

City of Kelowna

Regular Council Meeting

AGENDA



Monday, June 14, 2021
1:30 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

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

In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, the public is currently not permitted to attend Council meetings in-person. As an open meeting, a live audio-video feed is being broadcast and recorded on kelowna.ca.

2. Confirmation of Minutes

5 - 12

PM Meeting - May 31, 2021

3. Development Application Reports & Related Bylaws

3.1. TA21-0001 (BL12165) - RU6 Zone Text Amendment - City of Kelowna

13 - 24

A Text Amendment to the RU6 – Two Dwelling Housing zone to remove the land use note, which currently requires duplex and semi-detached housing to meet subdivision requirements.

3.2. BL12165 (TA21-0001) - RU6 Zone Text Amendment - City of Kelowna

25 - 26

To give Bylaw No. 12165 first reading in order to amend the RU6 - Two Dwelling Housing zone.

3.3. Boyd Rd 2811, 2820, 2830, 2843 - LUC20-0003 (BL12224) Z20-0052 (BL12225) - Brian Pahl and Linda Pahl

27 - 41

To discharge the Land Use Contract (LUC76-1112) from the subject properties and to rezone the properties as identified in 'Schedule A'.

3.4. Boyd Rd 2811, 2820, 2830, 2843 - BL12224 (LUC20-0003) - Brian Pahl and Linda Pahl

42 - 42

To give Bylaw No. 12224 first reading in order to discharge the subject properties from Land Use Contract LUC76-1112.

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|-------|--|-----------|
| 3.5. | Boyd Rd 2820, 2830, 2843 - BL12225 (Z20-0052) - Brian Pahl and Linda Pahl | 43 - 44 |
| | To give Bylaw No. 12225 first reading in order to rezone the subject properties from A1 - Agriculture 1 zone to the RU1 - Large Lot Housing zone. | |
| 3.6. | Crosby Rd 1818 - Z21-0029 (BL12226) - 1244855 BC Ltd | 45 - 58 |
| | To rezone the subject property from the RU2 – Medium Lot Housing zone to the RU6 – Two Dwelling Housing zone to facilitate the construction of a second single-family dwelling, and to waive the Public Hearing. | |
| 3.7. | Crosby Rd 1818 - BL12226 (Z21-0029) - 1244855 BC Ltd | 59 - 59 |
| | To give Bylaw No. 12226 first reading in order to rezone the subject property from the RU2 – Medium Lot Housing zone to the RU6 – Two Dwelling Housing zone. | |
| 3.8. | Manhattan Dr 955 - OCP21-0007 (BL12227) Z21-0018 (BL12228) - MCMI Developments Ltd., Inc.No. BC1239530 | 60 - 99 |
| | To rezone the subject property from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone with accompanying OCP Amendment to change the future land use designation of the lot from the S2RES – Single / Two Unit Residential designation to the MRL – Multiple Unit Residential (Low Density) Designation. | |
| 3.9. | Manhattan Dr 955 - BL12227 (OCP21-0007) - MCMI Developments Ltd., Inc.No. BC1239530 | 100 - 100 |
| | Requires a majority of all members of Council (5) | |
| | To give Bylaw No. 12227 first reading in order to change the future land use designation of the lot from the S2RES – Single / Two Unit Residential designation to the MRL – Multiple Unit Residential (Low Density) designation. | |
| 3.10. | Manhattan Dr 955 - BL12228 (Z21-0018) - MCMI Developments Ltd., Inc.No. BC1239530 | 101 - 101 |
| | To give Bylaw No. 12228 first reading in order to rezone the subject property from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone. | |
| 3.11. | Bryden Rd 155 - Z21-0020 (BL12231) - Kelowna Christian Center Society, Inc.No. S0017232 | 102 - 121 |
| | To rezone the lot from the RM5 – Medium Density Multiple Housing zone to the RM5r – Medium Density Multiple Housing (Residential Rental Tenure Only) zone to restrict tenure on the lot to residential rental housing only, and to waive the Public Hearing. | |

3.12.	Bryden Rd 155 - BL12231 (Z21-0020) - Kelowna Christian Center Society, Inc.No. Soo17232	122 - 122
	To give Bylaw No. 12231 first reading in order to rezone the lot from the RM5 – Medium Density Multiple Housing zone to the RM5r – Medium Density Multiple Housing (Residential Rental Tenure Only) zone.	
3.13.	Supplemental Report - Burne Ave 360 - Z20-0106 (BL12139) - 1221900 BC LTD., Inc.No. BC1221900	123 - 124
	To receive a summary of correspondence for Rezoning Bylaw No. 12139 and to give the bylaw further reading consideration.	
3.14.	Burne Ave 360 - BL12139 (Z20-0106) - 1221900 BC LTD., Inc.No. BC1221900	125 - 125
	To give Bylaw No. 12139 second and third reading in order to rezone the property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.	
3.15.	Supplemental Report - Francis Ave 410 - Z20-0037 (BL12146) - 1256484 B.C. Ltd., Inc.No. BC1256484	126 - 127
	To receive a summary of correspondence for Rezoning Bylaw No. 12146 and to give the bylaw further reading consideration.	
3.16.	Francis Ave 410 - BL12146 (Z20-0037) - 1256484 B.C. Ltd., Inc.No. BC1256484	128 - 128
	To give Bylaw No. 12146 second and third reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.	
3.17.	Supplemental Report - Mountainview St 1226 - Z20-0090 (BL12213) - James Norman Tangjerd and Norlyn Shirley Tangjerd	129 - 131
	To receive a summary of correspondence for Rezoning Bylaw No. 12213 and to give the bylaw further reading consideration.	
3.18.	Mountainview St 1226 - BL12213 (Z20-0090) - James Norman Tangjerd and Norlyn Shirley Tangjerd	132 - 132
	To give Bylaw No. 12213 second and third reading and adopt in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.	
3.19.	Supplemental Report - Snowsell St N 156 - Z21-0012 (BL12141) - Subhash Chander Bajaj and Kamlesh Rani Bajaj	133 - 134
	To receive a summary of correspondence for Rezoning Bylaw No. 12141 and to give the bylaw further reading consideration.	

- 3.20. Snowsell St N 156 - BL12141 (Z21-0012) - Subhash Chander Bajaj and Kamlesh Rani Bajaj** 135 - 135

To give Bylaw No. 12141 second and third reading in order to rezone the subject property from the RR3 – Rural Residential 3 zone to the RU2 – Medium Lot Housing zone.

4. Bylaws for Adoption (Development Related)

- 4.1. Stockley St 1075 - BL11968 (Z19-0057) - Melcor Lakeside Inc.** 136 - 136

To adopt Bylaw No. 11968 in order to rezone the subject property from the RU4 - Low Density Cluster Housing zone to the RU6 - Two Dwelling Housing zone.

- 4.2. Taylor Cres 2405 - BL12134 (Z19-0118) - Ian D. Galt** 137 - 137

To adopt Bylaw No. 12134 in order to rezone the subject property from RU1 – Large Lot Housing zone to RU1c – Large Lot Housing with Carriage House zone.

