per fire prevention bylaw
 - 11.4 *dumpster/refuse container must be 3 meters from structures or overhangs
 - 11.5 * do not issue BP unless all life safety issues are confirmed

7.0 Application Chronology

Date of Application Received:	January 4 th , 2016
Date Development Permit Approval:	June 28 th , 2016

Report prepared by:

Ryan Roycroft, Planner

Reviewed by:

☐

Terry Barton, Urban Planning Manager

Approved for Inclusion:

☐

Ryan Smith, Community Planning Department Manager

Attachments:

Memorandum from Development Engineering

CITY OF KELOWNA

MEMORANDUM

Date: February 23, 2016
File No.: Z16-0001
To: Urban Planning Department (RR)
From: Development Engineering Manager (SM)
Subject: 2486 Highway 97 N Lot 1, Plan 18724 C9 to C4

The Development Engineering Department has the following comments and requirements regarding this application to rezone the subject property from C9 to C4 to accommodate the construction of a proposed Hotel.

The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technologist for this project is Jason Ough

1. General

- a) These are Development Engineering comments/requirements and are subject to the review and requirements from the Ministry of Transportation (MOTI) Infrastructure Branch.
- b) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC, V1Y 2K0 (250-763-3558 ext. 2008) to obtain further information and to determine suitable location(s) within the development.
- c) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.

2. 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.**

- (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.
- (vi) Recommendations for items that should be included in a Restrictive Covenant.
- (vii) Any items required in other sections of this document.
- (viii) Recommendations for erosion and sedimentation controls for water and wind.
- (ix) Recommendations for roof drains and perimeter drains.
- (x) Recommendations for construction of detention or infiltration ponds if applicable.

3. Domestic Water and Fire Protection

- a) The property is located within the Rutland Water District (RWD) service area. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. The developer is responsible, if necessary, to arrange with RWD staff for any service improvements and the decommissioning of existing services.
- b) Boulevard landscape irrigation system, must be integrated with the on-site irrigation system.

4. Sanitary Sewer

- a) The developer's consulting mechanical engineer will determine the development requirements of the proposed development and establish the service needs.
- b) The applicant will arrange for the removal and disconnection of one or both of the existing 150mm sewer services and the installation of one new larger service, if required, at the applicants cost. A maximum of one service will be permitted to this property.

5. Storm Drainage

The developer must engage a consulting civil engineer to provide a storm water management plan which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan will include provision of a lot grading plan, identify minimum basement elevation (MBE), overland drainage routes, floodplain elevations and setbacks, and provision of a storm drainage service for the lot and /or recommendations for onsite drainage containment and disposal systems. The on-site drainage systems may be connected to the existing municipal drainage system in Highway 33 via an overflow service.

6. Road Improvements

- a) Powick Road must be constructed to a full SS-R5 urban standard including curb and gutter, separate sidewalk on property line, piped storm drainage system, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.
- b) The proposed Hotel triggers a traffic impact assessment. The applicant's transportation engineer shall contact the City's Transportation & Mobility group who will determine the terms of reference for the study. Recommendations from the Traffic Impact Analysis (TIA) will become requirements of rezoning.

- c) The estimated cost of required road improvement works, for bonding purpose, must be determined based upon a design provided by the developer to be reviewed by the City of Kelowna and MOTI.

7. Road Dedication and Subdivision Requirements

- a) The developer is required to dedicate roadway along Powick Road frontage in order to achieve a minimum 20m standard for Collector Right of Way width.
- b) The required TIA and input from the Ministry will determine the potential need for improvement to the existing channelization island and right turn lane and from Hwy 33 to Hwy 97. A subsequent design will determine how much disposable land is available at this location. The remaining property may be purchased by the developer and consolidated with the subject property.
- c) Grant Statutory Rights of Way if required for utility services.
- d) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager

8. Electric Power and Telecommunication Services

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

9. Design and Construction

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

10. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover

the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

11. Other Engineering Comments

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

12. Development Permit and Site Related Issues

- a) Access and Manoeuvrability
 - (i) An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways.
 - (ii) Indicate on the site, the locations of loading bays as well as the garbage and recycle bins.

13. Servicing Agreements for Works and Services

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

14. Charges and Fees

- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - ii) Engineering and Inspection Fee: 3.5% of construction value (plus GST).

Steve Muenz, P. Eng.
Development Engineering Manage
jo

CITY OF KELOWNA
BYLAW NO. 11268
Z16-0001 - Kelowna Hwy 97 / 33 Holdings Ltd.,
Inc. No. BC1003626 - 2486 Hwy 97 N

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, District Lot 125, ODYD Plan 18724 Except Plans KAP78413 and KAP80632 located on Hwy 97 N, Kelowna, B.C., from the C9 - Tourist Commercial zone to the C4 - Urban Center 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

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: August 22, 2016

RIM No. 1250-30

To: City Manager

From: Community Planning Department (TB)

Application: Z16-0031
Owner: Cheryl Holmes Medical Services Ltd. Inc No BC0351645

Address: 361 Yates Road
Applicant: Denis Lampron

Subject: Rezoning Application

Existing OCP Designation: S2RES - Single/Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: RU1c - Large Lot Housing with Carriage House

1.0 Recommendation

THAT Rezoning Application No. Z16-0031 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 10, Section 5, Township 23, ODYD, Plan 15293, located at 361 Yates 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 be forwarded to a 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 Community Planning Department dated June 24, 2016.

2.0 Purpose

To rezone the subject property from RU1 to RU1c to legalize an existing carriage house that was constructed without permits.

3.0 Community Planning

Community Planning supports the proposed rezoning from RU1 - Large Lot Housing to RU1c - Large Lot Housing with Carriage House to legalize the existing carriage house that was constructed without necessary permits. The property is located within the Permanent Growth Boundary and the application is consistent with Official Community Plan (OCP) Policies related to

Compact Urban Form and Sensitive Infill. The single storey carriage house does not require any variances.

Should Council support the rezoning request, Staff will continue to work with the applicant to issue the Development Permit in accordance with the Intensive Residential - Carriage House/Two Dwelling Housing Guidelines.

In accordance with Council Policy No. 367 the applicant completed neighbourhood consultation by contacting neighbouring properties within a 50m radius.

4.0 Proposal

4.1 Background

The existing single family dwelling was constructed in 1989 and it is assumed the detached garage was constructed at the same time without the required building permit. At some point in time the illegal detached garage was converted to a carriage house by installing plumbing, electrical, and kitchen facilities. In 2007 the first complaint was received with regard to the illegal use of the detached garage as a carriage house and a bylaw investigation was concluded after 3 years of no further complaints. Two other bylaw investigations occurred in 2011, and 2016, with the final investigation resulting in a compliance agreement between the City of Kelowna and the previous owners of the property. The new owners purchased the property in 2016 and have initiated the process to legalize the carriage house and obtain the required zoning, development permit, and subsequently building permit.

4.2 Project Description

The single storey carriage house is located on the rear of the lot and is accessed from the front street as there is no lane access. There is ample parking available on the large lot for both the single family dwelling and the carriage house. The applicant proposes to provide a shrub barrier to delineate private open space for each dwelling and there are no variances requested.

4.3 Site Context

The property is located on the east side of Yates Road between Dallas Road and Ballou Road. It is located within the Permanent Growth Boundary near the Glenmore Valley Village Centre and the Future Land Use designation is Single/Two Unit Residential. The surrounding area is characterized by single dwelling housing with a commercial center to the east and Knox Mountain Park to the west.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Residential
East	RU2 - Medium Lot Housing	Residential
South	RU1 - Large Lot Housing	Residential
West	RU2 - Medium Lot Housing	Residential

Subject Property Map: 361 Yates Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1c ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m ²	1143.2 m ²
Lot Width	16.5 m	27.7 m
Lot Depth	30 m	41.2m
Development Regulations		
Maximum Total Site Coverage (buildings)	40%	27.6%
Maximum Total Site Coverage (buildings, driveways & parking)	50%	48.7%
Maximum Accessory Site Coverage	20%	6%
Maximum Accessory Building Footprint	100 m ² (carriage house) 50 m ² (accessory buildings) 130 m ² (total)	66.8m ²
Maximum Net Floor Area	100 m ²	37m ²
Maximum Net Floor Area to Principal Building	75%	17%
Maximum Height (to mid-point)	4.8 m	3.1 m
Maximum Height (to peak)	Peak of principal dwelling	3.7 m

Minimum Side Yard (east)	2.0 m	16.2 m
Minimum Side Yard (west)	2.0 m	2.4 m
Minimum Rear Yard	2.0 m	2.2 m
Minimum Distance to Principal Building	3.0 m	7.1 m
Other Regulations		
Minimum Parking Requirements	3 parking stalls	>3 parking stalls
Private Open Space	30m ² per dwelling	>30 m ² per dwelling

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

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

6.0 Technical Comments

Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.1 Development Engineering Department

Please see attached Schedule "A" dated June 24, 2016

6.2 FortisBC Electric

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Yates Road. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

Otherwise, FBC(E) has no concerns with this circulation.

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

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

6.3 Fire Department

- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- If a fence is ever constructed between the dwellings a gate with a clear width of 1100mm is required.
- All units shall have a posted address on Yates Rd. for emergency response

7.0 Application Chronology

Date of Application Received: May 16, 2016
Date Public Consultation Completed: May 30, 2016

Report prepared by:

Trisa Brandt, Planner I

Reviewed by:

☐

Terry Barton, Urban Planning Manager

Approved for Inclusion:

☐

Ryan Smith, Community Planning Department Manager

Attachments:

Schedule "A": City of Kelowna Memorandum dated June 24, 2016

Site Plan and Photos

Conceptual Elevations and Floor Plan



CITY OF KELOWNA
MEMORANDUM

Date: June 24, 2016
File No.: Z16-0031
To: Land Use Management Department (TB)
From: Development Engineering Manager
Subject: 361 Yates Road Carriage House RUIC

Development Engineering has the following requirements associated with this rezoning application.

1. Domestic Water and Fire Protection

The property is located within the GEID service area. Servicing should be reviewed by GEID

2. Sanitary Sewer

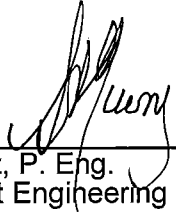
Our records indicate that this property is serviced with two 100mm-diameter sanitary sewer services. An inspection chamber (IC) must be installed on the active service. The inactive service shall be capped at the main. **The applicant will be required to sign a Third Party Work Order and pay for the cost of the sanitary service upgrades.** For estimate inquiry's please contact John Filipenko, by email jfilipenko@kelowna.ca or phone, 250-469-8581.

3. Site Related Issues

Adequate off-street parking is provided.

4. Electric Power and Telecommunication Services

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.



Steve Muenz, P. Eng.
Development Engineering Manager
JF/jf



CITY OF KELOWNA
MEMORANDUM

Date: June 24, 2016
File No.: DP16-0135
To: Land Use Management Department (TB)
From: Development Engineering Manager
Subject: 361 Yates Road Carriage House RUIC

Development Engineering has the following requirements associated with this rezoning application.