- 4.3. Multiple Addresses - BL12144 (TA20-0023) - Multiple Owners** 138 - 141

To adopt Bylaw No. 12144 in order to amend Sections 7,8,11,14,16 and 18 of Zoning Bylaw No. 8000.

5. Non-Development Reports & Related Bylaws

- 5.1. Rental Housing Agreement Bylaw - Neptune Rd 1260** 142 - 143

To authorize a housing agreement for a rental housing project that is pursuing a rental housing tax exemption, in accordance with Bylaw No. 9561.

- 5.2. Neptune Rd 1260 - BL12196 - Rental Housing Agreement Bylaw** 144 - 151

To give Bylaw No. 12196 first, second and third reading.

- 5.3. Rental Housing Tax Exemption Agreements – Spring 2021** 152 - 174

To enter into Revitalization Tax Exemption Agreements with Evangel Family Rental Housing Society and Davara Holdings Ltd. on the subject properties.

- 5.4. Review and Options for Shared Scooters in Kelowna** 175 - 217

To provide Council with an information report on the e-scooter program, its challenges and wins since program launch, and options moving forward.

6. Mayor and Councillor Items

7. Termination



City of Kelowna Regular Council Meeting Minutes

Date: Monday, May 31, 2021
 Location: Council Chamber
 City Hall, 1435 Water Street

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

Members participating remotely Councillors Charlie Hodge and Mohini Singh

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith*; Planner, Tyler Caswell*; Urban Planning Manager, Jocelyn Black*; Planner Specialist, Wesley Miles*; Planner, Bronwyn Wydeman*; Policy & Planning Department Manager, Danielle Noble-Brandt*; OCP Project Manager, Robert Miles*; Champion of the Environment, Chris Ray*, Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

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

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

In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, the public is currently not permitted to attend Council meetings in-person. As an open meeting, a live audio-video feed is being broadcast and recorded on kelowna.ca.

Mayor Basran asked all of Council and staff in attendance to rise for a moment of silence for the 215 children whose remains were found at a former residential school in Kamloops.

Moved By Mayor Basran/Seconded By Councillor Wooldridge

R0533/21/05/31 THAT Council direct staff to provide Council with an information report on the status of any plans or actions the City of Kelowna is undertaking or can be advancing with respect to Truth and Reconciliation with our local First Nations.

Carried

2. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

R0534/21/05/31 THAT the Minutes of the Regular Meetings of May 17, 2021 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Banks-Baron Road Area - LUCT21-0002 (BL12205) - Multiple Owners

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R0535/21/05/31 THAT Land Use Contract Termination Application No. LUCT21-0002 to terminate LUC76-1114 from properties identified in 'Schedule A', located at Banks Road and Baron Road, Kelowna, BC be considered by Council;

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

Carried

3.2 Banks-Baron Road Area - BL12205 (LUCT21-0002) - Multiple Owners

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0536/21/05/31 THAT Bylaw No. 12205 be read a first time.

Carried

3.3 Shayler Ct 2890 - Z21-0023 (BL12214) - Erwin Victor Braun and Connie Teresa Braun

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Hodge/Seconded By Councillor Donn

R0537/21/05/31 THAT Rezoning Application No. Z21-0023 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Sections 20 and 29 Township 23 ODYD Plan KAP89180, located at 2890 Shayler Court, Kelowna BC from the RR1 – Rural Residential 1 zone to the RR1c – Rural Residential 1 with Carriage House zone, be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464(2), waive the Public Hearing for the Rezoning Bylaw;

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

Carried

3.4 Shayler Ct 2890 - BL12214 (Z21-0023) - Erwin Victor Braun and Connie Teresa Braun

Moved By Councillor Wooldridge/Seconded By Councillor Given

R0538/21/05/31 THAT Bylaw No. 12214 be read a first time.

Carried

3.5 McCurdy Rd 320 - Z21-0025 (BL12215) - Erica Dawn McAvoy

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor DeHart

R0539/21/05/31 THAT Rezoning Application No. Z21-0025 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 26 Township 26 ODYD Plan 22696, located at 320 McCurdy Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone, be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464(2), waive the Public Hearing for the Rezoning Bylaw;

AND FURTHER THAT final adoption of the Rezoning Application be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated May 31st, 2021.

Carried

3.6 McCurdy Rd 320 - BL12215 (Z21-0025) - Erica Dawn McAvoy

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0540/21/05/31 THAT Bylaw No. 12215 be read a first time.

Carried

3.7 Car Share Agreement Review

Staff:

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

Moved By Councillor Singh/Seconded By Councillor Given

R0541/21/05/31 THAT Zoning Bylaw Text Amendment Application No. TA21-0007 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Development Planning Department dated March 15 be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw No. 12216 be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Text Amending bylaw be considered subsequent to the approval of Ministry of Transportation and Infrastructure.

Carried

Councillor Donn - Opposed

3.8 Section 8 - Car Share Incentives - BL12216 (TA21-0007) - City of Kelowna

Moved By Councillor Singh/Seconded By Councillor Given

R0542/21/05/31 THAT Bylaw No. 12216 be read a first time.

Carried
Councillor Donn - Opposed

3.9 Upper Mission Dr 5347 - OCP20-0016 (BL12217) Z20-0079 (BL12218) - Essential Idea Ltd., Inc. No. BC0134064

Staff:

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

Moved By Councillor Stack/Seconded By Councillor Hodge

R0543/21/05/31 THAT Official Community Plan Map Amendment Application No. OCP20-0016 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation for a portion of Lot 1 District Lots 24 Township 28 SDYD Plan EPP95194 located at 5347 Upper Mission Drive, Kelowna, BC from the PARK - Major Park/Open Space (public) designation to the S2RES – Single/Two Unit Residential, as shown on Map “A” attached to the Report from the Development Planning Department dated May 31, 2021 be considered by Council;

AND THAT Rezoning Application No. Z20-0079 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for portions of Lot 1 District Lots 24 Township 28 SDYD Plan EPP95194 located at 5347 Upper Mission Drive, Kelowna, BC from the RR2c – Rural Residential 2 with Carriage House, RR3 – Rural Residential 3, and RR3c – Rural Residential 3 with Carriage House zones to the Ru5 – Bareland Strata Housing and P3 – Parks and Open Space zones, as shown on Map “B” attached to the Report from the Development Planning Department dated May 31, 2021 be considered by Council;

AND THAT the Official Community Plan Amendment and Rezoning Bylaws 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 Development Planning Department dated May 31, 2021;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review by the Approving Officer.

Carried

3.10 Upper Mission Dr 5347 - BL12217 (OCP20-0016) - Essential Idea Ltd., Inc. No. BC0134064

Moved By Councillor Wooldridge/Seconded By Councillor Donn

R0544/21/05/31 THAT Bylaw No. 12217 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

3.11 Upper Mission Dr 5347 - BL12218 Z20-0079 - Essential Idea Ltd., Inc. No. BC0134064

Moved By Councillor Donn/Seconded By Councillor Wooldridge

R0545/21/05/31 THAT Bylaw No. 12218 be read a first time.

Carried

3.12 South Ridge Dr 5008 - Z21-0049 (BL12222) - Nonis Developments LTD., INC.NO BC0938873

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor Stack

R0546/21/05/31 THAT Rezoning Application No. Z21-0049 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 District Lot 1688S SDYD Plan KAP68647, located at 5008 South Ridge Dr, Kelowna, BC from the C1 – Local Commercial zone to the C2 – Neighbourhood Commercial zone, be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464(2), waive the Public Hearing for the Rezoning Bylaw;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the registration of a restrictive covenant on title precluding the use of the property for a gas bar and car wash.

Carried

3.13 South Ridge Dr 5008 - BL12222 (Z21-0049) - Nonis Developments LTD., INC.NO BC0938873

Moved By Councillor DeHart/Seconded By Councillor Stack

R0547/21/05/31 THAT Bylaw No. 12222 be read a first time.

Carried

3.14 Supplemental Report - Taylor Cres 2405 - Z19-0118 (BL12134) - Ian D. Galt

Moved By Councillor Given/Seconded By Councillor Sieben

R0548/21/05/31 THAT Council receives, for information, the report from the Office of the City Clerk dated May 31, 2021 with respect to the summary of correspondence received for Rezoning Bylaw No. 12134;

AND THAT Rezoning Bylaw No. 12134 be forwarded for further reading consideration.

Carried

3.15 Taylor Cres 2405 - BL12134 (Z19-0118) - Ian D. Galt

Moved By Councillor stack/Seconded By Councillor DeHart

R0549/21/05/31 THAT Bylaw No. 12134 be read a second and third time.

Carried

3.16 Supplemental Report - Fordham Rd 4617 - Z21-0013 (BL12138) - James Sharko, Maureen Atrens-Sharko - Correspondence Received

Moved By Councillor DeHart/Seconded By Councillor Sieben

R0550/21/05/31 THAT Council receives, for information, the report from the Office of the City Clerk dated May 31, 2021 with respect to the summary of correspondence received for Rezoning Bylaw No. 12138;

AND THAT Rezoning Bylaw No. 12138 be forwarded for further reading consideration.

Carried

3.17 Fordham Rd 4617 - BL12138 (Z21-0013) - James Emil Sharko and Maureen Anne Atrens-Sharko

Moved By Councillor DeHart/Seconded By Councillor Sieben

R0551/21/05/31 THAT Bylaw No. 12138 be read a second and third time.

Carried

4. Bylaws for Adoption (Development Related)

4.1 Bedford Rd 4255 - BL12171 (Z20-0089) - Patrick Wiercioch

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0552/21/05/31 THAT Bylaw No. 12171 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 2040 OCP Phase 4 Engagement Results

Staff:

- Displayed a PowerPoint Presentation summarizing the Phase 4 2040 Official Community Plan engagement results and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Given

R0553/21/05/31 THAT Council receives the report titled "2040 Official Community Plan Phase 4 Engagement Results" dated May 31, 2021 for information.

Carried

5.2 Scope of the Climate and Environment Review

Staff:

- Displayed a PowerPoint Presentation outlining the proposed Climate and Environment work plan and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R0554/21/05/31 THAT Council receives, for information, the report from the Planning and Development Services Division dated May 31, 2021, with respect to a Project Plan for the Climate and Environment Review.

Carried

6. Bylaws for Adoption (Non-Development Related)

6.1 BL12207 - Amendment No. 36 to the Airport Fees Bylaw No. 7982

Moved By Councillor DeHart/Seconded By Councillor Sieben

R0555/21/05/31 THAT Bylaw No. 12207 be adopted.

Carried

7. Mayor and Councillor Items

Councillor Singh:

- Congratulated the Deputy City Manager, Joe Creron, on his upcoming retirement.
- Made comments on the recent loss of three KSS students and the discovery of the 215 children's remains in the former residential school in Kamloops.

Councillor Stack:

- Appreciated the moment of silence for the children who perished in the former residential school in Kamloops.
- Encouraged residents to get vaccinated.

Councillor DeHart:

- Thanked the Mayor for his opening remarks.
- Encouraged residents to get vaccinated.

Councillor Sieben:

- Encouraged residents to get vaccinated.
- Provided comments and concerns regarding the new E-Scooter program.

Moved By Councillor DeHart/Seconded By Councillor Sieben

R0541/21/05/31 THAT Council direct staff to provide an information report on the scooter program; its challenges and wins over the first month of operation and details regarding the permitting process, conditions and limitations.

Carried

Councillor Wooldridge:

- Thanked the Mayor for his opening remarks.
- Encouraged resident to get vaccinated.
- Expressed condolences to the families and first responders over the loss of three KSS students.

Councillor Donn:

- Made comment on the new E-scooter program and its success in other communities.
- Made comment on the BC ReStart Plan and the ability to participate in live music events.
- Spoke to the Greener Homes Grants announcement from the Federal Government for homeowners.

Councillor Given:

- Spoke to the recent discovery of children's remains in the former residential school in Kamloops and expressed empathy for those who lost family members.

Councillor Singh:

- Encouraged residents to get vaccinated, in particular, in the Rutland community and encouraged Interior Health to better communicate their occurrence.

Councillor Hodge:

- Thanked the Mayor for his opening remarks.

Mayor Basran:

- Acknowledged the recent passing of Lloyd Callahan and offered condolences to the family.

8. Termination

This meeting was declared terminated at 3:44 p.m.

Mayor Basran

/acm



City Clerk

DRAFT

Report to Council



Date: June 14, 2021
To: Council
From: City Manager
Subject: TA21-0001
Department: Development Planning

Recommendation:

THAT Zoning Bylaw Text Amendment Application No. TA21-0001 to amend City of Kelowna Zoning Bylaw No. 8000 as indicated in Schedule "A" and outlined in the Report from the Development Planning Department dated June 14, 2021 be considered by Council;

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

AND FURTHER THAT final adoption of the Zoning Bylaw Text Amending Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

Purpose:

A Text Amendment to the RU6 – Two Dwelling Housing zone to remove the land use note, which currently requires duplex and semi-detached housing to meet subdivision requirements.

Background & Discussion:

The RU6 zoning allows multiple different building structures including duplex housing and semi-detached housing. The current regulations within the RU6 zoning note that in order to construct these forms of dwelling units the lot must adhere to the subdivision regulations. Due to this regulation, staff are unable to consider variance applications to the subdivision requirements as it relates to land use. The Local Government Act does not permit variances that involve Land Use or Density. The proposed Text Amendment would permit Staff to consider variance applications that do not meet subdivision requirements.

As the City continues to emphasize both infill housing and densification, Staff have begun to review different zoning bylaw requirements to achieve these objectives. Staff have had numerous discussions about properties in areas that are supported by the Official Community Plan for two dwelling housing, but the lots are marginally smaller than the current RU6 subdivision regulations. There are several

properties that Staff believe have a suitable building envelopes but do not meet the standard cookie cutter shaped lots. Aside for the subdivision requirements, lots proposing to accommodate two dwelling or semi-detached housing will still be required to comply with the density requirements currenting in the RU6 zoning requiring a lot area of 700m², or 800m² for a corner lot.