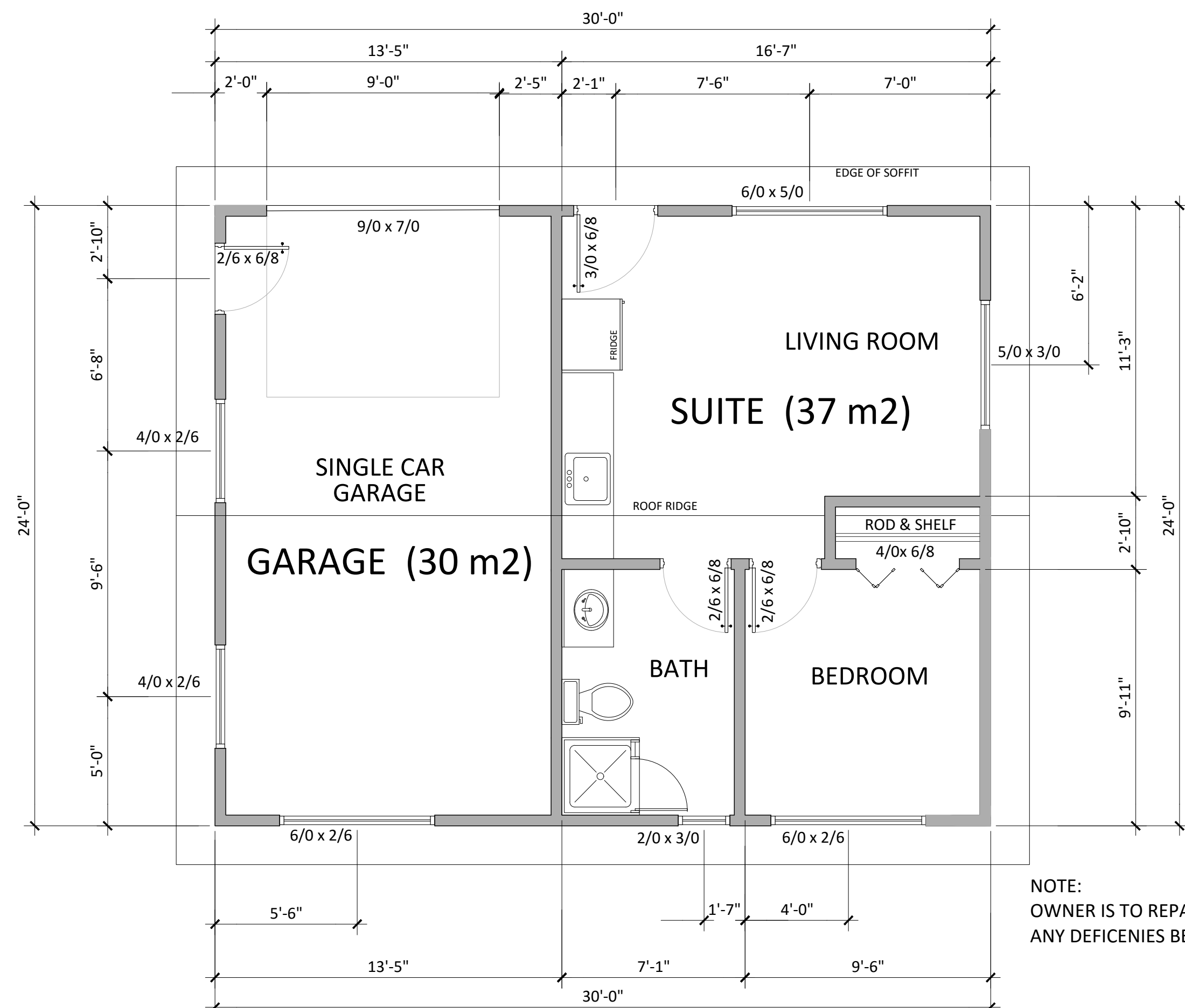
Development Engineering has the following requirements associated with this application.

Requirements addressed in rezoning file Z16-0031 must be satisfied prior to the issuance of this Development Permit.

Development Engineering has no comment regarding the form and character evaluation of the Carriage House

A handwritten signature in black ink, appearing to read 'Steve Muenz', written over a horizontal line.

Steve Muenz, P. Eng.
Development Engineering Manager
JF/jf



EXISTING BUILDING CIRCA 1970'S

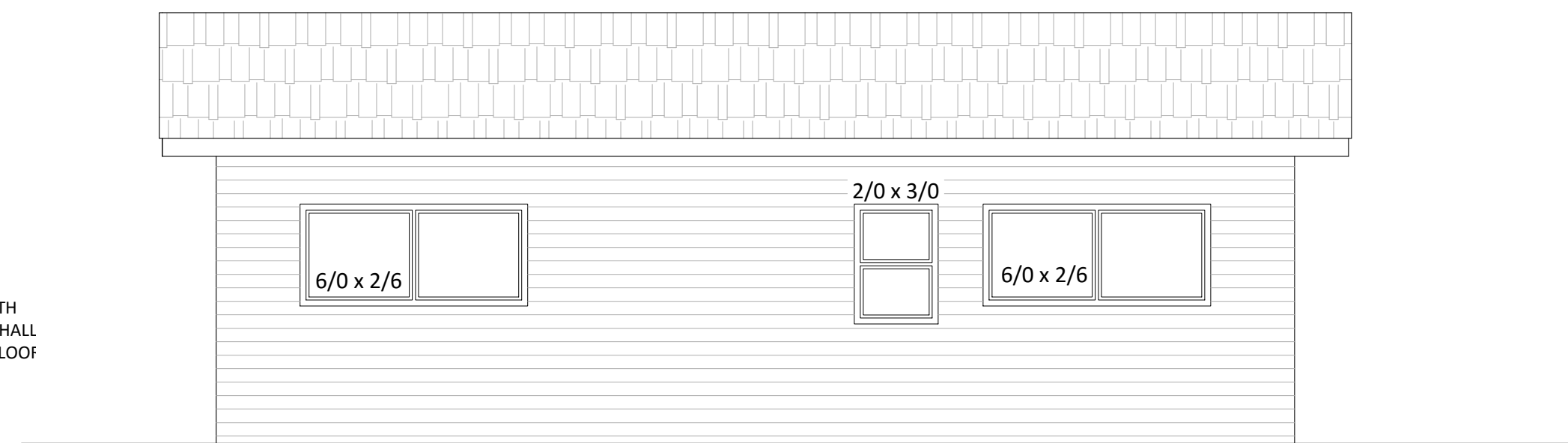
1 MAIN FLOOR PLAN
A 2
1/4" = 1'-0"

NOTE:
ENSURE THAT ALL BEDROOM WINDOWS
HAVE A Min. AREA OF: 35M² / 3.75 s.f.
WITH AN UNOBSTRUCTED HEIGHT AND WIDTH
OF 380 mm / 15". THE WINDOW OPENING SHALL
BE A MAXIMUM OF 1.5M / 5 ft.ABOVE THE FLOOR

GENERAL NOTES:

1. WINDOWS AND DOORS TO REQUIRE NAFS LABEL
2. VENTILATION AS PER B.C. B.C. 9.32
3. CARBON MONOXIDE ALARMS TO BE INSTALLED AND INTERCONNECTED
4. APPROVED SMOKE ALARM DETECTORS TO BE INSTALLED AND INTERCONNECTED

NOTE:
OWNER IS TO REPAIR AND MAKE GOOD
ANY DEFICIENCIES BEFORE RENTING



REAR SOUTH ELEVATION

3
A 2

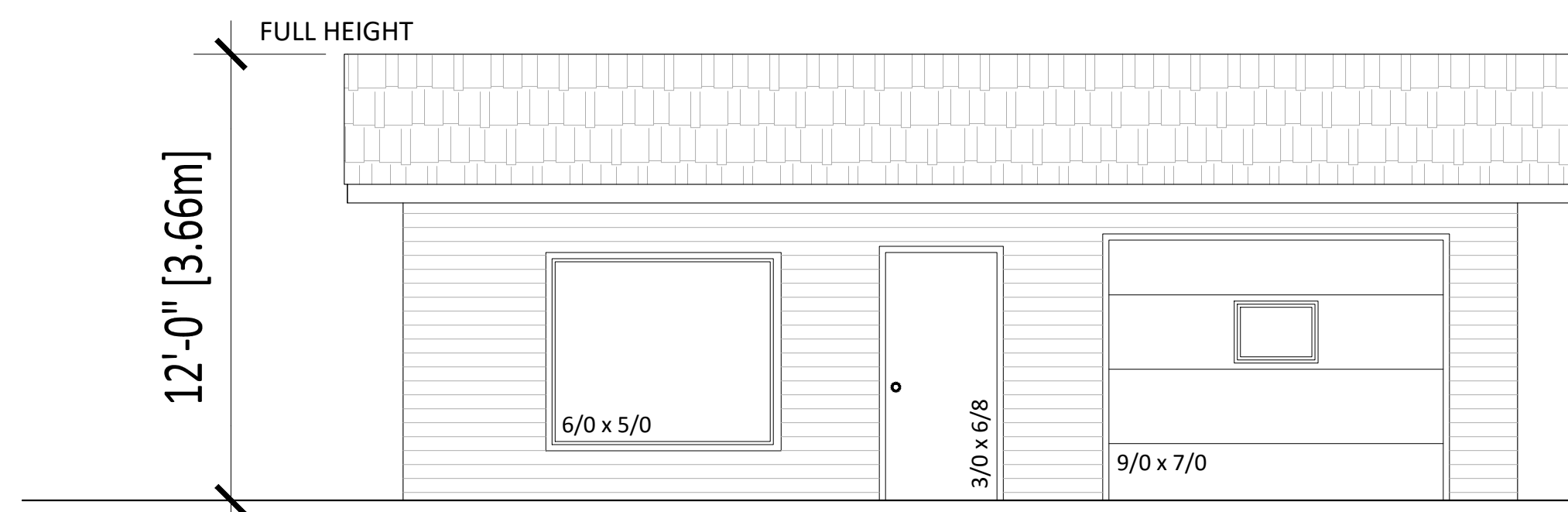
1/4" = 1'-0"



EAST ELEVATION

4
A 2

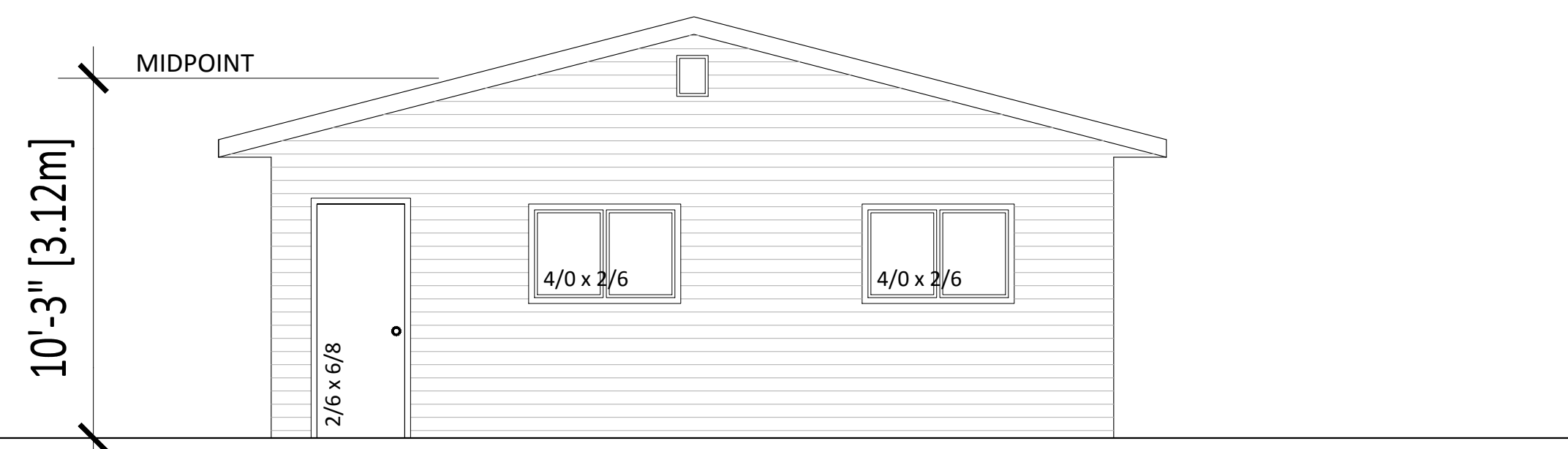
1/4" = 1'-0"



FRONT NORTH ELEVATION

2
A 2

1/4" = 1'-0"



WEST ELEVATION

5
A 2

1/4" = 1'-0"

DATE	NO.	BY	REVISION

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HOLDEN'S DRAUGHTING & DESIGN
832 SAUNDER AVENUE
KELOWNA, B.C. V1Y-6A3
Phone: 250.868.0962
Fax: 250.868.0962
Email: hholden@shaw.ca
H.D.D.