Official Community Plan policies that support proposed changes:

Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.22 Ensure context sensitive housing development.

Policy .11 Housing Mix. Support a greater mix of housing unit size, form and tenure in a new multi-unit residential and mixed use developments.

Objective 5.3 Focus development to designated growth areas.

Policy .2 Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns.

Report prepared by:

Jason Issler, Planning Technician II

Reviewed by:

Dean Strachan, Community Planning & Development Manager

Approved for inclusion:

Terry Barton, Development Planning Department Manager

Attachments:

Schedule 'A': Proposed Text Amendments



Schedule A — Proposed Text Amendment to RU6 Zoning.

No.	Section	Current Wording	Proposed Wording	Reason for Change
1.	Section 13 – Urban Residential Zones, 13.6 RU6 – Two Dwelling Housing, 13.6.2 Principle Uses (d)	(d) two dwelling housing	(d) two dwelling housing subject to Section 13.6.5 (d) of this bylaw	To provide a clear understanding that to accommodate two dwelling housing there is a required lot area.
2.	Section 13 – Urban Residential Zones, 13.6 RU6 – Two Dwelling Housing, 13.6.4 Buildings and Structures Permitted (b)	(b) duplex housing*	(b) duplex housing	The asterisks will no longer be required as the note identifying it is being removed from the bylaw.
3.	Section 13 – Urban Residential Zones, 13.6 RU6 – Two Dwelling Housing, 13.6.4 Buildings and Structures Permitted (c)	(c) semi-detached housing*	(c) semi-detached housing	The asterisks will no longer be required as the note identifying it is being removed from the bylaw.
4.	Section 13 – Urban Residential Zones, 13.6 RU6 – Two Dwelling Housing, 13.6.4 Buildings and Structures Permitted	NOTE: Buildings or structures indicated by an (*) are only permitted on lots that meet the subdivision regulations for two dwelling housing.	*Deleted	Properties will support the use of two dwelling or semi-detached housing if they meet the density requirements.
5.	Section 13 – Urban Residential Zones, 13.6 RU6 – Two Dwelling Housing, 13.6.5 Subdivision Regulations	(a) The minimum lot width is 13.0 m for single detached housing, except it is 15.0 m for a corner lot.	(a) The minimum lot width is 18.0 m except it is 20.0 m for a corner lot.	The minimum width requirement will support all principal uses within the RU6 zone.

6.	Section 13 – Urban Residential Zones, 13.6 RU6 – Two Dwelling Housing, 13.6.5 Subdivision Regulations (b)	(b) The minimum lot width for two dwelling housing is 18.0 m, except it is 20.0 m for a corner lot. i. Where a lot with a developed semi-detached housing development is being subdivided along a party wall the minimum lot width is 9.0 m, except it is 11.0 m for a corner lot , and a party wall agreement is registered on the titles of both lots.	*Deleted	Properties will support the use of two dwelling or semi-detached housing if they meet the density requirements.
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SCHEDULE		A
This forms part of application # TA21-0001		
Planner Initials	<div>JI</div>	 City of Kelowna <small>DEVELOPMENT PLANNING</small>



TA21-0001

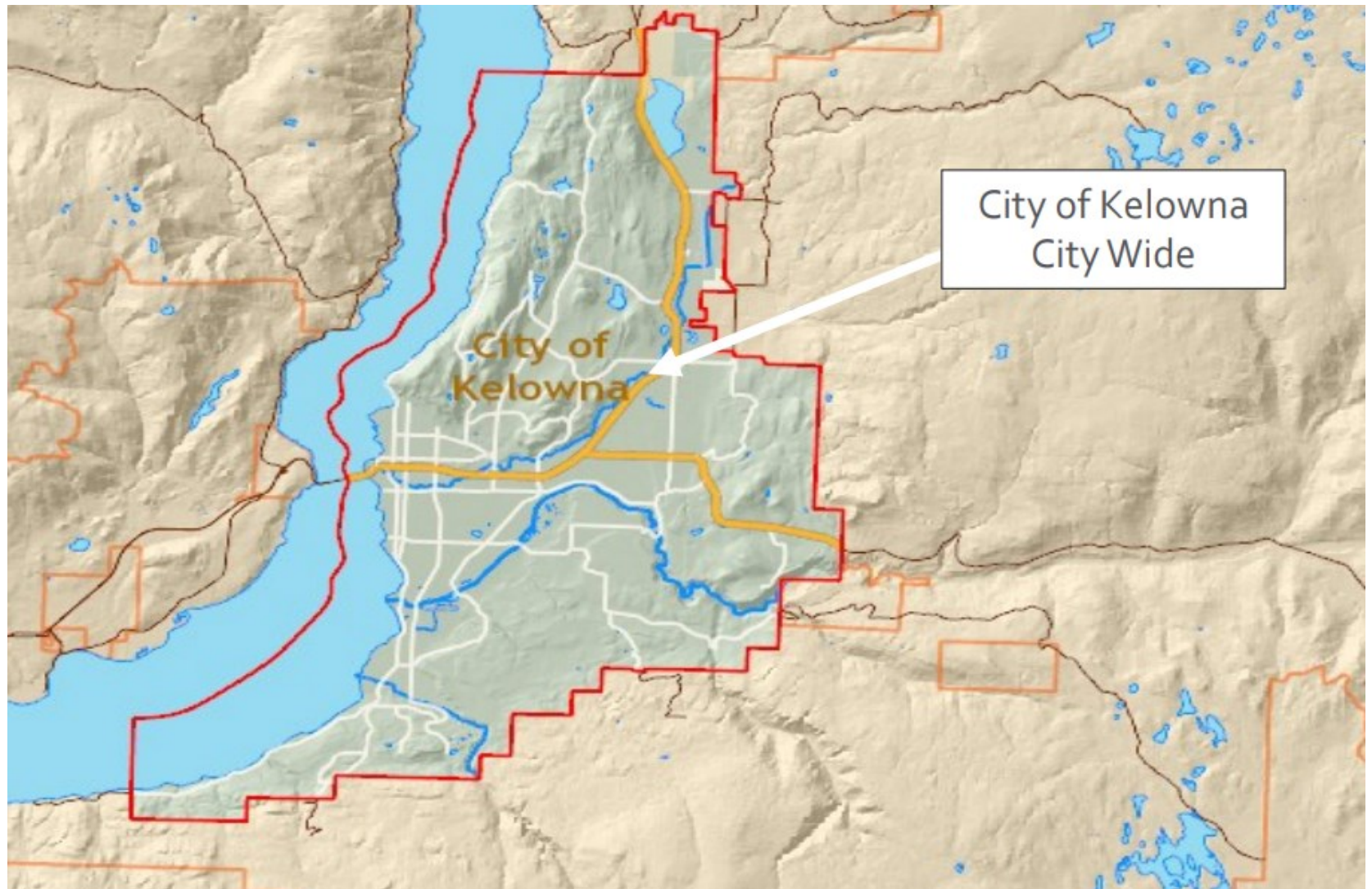
Amendment to RU6 Zoning

Zoning Bylaw Update

Purpose

- ▶ To amend the RU6 – Two Dwelling Housing zone to remove the land use note, which currently requires duplex and semi-detached housing to meet subdivision requirements.

Context Map



Objectives

- ▶ Allow Staff to consider applications that do not meet subdivision requirements.
- ▶ Review properties on a case-by-case basis for building envelopes and neighborhood impacts

RU6 Subdivision Requirements

- ▶ The minimum lot width is 18.0m, except it is 20.0m for a corner lot.
- ▶ The minimum lot depth of 30.0m.
- ▶ The minimum lot area is 700m², except it is 800m² for a corner lot.

Supporting Policy

► Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

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

Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns.

Staff Recommendation

- ▶ Staff are recommending support for the proposed Text Amendment to amend the RU6 zoning to remove the subdivision requirements for duplex housing and semi-detached housing.



Conclusion of Staff Remarks

CITY OF KELOWNA
BYLAW NO. 12165
TA21-0001 – Section 13 – Urban Residential Zones

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

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

1. THAT **Section 13.6 - RU6 – Two Dwelling, RU6b – Two Dwelling Housing with Boarding or Lodging House, 13.6.2 Permitted Uses** be amended by:

Deleting the following:

“(d) **two dwelling housing**”

And replacing it with the following:

“(d) **two dwelling housing** subject to Section 13.6.5 (d) of this bylaw”

2. AND THAT **Section 13.6 - RU6 – Two Dwelling, RU6b – Two Dwelling Housing with Boarding or Lodging House, 13.6.4 Building and Structures Permitted** be amended by:

Deleting the following:

- “(a) **one single detached house** which may contain a **secondary suite**
- (b) **duplex housing***
- (c) **semi-detached housing***
- (d) **two single detached houses** which may not contain **secondary suites***
- (e) permitted **accessory buildings or structures**
- (f) **one carriage house**
- (g) Only one secondary dwelling unit is permitted (e.g. secondary suite or carriage house)

NOTE: **Buildings** or **structures** indicated by an (*) are only permitted on **lots** that meet the **subdivision regulations for two dwelling housing.**”

And replacing it with the following:

- “(a) **one single detached house** which may contain a **secondary suite**
- (b) **duplex housing**
- (c) **semi-detached housing**
- (d) **two single detached houses** which may not contain **secondary suites***
- (e) permitted **accessory buildings or structures**
- (f) **one carriage house**
- (g) Only one secondary dwelling unit is permitted (e.g. secondary suite or carriage house)”

3. AND THAT **Section 13.6 - RU6 – Two Dwelling, RU6b – Two Dwelling Housing with Boarding or Lodging House, 13.6.5 Subdivision Regulations** be amended by:

Deleting the following:

- "(a) The minimum **lot width** is 13.0 m for single detached housing, except it is 15.0 m for a corner lot.
- (b) The minimum lot width for two dwelling housing is 18.0 m, except it is 20.0 m for a corner lot.
 - i. Where a lot with a developed semi-detached housing development is being subdivided along a party wall the minimum lot width is 9.0 m, except it is 11.0 m for a corner lot, and a party wall agreement is registered on the titles of both lots."

And replacing it with the following:

- "(a) The minimum **lot width** is 18.0 m except it is 20.0 m for a corner lot.
- (b) [Deleted]"

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

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: June 14, 2021

To: Council

From: City Manager

Department: Development Planning Department

Application: LUC20-0003 / Z20-0052 **Owner:** Brian & Linda Pahl

Address: 2820 Boyd Rd, 2830 Boyd Rd, 2843 Boyd Road, and 2811 Boyd Road **Applicant:** Urban Options Planning & Permits

Subject: Land Use Contract Discharge and Rezoning Application

Existing OCP Designation: REP – Resource Protection

Existing Zone: A1 – Agriculture 1

Proposed Zone: A1 – Agriculture 1 and RU1 – Large Lot Housing

1.0 Recommendation

THAT Application No. LUC20-0003 to discharge LUC76-1112 from Lot 1 District Lot 130 ODYD Plan EPP107619, Lot 2 District Lot 130 ODYD Plan EPP107619, Lot 3 District Lot 130 ODYD Plan EPP107619 and Lot 1 District Lot 130 ODYD Plan KAP89521 Except Plan EPP107619, located at 2820 Boyd Road, 2830 Boyd Road, 2843 Boyd Road and 2811 Boyd Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z20-0052 to amend the City of Kelowna Zoning Bylaw No. 8000 be considered by changing classification of the properties identified in Schedule 'A' be considered by Council;

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

2.0 Purpose

To discharge the Land Use Contract (LUC76-1112) from the subject properties and to rezone the properties as identified in 'Schedule A'.

3.0 Development Planning

Staff are recommending support for the proposed Land Use Contract (LUC76-1112) discharge and proposed rezoning of the subject properties. The property is affected by a Land Use Contract (LUC76-1112), which allowed the lands to be subdivided into five lots. There were two lots existing, so 2811 Boyd Road went through a four-lot subdivision, which allowed for the creation of three new lots (S19-0038-01). The

LUC allows all new lots to have the development regulations of the former Zoning Bylaw no. 4500's R1 – Low Density, Single Family Residential. Staff are proposing to adopt the RU1 – Large Lot Housing zone for the three new lots, and to revert 2811 Boyd Road back to the A1 – Agriculture 1 zone, as the property is in the ALR and has active agriculture. The proposed Rezoning of the subject properties best matches the allowable development regulations of the LUC, as well as best matches the existing land use.

4.0 Proposal

4.1 Background

Land Use Contracts were a tool regularly used in the 1970's before it was eliminated on November 15th, 1978. The purpose of the tool was to allow local governments to arrive at agreements with specific developers to grant development rights over and above what was allowed under current zoning. This was typically done in exchange for commitments by developers to help finance the infrastructure costs of development.

4.2 Project Description

Following a successful subdivision application, the applicant is seeking a Land Use Contract Discharge for all four properties, as well as a rezoning application for the three newly created lots from A1 – Agriculture 1 to RU1 – Large Lot Housing. If successful, the Land Use Contract Discharge will immediately give all three properties the development regulations of the RU1 zone, which best matches the regulations allowed in the LUC. The final property, 2811 Boyd Road will remain A1 – Agriculture 1 as the property is in the ALR.

To separate the new single-family lots and the active agriculture, the applicant completed a Farm Development Permit (DP20-0146), which included a 15.0m landscape buffer in between the active agriculture and the new subdivided lots.