PROJECT
CARRIAGE HOUSE LEGALIZATION
361 YATES ROAD
KELOWNA, B.C.

SHEET TITLE
FLOOR PLAN
AND ELEVATIONS

DRAWN RAH	SHEET NO. A 2
CHECKED D.L.	Rev. 0
SCALE 1/8"=1'-0"	
DATE 2016.05.11	

CITY OF KELOWNA
BYLAW NO. 11271
Z16-0031 - Cheryl Holmes Medical Services Ltd.,
Inc. No. BC0351645
361 Yates 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 10, Section 5, Township 23, ODYD, Plan 15293 located on Yates Road, 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

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: August 22, 2016

RIM No. 1250-30

To: City Manager

From: Community Planning Department (TY)

Application: Z16-0034 **Owner:** Delauralyn Pihl

Address: 4491 Stewart Road West **Applicant:** David Pihl

Subject: Rezoning Application

Existing OCP Designation: REP - Resource Protection (*ALR*)

Existing Zone: A1 - Agriculture 1

Proposed Zone: A1c - Agriculture 1 with Carriage House

1.0 Recommendation

THAT Rezoning Application No. Z16-0034 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 221 Section 32 Township 29 ODYD Plan 1247, located at 4491 Stewart Road West, Kelowna BC from the A1 - Agriculture 1 zone to the A1c - Agriculture with Carriage House zone, be considered by Council;

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

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Farm Protection Development Permit for the subject property.

2.0 Purpose

To rezone the subject property to facilitate a secondary suite in an existing horse barn.

3.0 Community Planning

Community Planning supports the rezoning application to allow the applicant to construct a secondary suite in an agri-accessory building. The proposed building is a horse barn which includes birthing stalls, equestrian wash bay, tack room and feed storage. Although not a formal Bylaw regulation, the City of Kelowna adheres to the Policy of the Okanagan Basin Water Board of only approving additional development (carriage home in the case of this application) on parcels over 1.0 hectare in size when not connected to municipal sanitary systems. The subject parcel is not connected to the City sanitary system and is 4.9 hectares in size, as such it meets the OBWB policy.

4.0 Proposal

4.1 Background

The applicant operates a breeding program for thoroughbred horses. The farm includes five breeding mares, at any given time there may be between one to three foals and the same amount of yearling and two-year-old thoroughbred horses. The nature of the farm requires a staff member on site for the purposes of monitoring breeding mares and new foals. Over the first two years, foals born on the property return for training and boarding between new homes.

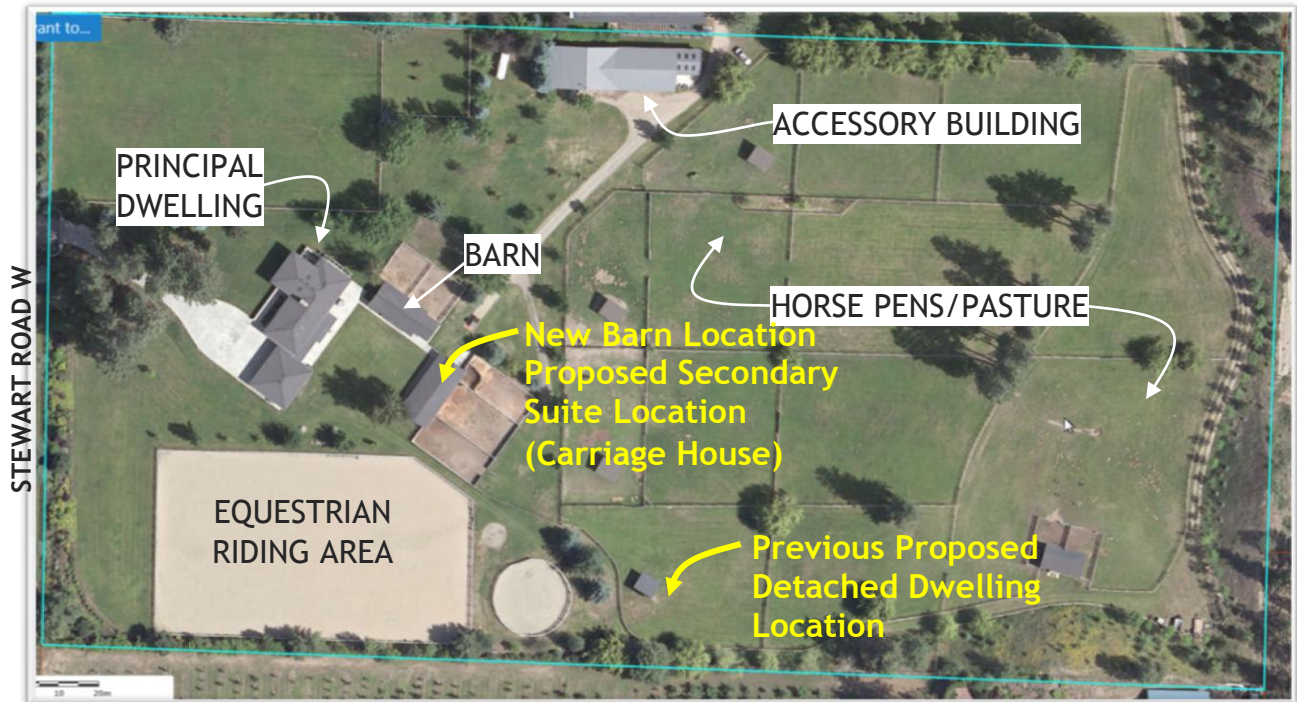
The applicant had a Non-Farm Use application to the Agricultural Land Commission in 2015 requesting a permanent, detached carriage house for staff accommodation. The application (A15-0014) was presented to the Agricultural Advisory Committee (AAC) on February 11, 2016. The AAC agreed that a full time employee requiring their own living quarters was warranted for the existing and continued farm operation, however the accommodation in the form of a detached permanent dwelling was not recommended to City Council as a positive addition to the agricultural parcel.

AAC Comment Summary

- The proposed permanent structure could have an impact on land value.
- The second dwelling is outside of an acceptable homeplate area.
- Concern identified regarding the possibility of a rental dwelling as it is secluded and somewhat private (distance from the principal dwelling and road).
- While the Committee appreciates the need for a worker due to the nature of the operation, the structure as proposed is not consistent with ALC and City of Kelowna policies.
- A suggestion was given by the AAC that a suite would address all of these issues if located within the existing principal dwelling or the horse barn permitted to be constructed in 2016.

The applicant considered the AAC recommendation and has retracted the Non-Farm Use application to the ALC (A15-0014) and is instead applying to rezone (Z16-0034) to allow a secondary suite in the newly constructed horse barn as indicated in the attached Proposed Site Plan.

Map 1 - Subject Property



The following buildings and uses exist on the property:

- One single family dwelling with attached garage and lawn area (4,300 m²)
- Agricultural Accessory Building, housing farm implements and hay & greenhouse.
- Horse Barn
- *NEW* Horse Barn - current application proposes a *secondary suite within this barn*
- 6 individual horse shelters in pasture areas within outdoor fenced training areas
- On-site manure and garden composting, Vegetable & Fruit garden (organic)

4.2 Project Description

The applicant submitted a Building Permit to construct a horse barn in 2015. The current rezoning application is to permit a suite within the horse barn as shown in the conceptual architectural plans attached to this report.

The new barn is designed as a single storey barn, with a second storey viewing area on the south end of the building. The southern portion was originally designed as a staff kitchen area; however, this area is now proposed to be redesigned for a dwelling dedicated to employee(s) living on site. The proposed carriage house is situated near the principal residence, keeping living quarters on the parcel near one another. No additional landscape buffer is required.

At the time of Building Permit issuance for the subject barn, the applicant was required to register a restrictive covenant that the staff kitchen & full bathroom would not be converted to a dwelling as the property was not zoned for such a use. Should Council approve this rezoning, the restrictive covenant would be released from the land.

4.3 Site Context

The subject property 4.9 ha (12.1 ac) in size and is located in the Southeast Kelowna Sector of the City and is within the Agricultural Land Reserve. The Future Land Use of the property is Resource Protection Area (REP). It is zoned A1 - Agriculture 1 and is outside of the Permanent Growth Boundary. The property slopes gently from 499 metres above sea level (masl) at Stewart Road West, to 495 masl at the east property line, with a depression of 492 masl in the northeast quadrant of the property.

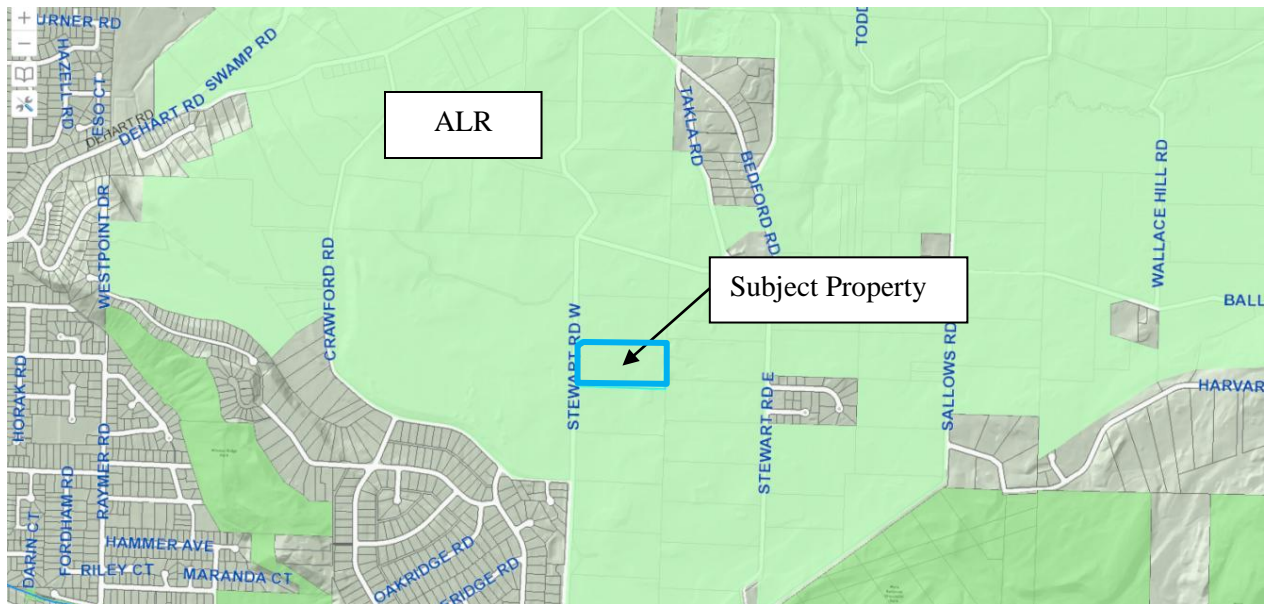
Map 2 - Neighbourhood Context



Map 3 - 4471 & 4491 Stewart Rd W - Existing Joint Farm operation, Owned by Pihl Family



Map 4 - Agricultural Land Reserve



Adjacent land uses are as follows:

Direction	Zoning	ALR	Land Use
North	A1 - Agriculture 1	Yes	Agriculture / Rural Residential
South	A1 - Agriculture 1	Yes	Agriculture / Rural Residential
East	A1 - Agriculture 1	Yes	Agriculture / Rural Residential
West	A1 - Agriculture 1	No	Agriculture

4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	A1c ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	2.0 Ha / 20,000 m ²	4.9 Ha / 48,845 m ²
Lot Width	40 m	158.5 m
Development Regulations		
Maximum Site Coverage (residential)	10 %	1 %
Maximum Site Coverage (agricultural structures)	35 %	2 %
Carriage House Regulations		
Maximum Site Coverage	14	- 1%
Maximum Height	6.0 m	6.0 m
Minimum Front Yard	6.0 m	+ 80 m
Minimum Side Yard North	3.0 m	+ 100 m
Minimum Side Yard South	3.0 m	+ 50 m
Minimum Rear Yard	3.0 m	+ 100 m
Maximum Floor Area	90 m ²	~ 75 m ²

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Farm Protection Objectives ¹ Minimize the impact of urban encroachment and land use conflicts on agricultural land; Minimize conflicts created by activities designated as farm use by ALC regulation and non-farm uses within agricultural areas.