4.3 Site Context

The subject properties are located on Boyd Road in the South Pandosy – KLO OCP Sector. All four properties have the Future Land Use Designation of REP – Resource Protection. The surrounding area primarily is zoned A1 – Agriculture 1 and has the Future Land Use Designation of S2RES – Single/Two Unit Residential and REP – Resource Protection.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Agriculture
East	A1 – Agriculture 1	Agriculture
South	A1 – Agriculture 1	Single-Family Home(s)
West	A1 – Agriculture 1	Mission Creek

Subject Property Map: Boyd Road



5.0 Application Chronology

Date of Application Received: July 7, 2020
Date Public Consultation Completed: September 11, 2020

Report prepared by: Tyler Caswell, Planner I
Reviewed by: Dean Strachan, Community Planning & Development Manager
Reviewed by: Terry Barton, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Schedule A: Affected Addresses

Schedule A: Legal Description LUC20-0003 /Z20-0052 Bylaw No. 12224/ 12225 Charge No. N70788							
No.		Legal Description	Address	Parcel Identifier Number	LUC being Terminated	Underlying Zone	Proposed Zone
1	Discharge of Land Use Contract LUC76-1112 (BL12224) Z20-0052 (BL12225) - Boyd Road	Lot 1 District Lot 130 ODYD Plan EPP107619	2820 Boyd Road	031-342-001	LUC76-1112	A1 - Agriculture 1	RU1 - Large Lot Housing
2	Discharge of Land Use Contract LUC76-1112 (BL12224) Z20-0052 (BL12225) - Boyd Road	Lot 2 District Lot 130 ODYD Plan EPP107619	2830 Boyd Road	031-342-019	LUC76-1112	A1 - Agriculture 1	RU1 - Large Lot Housing
3	Discharge of Land Use Contract LUC76-1112 (BL12224) Z20-0052 (BL12225) - Boyd Road	Lot 3 District Lot 130 ODYD Plan EPP107619	2843 Boyd Road	031-342-027	LUC76-1112	A1 - Agriculture 1	RU1 - Large Lot Housing
4	Discharge of Land Use Contract LUC76-1112 (BL12224) Z20-0052 (BL12225) - Boyd Road	Lot 1 District Lot 130 ODYD Plan KAP89521 Except Plan EPP107619	2811 Boyd Road	004-273-699	LUC76-1112	A1 - Agriculture 1	A1 - Agriculture 1

SCHEDULE

A

This forms part of application

LUC20-0003 Z20-0052

Planner Initials

TC



City of
Kelowna
DEVELOPMENT PLANNING



LUC20-0023 Z20-0052

Boyd Road Area

Land Use Contract Discharge and Rezoning Application



Proposal

- ▶ To discharge the Land Use Contract (LUC76-1112) and to rezone select properties from A1 – Agriculture 1 to RU1 – Large Lot Housing

Development Process

July 7th, 2020

LUC Termination Initiated by Staff



Sept. 11th, 2020

Public Notification Completed



June 14th, 2021

Initial Consideration



Public Hearing (LUCT)
Second & Third Readings



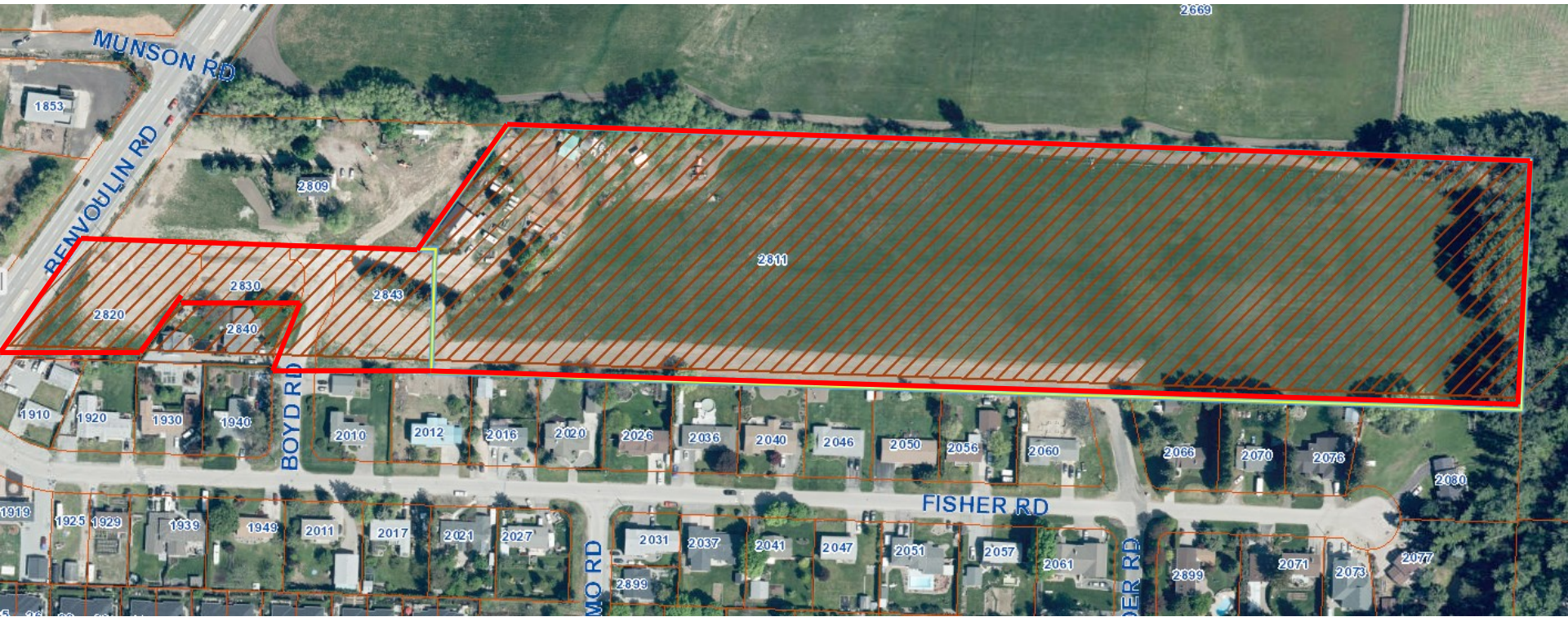
Final Reading



LUC Eliminated (1 year later)

Council
Approvals

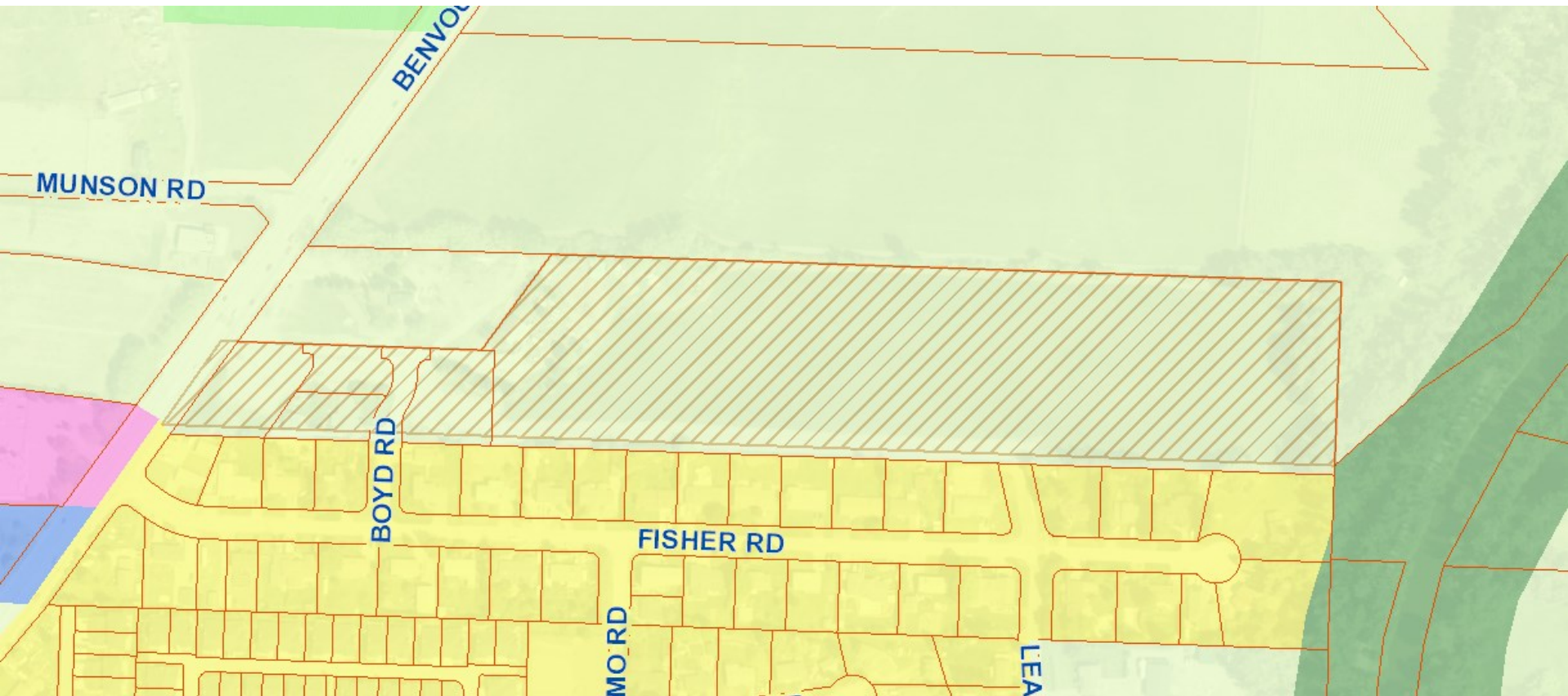
Context Map



Subdivision



OCP Future Land Use





Background

- ▶ Land Use Contracts: 1970's tool
- ▶ Allow local governments to grant development rights above and beyond current zoning
- ▶ Exchange for commitments from developers to help infrastructure costs

Project Details

- ▶ Application came forward as part of a subdivision application.
- ▶ LUC76-1112 allow the applicants to have a five-lot subdivision, where three new units were created.
- ▶ LUC gives new lots the former Bylaw 4500 – R1 zone development regulations.
- ▶ Applicant is proposing to adopt the RU1 zone for new lots and for the ALR piece to remain A1.

Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the proposed land use contract discharge and rezoning applications:
 - ▶ The existing C10 zone is appropriate for the area.
 - ▶ Province of BC requires all LUC's to be discharged/terminated.



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12224

Discharge of Land Use Contract LUC76-1112 - (N70788) 2811, 2820, 2830 and 2843 Boyd Road

WHEREAS a land use (the "Land Use Contract") is registered at the Kamloops Land Title Office under number N70788 against lands in the City of Kelowna particularly known and described as:

- a) Lot 1 District Lot 130 ODYD Plan EPP107619;
- b) Lot 2 District Lot 130 ODYD Plan EPP107619;
- c) Lot 3 District Lot 130 ODYD Plan EPP107619; and
- d) Lot 1 District Lot 130 ODYD Plan KAP89521 except Plan EPP107619

(the "Lands"), located on Boyd Road, Kelowna, BC;

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

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

1. This Bylaw may be cited for all purposes as "Land Use Contract LUC76-1112 Discharge Bylaw".
2. The Land Use Contract is hereby cancelled and of no further force and effect and the City of Kelowna is hereby authorized and empowered to apply for the discharge of the Land Use Contract from the Lands.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Amended and adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 12225
Z220-0052-
2820, 2830 and 2843 Boyd 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 parcels outlined in Schedule "A" attached to and forming part of this bylaw located on Boyd Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule A

No.	Legal Description	Address	Parcel Identifier Number	Land Use Contract	Underlying Zone	Proposed Zone
1	Lot 1 District Lot 130 ODYD Plan EPP107619	2820 Boyd Rd	031-342-001	LUC76-1112	A1 – Agriculture 1	RU1 – Large Lot Housing
2	Lot 2 District Lot 130 ODYD Plan EPP107619	2830 Boyd Rd	031-342-019	LUC76-1112	A1 – Agriculture 1	RU1 – Large Lot Housing
3	Lot 3 District Lot 130 ODYD Plan EPP107619	2843 Boyd Rd	031-342-027	LUC76-1112	A1 – Agriculture 1	RU1 – Large Lot Housing

REPORT TO COUNCIL



Date: June 14, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z21-0029

Owner: 1244855 BC Ltd.

Address: 1818 Crosby Road

Applicant: NAI Commercial Okanagan Ltd.
- Tony Parmar

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU2 – Medium Lot Housing

Proposed Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z21-0029 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C Section 5 Township 23 ODYD Plan EPP104080, located at 1818 Crosby Road, Kelowna, BC from the RU2 – Medium Lot Housing zone to the RU6 – Two Dwelling Housing zone, be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464(2), waive the Public Hearing for the Rezoning Bylaw.

2.0 Purpose

To rezone the subject property from the RU2 – Medium Lot Housing zone to the RU6 – Two Dwelling Housing zone to facilitate the construction of a second single-family dwelling, and to waive the Public Hearing.

3.0 Development Planning

Staff support the proposed rezoning from the RU2- Medium Lot Housing to RU6- Two Dwelling Housing, as the subject property is within the Permanent Growth Boundary (PGB) and the plans align with the Official Community Plan (OCP) Future Land Use Designation of S2RES – Single/Two Unit Residential.

The proposal is consistent with the OCP as it relates to sensitive infill. The OCP encourages sensitive infill development in the existing neighbourhood close to amenities that limits the impacts on the overall

neighbourhood character, which this proposal accomplishes. There are several amenities in the area including Knox Mountain Park, Glenmore Road Recreational Corridor and Dr. Knox Middle School.

4.0 Proposal

4.1 Project Description

The proposed rezoning from RU2 to RU6 will facilitate the development of two single-family homes on the subject property. The subject property is currently vacant and was part of a recent three-lot subdivision (20-0007-01), and it is the only property of the three, large enough to have two dwellings. The subject property is 1077m² in size well above the required minimum for 700m². The two homes will have to meet all the required setbacks of the RU6 zone. Access to proposed future development can be accommodated from Ranch Hill Ct and Crosby Rd and will be addressed at time of building permit.