The subject property is a bona fide horse breeding farm operation. The proposed carriage house in the form of a secondary suite within a horse barn is an appropriate farm help dwelling.

Farm Help Housing ² 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.

¹ City of Kelowna Official Community Plan, Objectives (Farm Protection Development Permit Guidelines Chapter).

² City of Kelowna Official Community Plan, Policy 5.34.2 (Development Process Chapter).

6.0 Technical Comments

6.1 Building & Permitting Department

Revised drawings will be required for full BCBC plan check if rezoning is approved.

7.0 Application Chronology

Date of A15-0014 AAC Meeting:	February 11, 2016
Date of Z16-0034 Application Received:	June 3, 2016
Date Public Consultation Completed:	August 1, 2016

Report prepared by: Tracey Yuzik, Planner

Reviewed by: Todd Cashin, Subdivision, Suburban and Rural Planning Manager

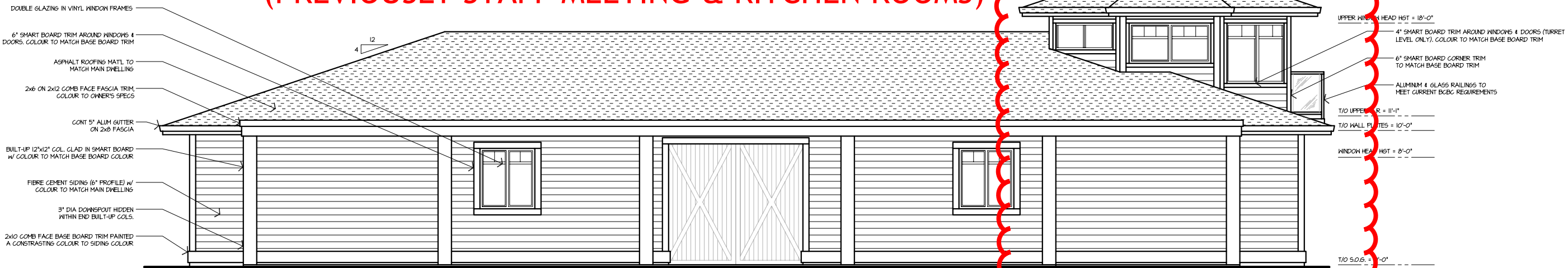
Reviewed by: Ryan Smith, Community Planning Department Manager

Approved for Inclusion: Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

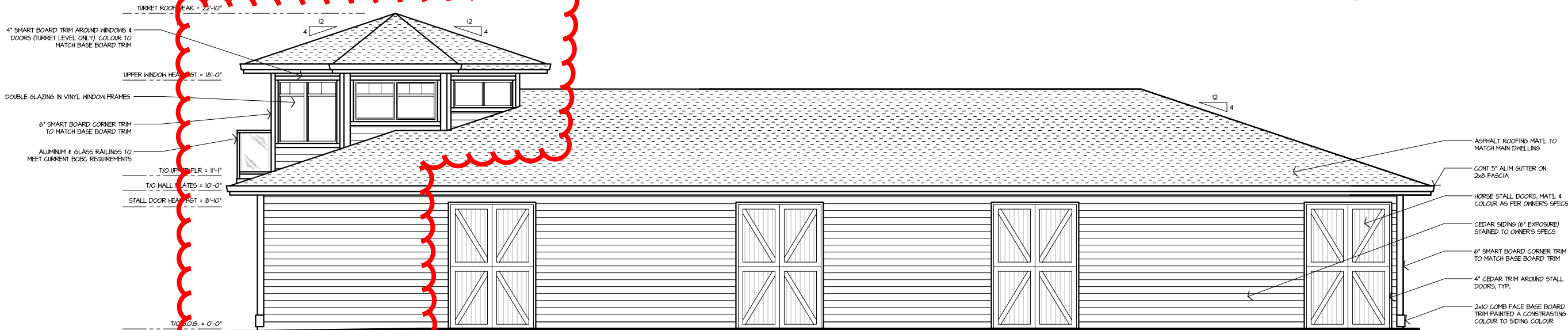
Existing Site Plan
Conceptual Architectural Plans

PROPOSED SECONDARY SUITE LOCATION
(PREVIOUSLY STAFF MEETING & KITCHEN ROOMS)



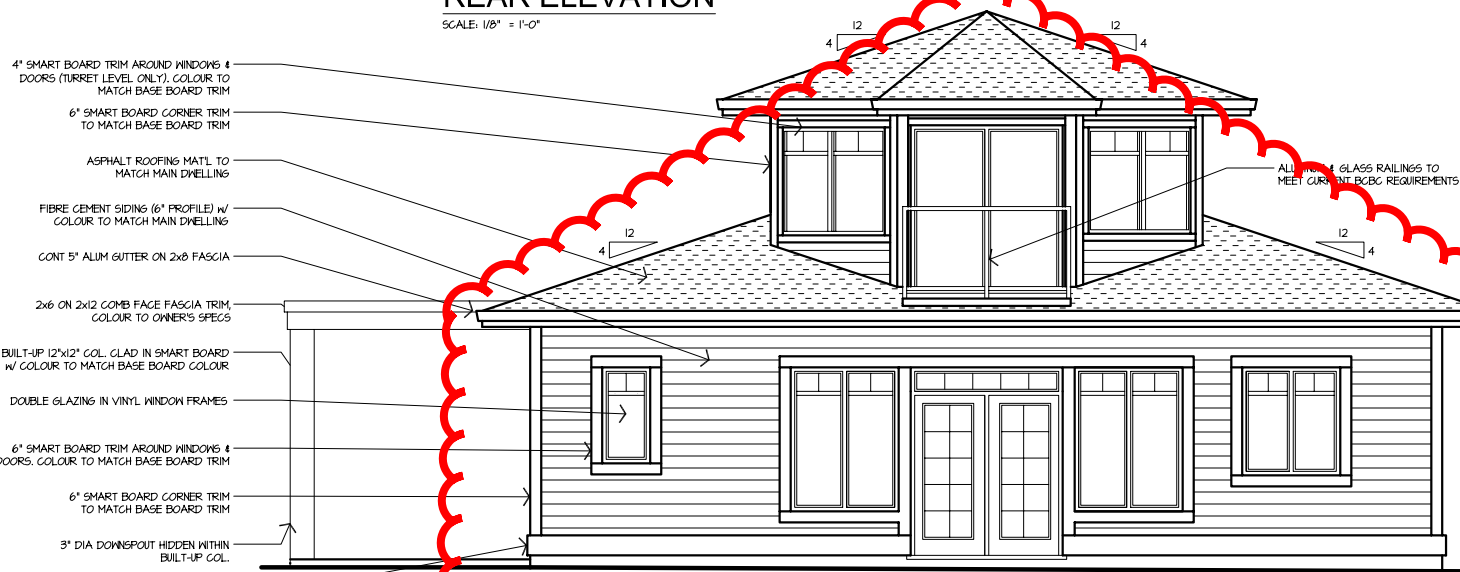
FRONT ELEVATION

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



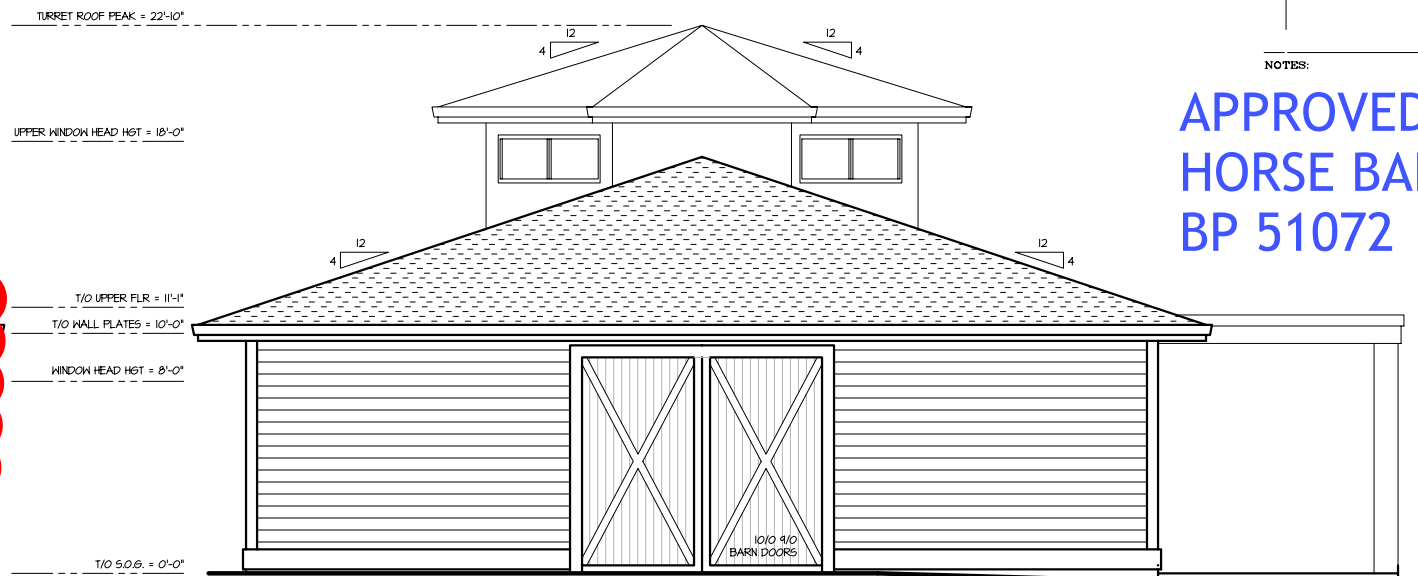
REAR ELEVATION

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



RIGHT ELEVATION

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



RIGHT ELEVATION

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

CORNERSTONE

CONTRACT SERVICES

3422 CAMELBACK DRIVE, KELOWNA, BC V1X 2A8
TEL (250) 481-4040 FAX (250) 765-8860
EMAIL: cornerstonecontractservices@cornerstone.ca

PROJECT NAME:

SKYLAND RANCH
NEW HORSE BARN
4491 STEWART RD. W.
KELOWNA, BC

DRAWING TITLE:

EXTERIOR ELEVATIONS

DRAWING NUMBER:

DP1

DRAWN: SAW CHECKED:
SCALE: 1/8" = 1'-0" DATE:

PROJECT NO. - 2005-000

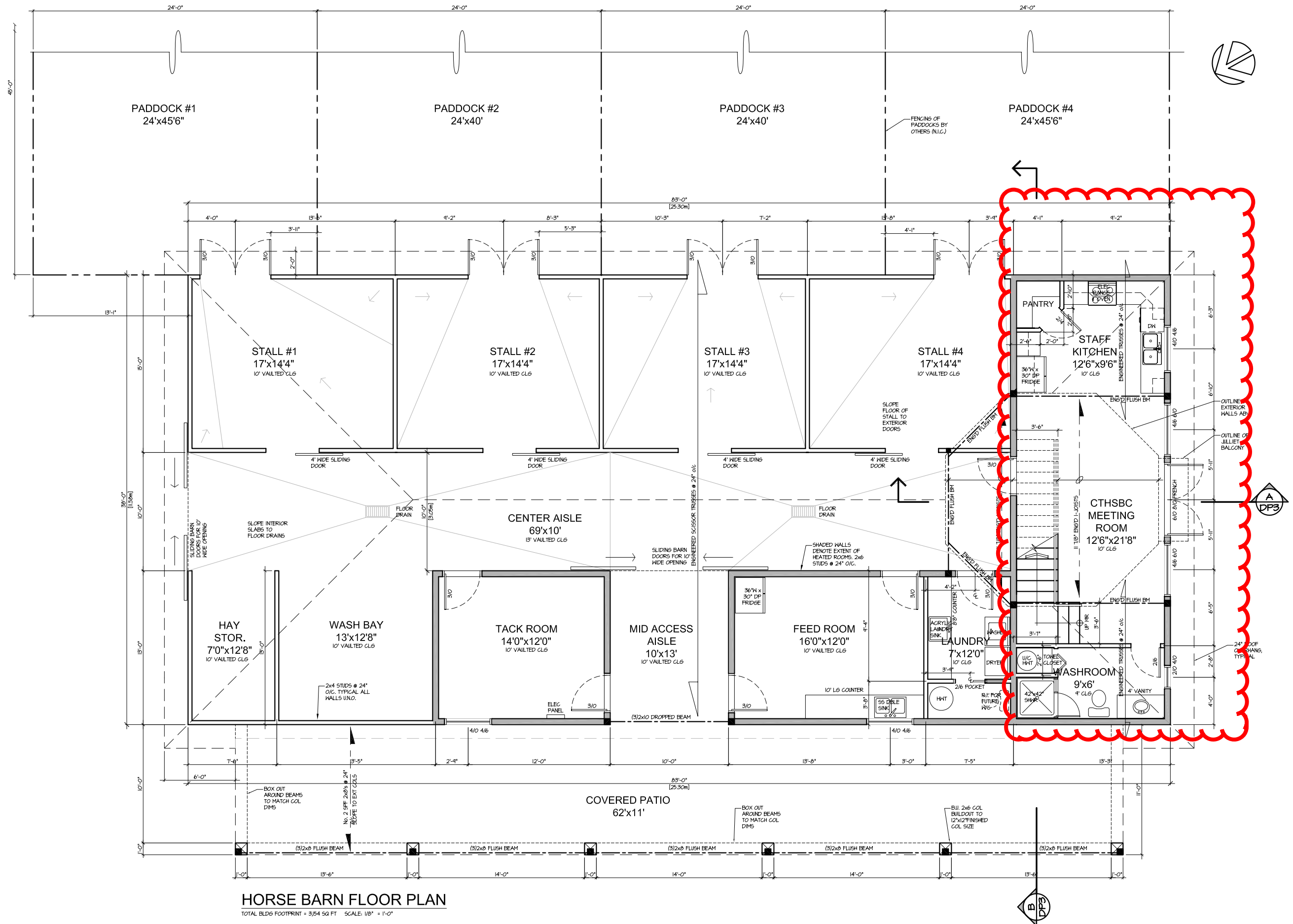
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REVISION:
NO. DESCRIPTION BY DATE

ISSUED FOR:
NO. DESCRIPTION BY DATE
1. DEV. PERMIT AUG 21/15

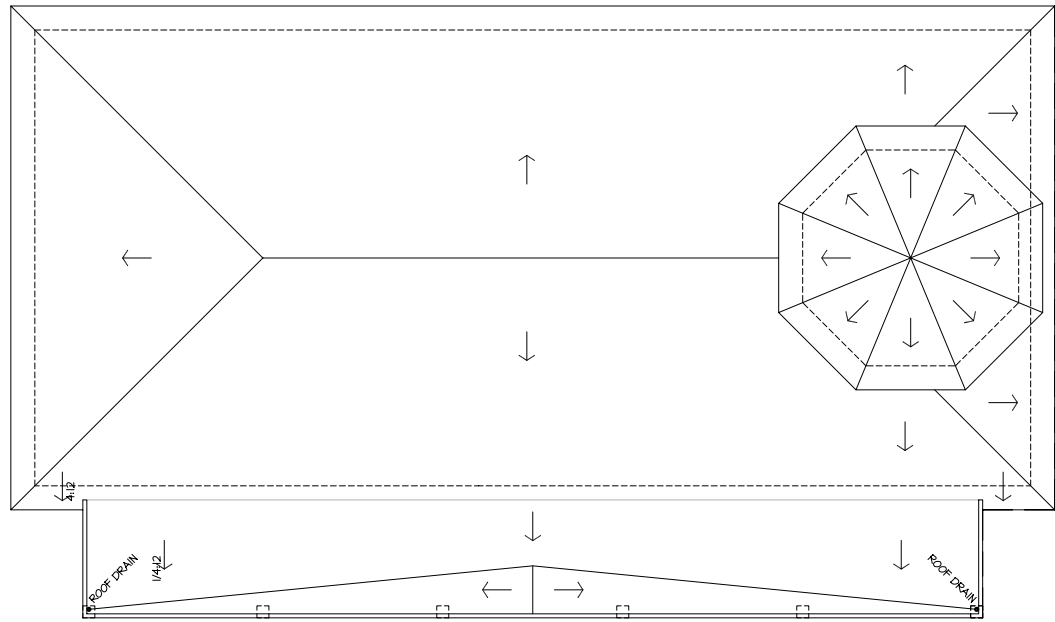
NOTES:

APPROVED
HORSE BARN
BP 51072



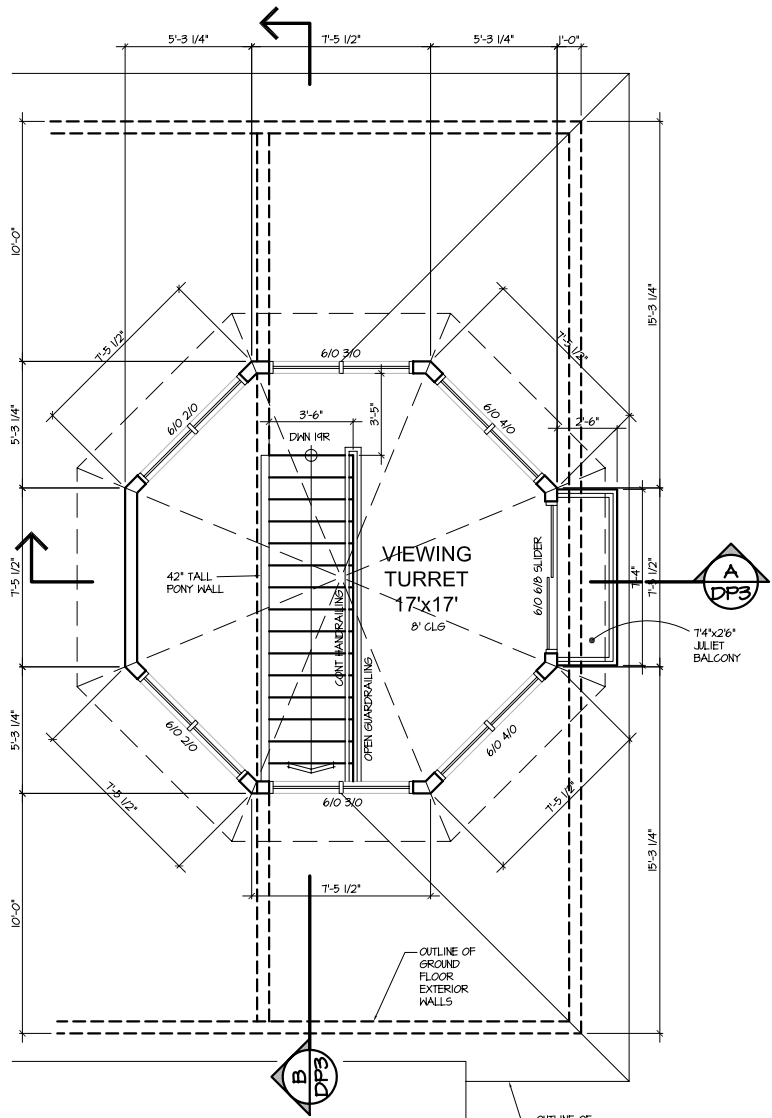
REVISION:	NO.	DESCRIPTION	BY	DATE
	1.	DEV. PERMIT		AUG 21/15

NOTES:



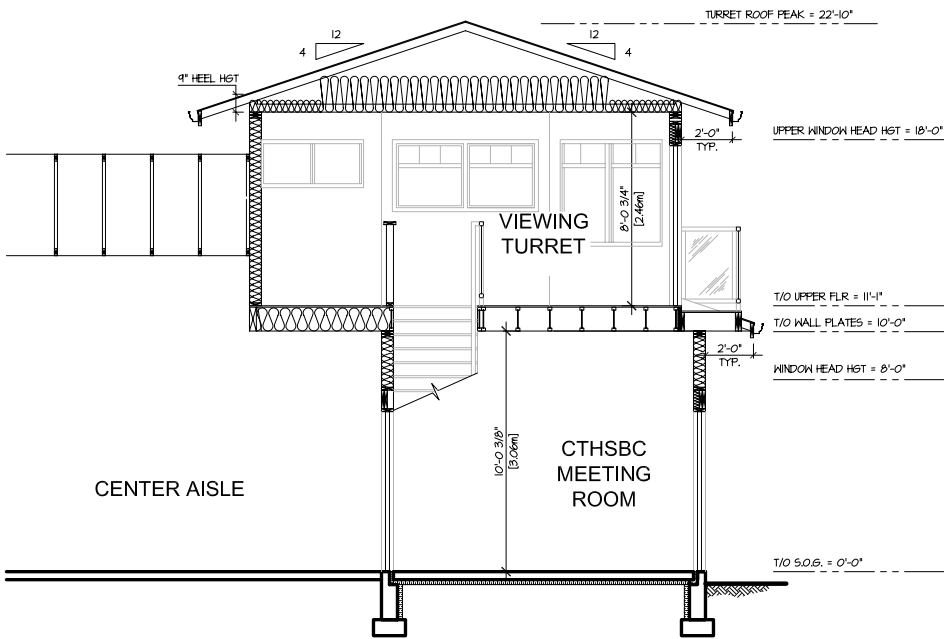
ROOF DRAINAGE PLAN

SCALE: 1/16" = 1'-0"



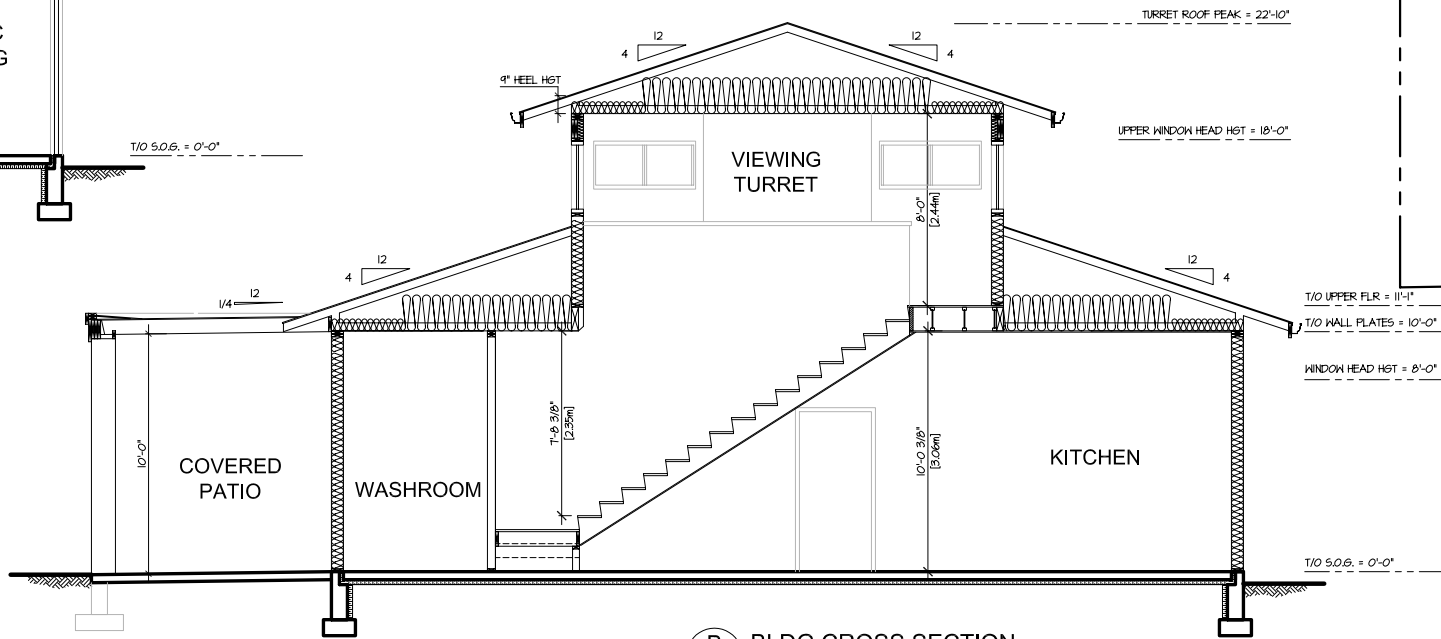
TURRET LEVEL FLOOR PLAN

260 SQ FT SCALE: 1/8" = 1'-0"



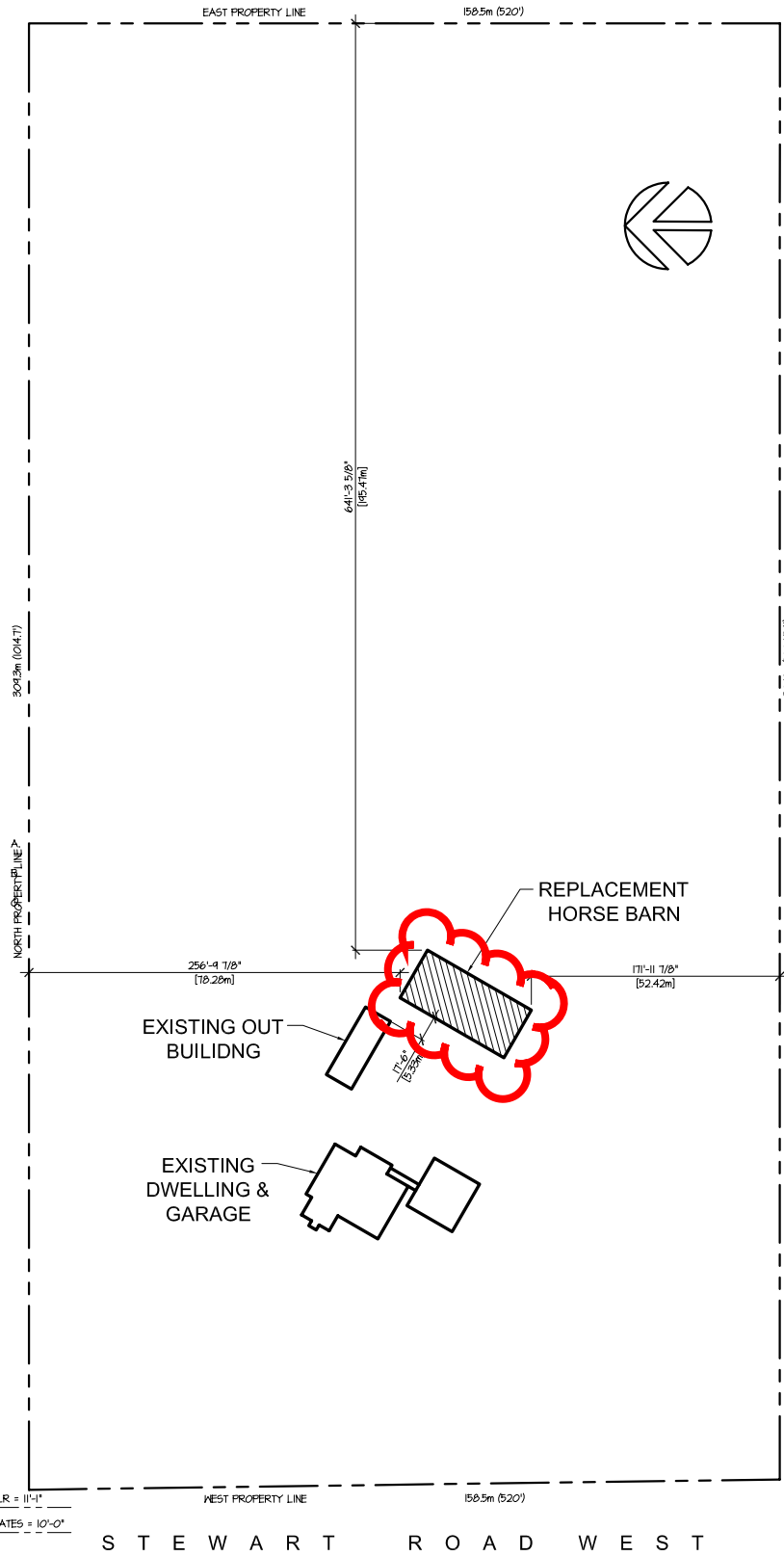
A BLDG CROSS SECTION

SCALE: 3/16" = 1'-0"



B BLDG CROSS SECTION

SCALE: 3/16" = 1'-0"



SITE PLAN

SCALE: 1/32" = 1'-0"

CORNERSTONE

CONTRACT SERVICES

3422 CAMELBACK DRIVE, KELOWNA, BC V1X 8A8
TEL (250) 481-4090 FAX (250) 765-8860
EMAIL: cornerstonecontractservices@shaw.ca

PROJECT NAME:

SKYLAND RANCH
NEW HORSE BARN
4491 STEWART RD. W.
KELOWNA, BC

DRAWING TITLE:

TURRET FLOOR PLAN
SITE PLAN, ROOF PLAN
& CROSS SECTIONS

DRAWING NUMBER:

DP3

DRAWN: SAW	CHECKED:
SCALE: AS NOTED	DATE:

PROJECT NO. - 2005-000

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REVISION NO.	DESCRIPTION	BY	DATE
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ISSUED FOR NO.	DESCRIPTION	BY	DATE
1.	DEV. PERMIT		AUG 21/15

NOTES:

CITY OF KELOWNA
BYLAW NO. 11270
Z16-0034 - Delauralyn Pihl
4491 Stewart Road West

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 221, Section 32, Township 29, ODYD, Plan 1247 located on Stewart Road W, Kelowna, B.C., from the Agriculture 1 zone to the A1c - Agriculture 1 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

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: August 22, 2016
File: 0710-40
To: City Manager
From: Ross Soward, Planner Specialist
Subject: Housing Policy Options

Recommendation:

THAT Council receives for information, the report from the Planner Specialist dated August 22, 2016, identifying strategies to encourage housing diversity in Kelowna;

AND THAT Council directs staff to prepare the amendments to the Rental Housing Grants Council Policy No. 335 and Housing Opportunities Reserve Fund Bylaw No. 8593 as described in the report from the Planner Specialist dated August 22, 2016;

AND THAT Council approves in principle a 2017 budget amendment of \$200,000 from the Housing Opportunities Reserve Fund to fund the Rental Housing Grants Program as described in the report from the Planner Specialist dated August 22, 2016;

AND FURTHER THAT Council directs staff to prepare the amendments to the RM5 - Medium Density Multiple Housing zone as described in the report from the Planner Specialist dated August 22, 2016.

Purpose:

To provide policy options to encourage more housing diversity in Kelowna.

Background:

The availability of affordable, secure and suitable housing options for all residents is a continuing challenge, and demand will increase as Kelowna continues to grow. Although market demand largely controls the availability and affordability of housing, the City can have a positive impact by implementing policy changes and grants to aid in the creation of additional housing options.

This report responds to the growing recognition that a lack of rental housing - and specifically family-friendly rental units - is having an impact on the quality of life for Kelowna residents and for those moving to our community. The report identifies policy strategies that could support the development of more family-friendly rental housing.

As of May 2016 the average purchase price across all housing types exceeded the previous peak of 2008, with the average price of a single detached dwelling being \$604,751 in 2016 compared to \$543,308 in 2008. With ownership housing increasingly more difficult to obtain, more households are looking for rental housing, which puts additional pressure on the limited supply of rental units. Recent CMHC reports estimate the rental vacancy rate at 0.7%, falling well short of the goal of a 3% target identified in the 2030 Official Community Plan (OCP). Further, the vacancy rate for three-bedroom rental units is essentially 0%.

Over the last twelve months the market has responded to the low vacancy rate with a number of rental housing projects under construction or in the process of obtaining building permits. Based on a preliminary scan, there are over 1,048 purpose-built rental housing units that are either under construction or anticipated to be under construction in 2016/17. The incentives the City has put in place (rental housing grants, purpose-built rental housing revitalization tax exemptions, DCC exemptions for micro-suites) are supporting the recent upswing in purpose-built rental housing starts. The true impact of this wave of construction will not be known until at least 2018; however, it is a positive trend that goes well beyond our OCP target of 300 new purpose-built rental units per year.

Although there are a considerable number of rental housing projects at various stages of completion, many of these projects are comprised of one-bedroom and two-bedroom units. Very few of these projects are incorporating any family-oriented units (e.g. three bedrooms, or ground-oriented). Staff estimate that fewer than 50 of the 1,048 units would be family-oriented three-bedroom units, offering limited relief given the current 0% vacancy rate for three-bedroom units. At the same time, the increasing cost of single detached housing in Kelowna is making the traditional single family home more difficult for families in Kelowna to achieve, reinforcing the importance of encouraging rental housing for families.

Discussion of Housing Affordability Actions

Rental Housing Grants

The Rental Housing Grants Program is one of the city's primary tools to encourage the development of purpose-built rental housing, providing grants of up to \$5,000 per unit that go towards offsetting the Development Cost Charges (DCC) on eligible projects. The annual grants program disburses up to \$320,000 from annual budget allocation.

Given the current demand for rental housing in Kelowna, staff have identified several components of the program that could be strengthened. Currently, the grant amounts are determined based on the number of units associated with each project with no regard for the size of the unit. For example, a project with 30 three-bedroom units would receive the same grant as 30 one-bedroom units, even though it costs considerably more to build a three-bedroom unit. By adjusting the funding distribution for different unit types the grant amounts

will more accurately reflect the costs of development, while providing an incentive for the development of family-friendly rental units.

The other area that staff believe can be enhanced relates to the overall pool of funding available for rental housing grants. The most recent intake for rental housing grants included 329 units within six projects. Due to the high level of interest in the program, the funding per dwelling unit was roughly \$950, well under the maximum of \$5,000 per unit. In recognition of the current rental housing challenges, the budget of the rental housing grants is recommended to be increased as a temporary measure for two years. By shifting additional funding from the City's Housing Opportunities Reserve Fund (HORF), the overall amount of funding could be increased to enhance the impact of the grants on the development of much needed rental housing.

Response

To strengthen the rental housing grants program staff have identified two actions. The maximum funding amounts could be changed from \$5,000 per dwelling unit to allow for a tiered funding approach based on the number of bedrooms per unit (see table below). In addition, a weighted ranking is proposed in cases where the program is oversubscribed, ensuring that larger three-bedroom units receive a greater proportion of funding. The increase in the maximum funding for three bedroom units reflects the higher costs associated with building larger units in an effort to encourage the development of family-friendly units.

Proposed Maximum Funding Disbursement for Dwelling Units

Unit Type	Maximum Funding	Weighted Ranking
One Bedroom	\$2,000	0.25
Two Bedroom	\$4,000	0.5
Three Bedroom	\$8,000	1.0

The other proposed change to the rental housing grants program is to increase the overall amount of funding available for a two-year term. Staff are recommending that an additional \$100,000 be allocated from the HORF for the 2017 and 2018 rental housing grant funding cycles. This would increase the amount of funding available for rental housing grants to \$420,000 annually for the next two years to support the housing sector in its efforts to address the low vacancy rates and take advantage of the low interest rates and strong population growth in Kelowna.

Six Storey Wood Frame Construction

The BC Building Code allows for wood frame construction up to six storeys and Kelowna's 2012 Housing Strategy adopted a recommendation to amend the zoning provisions to accommodate this type of development as a more affordable construction and choice for apartment housing. The purpose of the RM5 - Medium Density Multiple Housing zone is to provide for medium density apartments, and the maximum height is currently four and one half storeys. Allowing up to six storeys for RM5 developments in Urban Centres (Downtown, Pandosy, Landmark/Mid-town, and Rutland) could encourage additional residential growth and

intensification in these areas without significantly impacting lower density neighbourhoods. An amendment to the zone, consistent with the Housing Strategy recommendations, would also consider how to limit massing on upper floors to ensure increased height does not impact surrounding neighbourhood.

Other Considerations

In addition to the actions described above, other possible policy amendments will require further analysis and consultation before arriving at recommendations. Staff will explore additional options and conduct focused stakeholder engagement through a housing review in support of the upcoming OCP update and through other projects (the *Healthy City Strategy*, *Healthy Housing* theme area).

Future initiatives that may be considered include:

- Density benefits for affordable housing and/or special needs housing to provide for the greatest housing needs.
- Family friendly housing policies to encourage more ground-oriented three-bedroom units near appropriate amenities such as schools and parks. Recommendations from the ongoing *Community for All Ages Plan* are expected to inform direction for this item.
- Area-specific housing considerations in the individual Urban Centre Plans, including population and demographics, housing types and densities, and supporting amenities.
- Provisions to increase the maximum height for apartment housing or mixed use developments in the C4 - Urban Centre Commercial zone to six storeys. An upcoming review of the C4 zone will address these changes.

Conclusion and Next Steps

Staff recognize the need for immediate action on the issue of housing affordability as well as the importance of developing policy and procedures that will be in the long-term interest of the community. To address the immediate need for increased rental housing, staff recommend that:

- 1) The Rental Housing Grants Council Policy No. 335 and Housing Opportunities Reserve Fund Bylaw No. 8593 be amended to reflect the discussed changes to funding disbursement
- 2) There be a temporary increase to the program, of \$200,000, funded from the HORF over the next two years.
- 3) RM5 height amendments be brought forward to Council in support of medium density housing projects in Urban Centres.

In the case of other policies or zoning regulations to improve housing affordability, it is important to better understand the market impacts of this in Kelowna to determine the feasibility and effect of potential strategies. Accordingly, staff will investigate other options as part of the upcoming housing review, involving stakeholders and community partners. As

more immediate actions, staff recommend the preparation of amendments required for Council endorsement to support the RM5 amendments and Rental Housing Grants Policy updates.

Internal Circulation:

Divisional Director, Community Planning & Real Estate
Director, Real Estate Services
Department Manager, Community Planning
Department Manager, Policy & Planning
Director, Financial Services
City Clerk
Consultant, Community Engagement

Legal/Statutory Authority:

Local Government Act Sections 473(1)(a), 473(2) and 563

Legal/Statutory Procedural Requirements:

Housing Opportunities Reserve Fund By-law No. 8593

Existing Policy:

2030 Official Community Plan

Objective 10.3 Support the creation of affordable and safe rental, non-market and /or special needs housing

Policies 10.3.1, 10.3.2, 10.3.3 & 10.3.4

Rental Housing Grants Council Policy No. 335

Financial/Budgetary Considerations:

Current Budget for Rental Housing Grants

Annual Budget Allocation to Rental Grants in the form of DCC credits	\$120,000
Annual Budget Allocation to Rental Grants	\$200,000
Total Funds Available	\$320,000

Proposed funding for the annual intake of the program over the next two years:

Annual Budget Allocation to Rental Grants in the form of DCC credits	\$120,000
Annual Budget Allocation to Rental Grants	\$200,000
Proposed Annual Appropriation from HORF	\$100,000
Total Funds Available	\$420,000

The Proposed Appropriation from the Housing Opportunity Reserve Fund will be processed as a budget amendment in 2017 upon Council endorsement of this report.

Personnel Implications:

Any changes to the Council Policy No. 335 would have implications for how the City disburses rental housing grants moving forward. Also, in order to ensure updates to the Council Policy take effect for the 2017 intake, the deadline for the rental housing grants will be adjusted from September to November 2017.

Submitted by:

Ross Soward, MCIP, RPP
Planner Specialist, Policy and Planning

Approved for inclusion:



J. Moore, Acting Department Manager, Policy & Planning

Attachments:

Attachment 1: Rental Housing Grants Council Policy No. 335

Attachment 2: Housing Opportunities Reserve Fund Bylaw No. 8593

cc:

Divisional Director, Community Planning & Real Estate

Director, Real Estate Services

Department Manager, Community Planning

Department Manager, Policy & Planning

Director, Financial Services

City Clerk

Consultant, Community Engagement

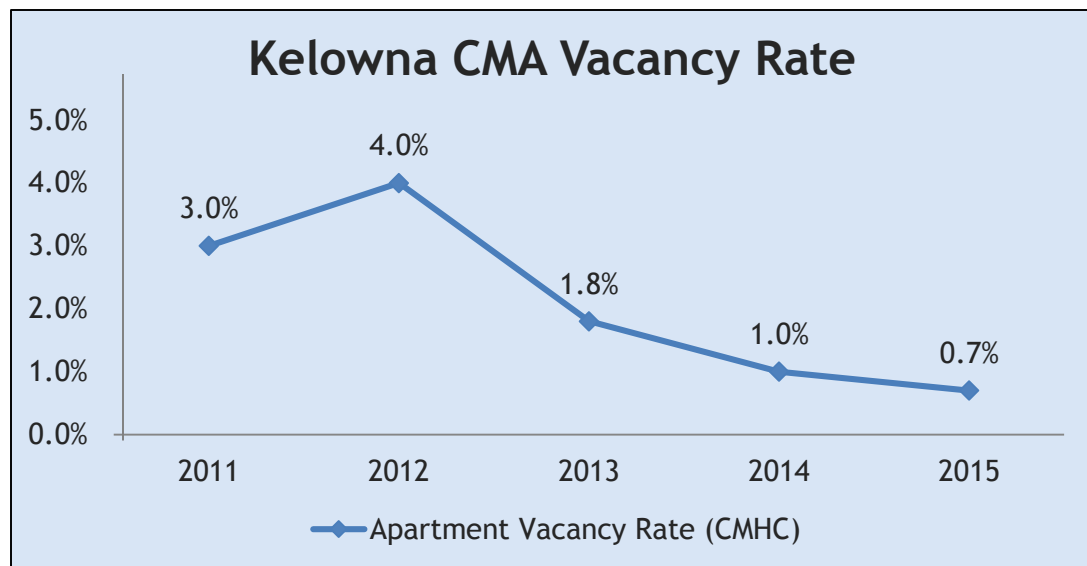
HOUSING POLICY OPTIONS

Policy & Planning



CURRENT SITUATION AND TRENDS

- ▶ Prices rising
- ▶ More renters
- ▶ Low vacancy rates for all rentals, especially 3 bedroom units
- ▶ Challenge for families



CURRENT DRIVERS

- ▶ Strong growth
- ▶ Limited rental supply
- ▶ Delay between response from developers and new units hitting market
- ▶ Majority of units being developed are 1 or 2 bedroom



SHORT-TERM POLICY OPTIONS

- ▶ Existing Rental Housing Grants Program
 - ▶ Funding is over-subscribed
 - ▶ Funding does not reflect unit size (\$5,000 max)
 - ▶ No incentive for larger units
 - ▶ Largely 1 or 2 bedroom units

Value of Grant for 10
Three Bedroom Units



Value of Grant for 10
One Bedroom Units



PROPOSED CHANGES TO RENTAL HOUSING GRANTS PROGRAM

- ▶ Tiered maximum funding per dwelling unit
 - ▶ 1 bedroom units = \$2,000
 - ▶ 2 bedroom units = \$4,000
 - ▶ 3 bedroom units = \$8,000



PROPOSED CHANGES TO RENTAL HOUSING GRANTS PROGRAM

- ▶ Respond to current housing demand
- ▶ Increase the pot of funding for 2017 and 2018 cycles from \$320,000 to \$420,000
- ▶ Encourage family friendly rental housing
- ▶ Utilize funds from Housing Opportunities Reserve Fund

PROPOSED CHANGES TO RM5 ZONE

- ▶ Encourage multi-family housing in urban centres
- ▶ Allow up to six storeys in the RM5 zone within urban centres
- ▶ Ensure top 1.5 storeys step back



OTHER AREAS FOR FUTURE STUDY

- ▶ Density benefits for affordable housing
- ▶ Family friendly housing policies
- ▶ Area specific housing goals
- ▶ C4 zone review

CONCLUSION AND NEXT STEPS

- ▶ Balance current needs & long-term policy
- ▶ Further review of long-term options as part of housing review
- ▶ Bring forward policy and bylaw updates for Council approval



City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4
250 469-8500
kelowna.ca

Council Policy

Rental Housing Grants Policy

APPROVED July 24, 2006

RESOLUTION: R450/12/05/14

REPLACING: R143/07/02/05, R738/06/07/24

DATE OF LAST REVIEW: May 2012

1. Applications for funding under this policy will be accepted until September 30th of each year. Applications should be submitted to the Community Planning Manager;
2. All applications will be reviewed and a report to Council will summarize eligible dwellings for rental housing grants by October 31st annually;
3. Funding to be awarded will be determined by April 30th each year;
4. Sources of funding will be an amount allocated through the annual City Financial Plan for the Housing Opportunities Reserve Fund and an annually budgeted amount to provide some relief from development cost charges for affordable rental housing;
5. Funds allocated annually from taxation to the Housing Opportunities Reserve Fund (HORF) will be awarded up to the maximum annual budget allocation. Any funds that are not paid out in grants in a given year will return to the HORF to be used for other purposes set out in the HORF By-law;
6. Un-used portions of the funding for the grants assigned to provide additional relief from Development Cost Charges in any given year will be carried over and added to the next year's budget for rental housing grants;
7. Funds may be awarded as follows, subject to the amount of money allocated annually:
 - (a) Up to \$5,000 per dwelling that qualifies as affordable rental housing, as defined in the City's Official Community Plan;
 - (b) An additional amount that, when combined with funds provided under part (a), is not to exceed the equivalent of the applicable development cost charge per unit of rental housing;
 - (c) All units that qualify for funding, based on the City's current definitions of affordable rental housing or core needs housing in the Official Community Plan, will need to be identified by a housing *agreement with the City registered on the title of the property to confirm that the units will remain as affordable, rental housing.*
8. The amount available per dwelling unit, up to the identified maximums defined in 7, above, will be determined based on the number of eligible units that have been applied for and the amount of money available in the given year;
9. Projects where the City has contributed land at little or no cost, by lease or sale, in order to secure affordable housing, would qualify to apply for the funding identified under 7 (a) (b) and (c), above, up to a maximum dollar amount equivalent to the total development cost charges payable, less the market value of the land contributed by the City;
10. Consideration of each application for funding is contingent on there being a reasonable expectation that the eligible units will be constructed in the calendar year of approval. Where a development is being phased, each distinct phase will be treated as a separate application;
11. If dwellings authorized for funding under this policy do not reach building permit stage in the year that the funding was authorized, the applicant can apply to have the authorized amount carried over to the next year. Carryover requests will only be accepted for one year following the year the grants were authorized. Any carryover requests beyond one year will be treated as a new application for funding;
12. Authorization of funding and the amount applicable will be confirmed in writing by a letter from the City;

13. At time of building permit issuance, the authorized funding will be applied as a deduction from the total development cost charges payable;
14. The Financial Services Department will track funding under this policy against budget information annually and advise the Community Planning Manager accordingly;
15. As set out in 4.4 of the Housing Opportunities Reserve Fund By-law 8593, any request to lift the notice of a housing agreement from a rental dwelling that received a grant under this policy will be subject to repayment of the grant to the City directed to the Housing Opportunities Reserve Fund.
16. The Community Planning Manager will report to Council on the distribution of available funding by April 30th , each year.

REASON FOR POLICY

Long term (“purpose-built”) rental housing is in short supply in Kelowna. If secured by a housing agreement, the OCP defines it as a form of affordable housing. This Policy provides the City with resources to partner with senior government and private sector funding to assist in the supply of lower cost housing. The City has a defined and significant need for affordable rental housing. The goal is to maximize affordable rental units that can be generated with this approach where other sources of funding may be subject to a contribution by the City.

LEGISLATIVE AUTHORITY

Section 905 of the Local Government Act sets the parameters for housing agreements. Sections 188 and 189 of the Community Charter governs the use of reserve funds. Policies in the City’s Official Community Plan define housing affordability and guide City initiatives for affordable housing. By-law 8593 - A Bylaw to Establish a Housing Opportunities Reserve Fund governs the source of funding for the reserve, defines affordable housing and provides direction for spending of these funds.

PROCEDURE FOR IMPLEMENTATION

Through the Community Planning Manager annually as authorized by Council through this policy.

SUMMARY:

The Housing Opportunities Reserve Fund Bylaw is established under Sections 188 and 189 of the *Community Charter*.

This bylaw is a 'consolidated' version and includes amendments up to the date listed in the bylaw heading. It is placed on the Internet for convenience only, is not the official or legal version, and should not be used in place of certified copies which can be obtained through the Office of the City Clerk at City Hall. Plans, pictures, other graphics or text in the legal version may be missing or altered in this electronic version.

CITY OF KELOWNA
BYLAW NO. 8593
REVISED: May 28, 2012

A Bylaw to Establish a Housing Opportunities Reserve Fund

CONSOLIDATED FOR CONVENIENCE TO INCLUDE BYLAW No. 9139, 9473, 9656 and 10697

The Council of the City of Kelowna hereby enacts as follows:

1.0 TITLE

1.1 This bylaw may be cited for all purposes as the "Housing Opportunities Reserve Fund Bylaw No. 8593".

1.2 In this bylaw:

BL10697 amended the following:

'Affordable Housing' means

(a) in the case of rental housing:

- i. that which is available for rent at or below the average rent for Kelowna, as determined annually by the Canada Mortgage and Housing Corporation's "Rental Market Report"; or
- ii. Purpose-Built Rental Housing. A self-contained building(s) containing five or more Dwelling Units that are intended to be used for rental housing and does not include buildings that are stratified. Purpose-built rental housing meets an identified need for affordable housing in the city. Since rent is controlled within rental buildings under the Residential Tenancy Act, this is a form of affordable housing.

(a) in the case of owner-occupied housing, that which is available for purchase at or below an amount calculated as 30% of the amount which is the median income level for all two or more person households from the most recent national census by Statistics Canada, updated annually using the British Columbia Consumer Price Index;

BL9473 added and BL10697 amended the following:

'Core Needs Housing' means housing for households that, based on data from Statistics Canada or Canada Mortgage and Housing Corporation (CMHC) or British Columbia Housing Management Corporation (BCMHC), meet one or all of the following criteria:

- (a) household meets the definitions of core needs used by the British Columbia Housing Management Commission for Kelowna;

- (b) household income falls at or below Low Income Cut-Off level defined by Statistics Canada for urban areas greater than 100,000 people, based on household size;
- (c) household is receiving BC income assistance for Welfare to Work or Disability Benefits or qualifies for Targeted Rent Subsidy Programs (TRSP) operated by BC Housing, or dwelling is built with senior government funding to be affordable.

'Council' means the Municipal Council of the City of Kelowna;

'Official Community Plan' means the City of Kelowna Official Community Plan Bylaw No. 7600 as amended or replaced from time to time;

'Reserve Fund' means the Housing Opportunities Reserve Fund as established by this bylaw;

BL9473 deleted 'Special Needs Housing' definition in it's entirety.

2.0 ESTABLISHMENT

BL10697 amended the following:

There is hereby established a Housing Opportunities Reserve Fund pursuant to Sections 188 and 189 of the *Community Charter*.

3.0 SOURCES FOR RESERVE FUND

3.1 Money from amounts:

- (a) raised from property taxes;
- (b) donated to the City for the purpose of the Reserve Fund;
- (c) transferred from the sale of City-owned land;
- (d) received as a percentage, as described in section 4.3 below, from the sale of market rate housing developed pursuant to an applicable public/private partnership; or

BL9473 replaced subsection (e):

- (e) as otherwise provided for in either or both of the *Local Government Act* and the *Community Charter*;

may from time to time be paid into the Reserve Fund as approved by Council.

4.0 USE OF RESERVE MONIES

BL9139, BL9473 and BL10697 amended subsection 4.1:

- 4.1 Monies in the Reserve Fund, including any interest earned, shall be used to acquire lands which are to be leased from or sold by the City to non-profit groups, government bodies or developers to provide housing by means of public/private partnership agreements or a memorandum of understanding, subject to those lands being acquired:

- (a) within, or in close proximity, to an Urban Town Centre as defined in the **Official Community Plan**; and
- (b) within multiple housing future land use designations as defined in the **Official Community Plan** or within mixed residential commercial designations, or commercial designations which allow a housing component.

BL9139 and 9473 replaced subsection 4.2:

4.2 Any land, or a portion thereof, acquired with the **Reserve Fund** shall be used, pursuant to the public/private partnership agreements noted in subsection 4.1, for the development of **core needs housing** or **affordable housing** (whether for purchase or rent), as defined herein. The remainder, if any, of any land acquired with the **Reserve Fund** may be used for housing to be sold at market rates, and the City shall receive a percentage, to be determined by the applicable public/private partnership agreement, of the equity from the sale of that housing, which shall be returned to the **Reserve Fund**.

BL9473 and BL9656 amended subsection 4.3 and BL10697 deleted it in its entirety:

4.3 [deleted]

BL9473, BL9656 and BL10697 amended subsection 4.4:

4.4 Monies from the **Reserve Fund**, not including funds derived from capital sources, may also be used to provide grants to housing providers at a maximum level of \$5,000.00 per unit of rental **affordable housing** or **core needs housing** and a housing agreement with the City will be required.

BL10697 added a new subsection 4.5 as follows:

4.5 Notwithstanding Section 4.4 above, should an owner of affordable rental or core needs housing receive Council approval, upon request, for release from a housing agreement with the City, repayment of any grant money received from the City shall be repaid into the Housing Opportunities Reserve Fund.

Read a first, second and third time by the Municipal Council this 17th day of September, 2001.

Adopted by the Municipal Council of the City of Kelowna this 5th day of November, 2001.

"Walter Gray"

Mayor

"Allison Flack"

Deputy City Clerk

Report to Council



Date: August 22, 2016
File: 1405-01
To: City Manager
From: Acting Revenue Manager
Subject: Transit 2016/2017 Annual Operating Agreement

Recommendation:

THAT Council approve the 2016/2017 Annual Operating Agreement between BC Transit and City of Kelowna for Conventional, Community, and Custom transit;

AND THAT the Mayor and City Clerk be authorized to execute the Operating Agreements between BC Transit, the City of Kelowna and FirstCanada ULC covering the period April 1, 2016 to March 31, 2017;

Purpose:

To receive Council approval for the transit 2016/2017 Annual Operating Agreement and receive Council authorization to sign the Annual Operating Agreement.

Background:

The Annual Operating Agreement (AOA) is submitted by BC Transit to the City of Kelowna and is effective for the period of April 1st to March 31st of the following year. The AOA is a summary of budgeted revenues and costs within the Kelowna Regional Transit System for BC Transit's fiscal year (March 31st yearend).

Each Local Government Partner within the Kelowna Regional Transit System submits the AOA to their Councils for approval. The impacts of the 2016/2017 AOA were included in the City of Kelowna's 2016 Provisional Budget that Council approved in December.

The main areas of increased costs are:

- the operating company's fixed costs
- increased hourly costs due to rate increases
- Increased fuel costs
- Increased lease fees

Conventional Transit

The 2016/17 AOA includes a \$459,932 increase in costs for Conventional transit: \$353,875 is related to operating costs; \$106,057 is related to increased lease fees. This represents a 2.30% increase from the 2015/16 AOA presented to Council in July 2015. The City of Kelowna's portion of the Local Government share of the increased cost of \$246,229 and increased revenue of \$183,939 equals a net cost increase of \$62,290.

Community Transit

Costs decreased \$66,480 within the 2016/17 AOA: \$(65,448) is related to operating costs; \$(1,032) is related to decreased lease fees. This represents a 2.7% decrease from the 2015/16 AOA presented to Council in July 2015. \$13,517 is the City of Kelowna's portion of the Local Government share of the decrease.

Custom Transit

The 2016/17 AOA also includes a \$75,627 increase in costs for Custom transit: operating costs increased \$103,274; lease fees decreased by \$27,647. This represents a 2.5% increase from the 2015/16 AOA presented Council in July 2015. \$4,977 is the City of Kelowna's portion of the Local Government share of the increase.

Internal Circulation:

Manager, Integrated Transportation
Regional Programs Manager
Director, Financial Services
Divisional Director, Infrastructure

Legal/Statutory Authority:

Annual Operating Agreement is required to authorize funding for payment of transit contractor.

Financial/Budgetary Considerations:

Existing budget provides for these Annual Operating requirements.

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements:

Existing Policy:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Submitted by:

M. Friesen, Acting Revenue Manager

Approved for inclusion:



Genelle Davidson, *Director, Financial Services*

Appendix 1

	2015/2016	2016/2017		Total Difference	Percentage Change	Local Gov't Portion	City of Kelowna Portion
CONVENTIONAL TRANSIT	AOA	AOA					
REVENUE	\$5,594,454	\$5,815,534		\$221,080	4.00%	\$221,080	\$183,939
Expenditures							
Total Operating Costs	\$17,978,728	\$18,332,601		\$353,875		\$188,651	\$157,618
Total Lease Fees - Local Share	\$2,393,748	\$2,499,805		\$106,057		\$106,057	\$88,611
TOTAL COSTS	\$20,372,476	\$20,832,406		\$459,932	2.30%	\$294,708	\$246,229
TOTAL NET COSTS							\$62,290

	2015/2016	2016/2017		Total Difference	Percentage Change	Local Gov't Portion	City of Kelowna Portion
COMMUNITY TRANSIT	AOA	AOA					
Expenditures							
Total Operating Costs	\$2,383,000	\$2,317,550		-\$65,448		-\$34,890	-\$13,129
Total Lease Fees - Local Share	\$85,081	\$84,049		-\$1,032		-\$1,032	-\$388
TOTAL COSTS	\$2,468,081	\$2,401,599		-\$66,480	-2.70%	-\$35,922	-\$13,517

	2015/2016	2016/2017		Total Difference	Percentage Change	Local Gov't Portion	City of Kelowna Portion
CUSTOM TRANSIT	AOA	AOA					
Expenditures							
Total Operating Costs	\$2,927,605	\$3,030,877		\$103,274		\$34,401	\$25,353
Total Lease Fees - Local Share	\$124,987	\$97,340		-\$27,647		-\$27,647	-\$20,376
TOTAL COSTS	\$3,052,592	\$3,128,217		\$75,627	2.50%	\$6,754	\$4,977