4.2 Site Context

The subject property is in the Glenmore – Clifton – Dilworth OCP Sector and is located on Crosby Road, near the intersection with Moubray Road. The surrounding area is primarily zoned RU2 – Medium Lot Housing and the Future Land Use Designation of the area is S2RES – Single/Two Unit Residential.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU2 – Medium Lot Housing	Single-Family Home
East	RU2 – Medium Lot Housing	Single-Family Home
South	RU2 – Medium Lot Housing	Single-Family Home
West	RU2 – Medium Lot Housing	Single-Family Home

Subject Property Map: 1818 Crosby Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

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

Objective 5.22 Ensure context sensitive housing development

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

6.0 Application Chronology

Date of Application Accepted: April 13th, 2021

Date Public Consultation Completed: May 6th, 2021

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Jocelyn Black, Urban Planning Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Attachment A: Site Plan

SKETCH PLAN SHOWING PROPOSED HOME SITES
ON LOT C SECTION 5 TOWNSHIP 23
OSOYOOS DIVISION YALE DISTRICT PLAN EPP104080

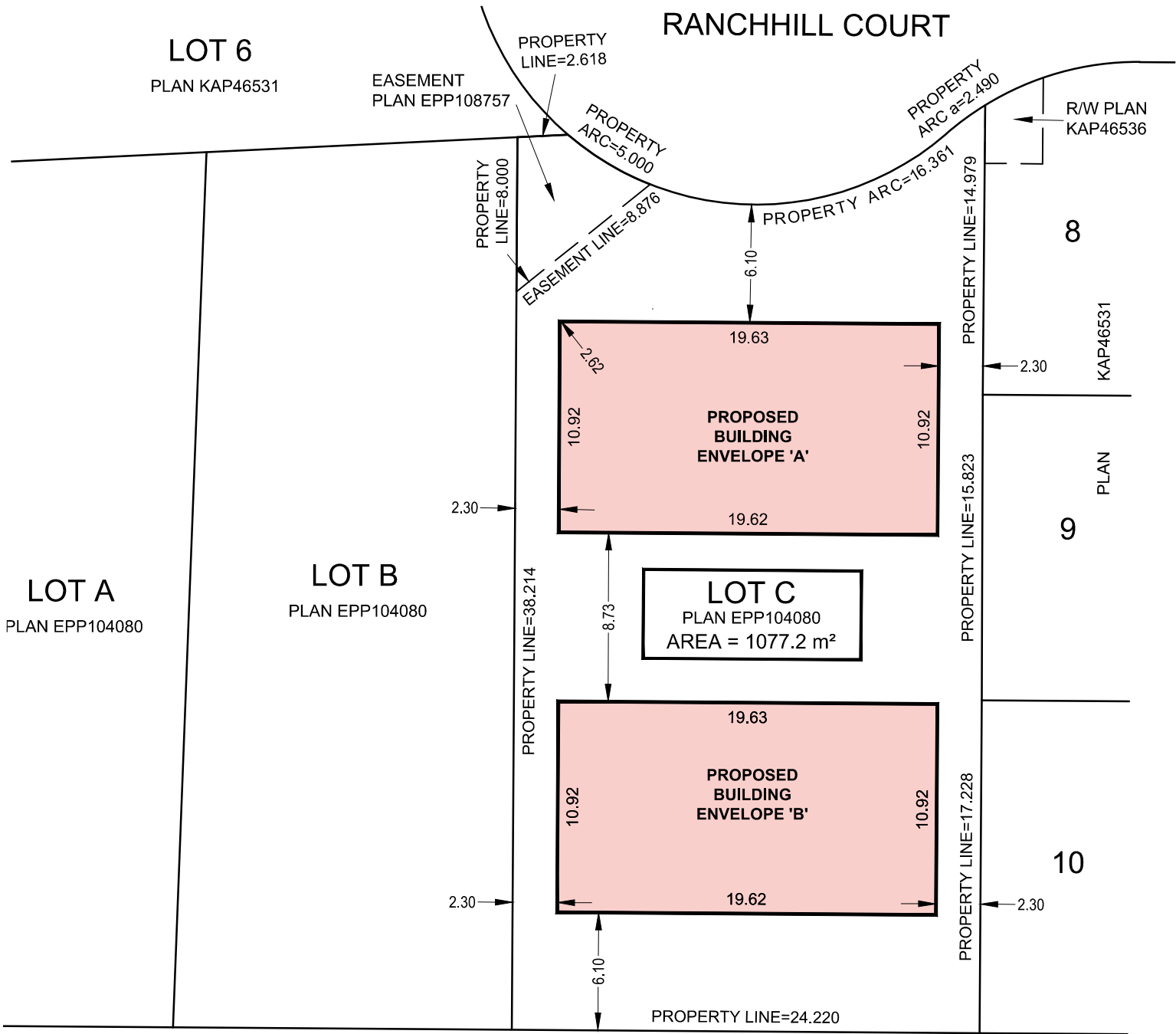
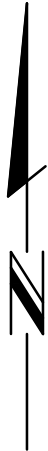
CITY OF KELOWNA
CIVIC ADDRESS: 1818 CROSBY ROAD
PID: 017-634-156

SCALE 1:300



ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.

THE INTENDED PLOT SIZE OF THIS PLAN IS 280mm IN
WIDTH BY 432mm IN HEIGHT (B SIZE) WHEN PLOTTED AT
A SCALE OF 1:300



ATTACHMENT A

This forms part of application
Z21-0029

Planner Initials TC

City of Kelowna
DEVELOPMENT PLANNING

CROSBY ROAD

NOTES:

ZONING: RU2 (TO BE REZONED RU6)

PROPERTY DIMENSIONS SHOWN ARE DERIVED FROM: PLANS EPP108757 & EPP104080

OFFSETS TO PROPERTY LINES ARE NOT TO BE USED TO DEFINE BOUNDARIES.

REFER TO CURRENT CERTIFICATE(S) OF TITLE FOR ADDITIONAL, EXISTING OR PENDING CHARGES.

THIS PLAN SHOWS THE LOCATION OF VISIBLE FEATURES ONLY, AND DOES NOT INDICATE BURIED SERVICES THAT MAY EXIST ON OR AROUND THE SUBJECT SITE.

FEATURES SHOWN WITHOUT DIMENSIONS SHOULD BE CONFIRMED WITH BENNETT LAND SURVEYING LTD.

bennett
LAND SURVEYING LTD.
BC LAND SURVEYORS
#201 - 1470 ST. PAUL STREET,
KELOWNA, BC
V1Y 2E6
TEL 250-763-5711
www.bennettsurveys.com

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PROPOSED SITE COVERAGE:		
LOT "C":		
-BUILDING ENVELOPE 'A'	= 214.4m²	19.9%
-BUILDING ENVELOPE 'B'	= 214.4m²	19.9%
TOTAL	= 428.8m²	39.8%

FIELD SURVEY COMPLETED ON _____, 2021.



Z21-0029 1818 Crosby Road

Rezoning Application



Proposal

- ▶ To rezone the subject property from RU2 – Medium Lot Housing to RU6 – Two Dwelling Housing.

Development Process

April 13, 2021

Development Application Submitted

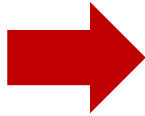


Staff Review & Circulation



May 6, 2021

Public Notification Received



June 14, 2021

Initial Consideration



Public Hearing (Waived)
Second & Third Readings



Final Reading
DP & Variances



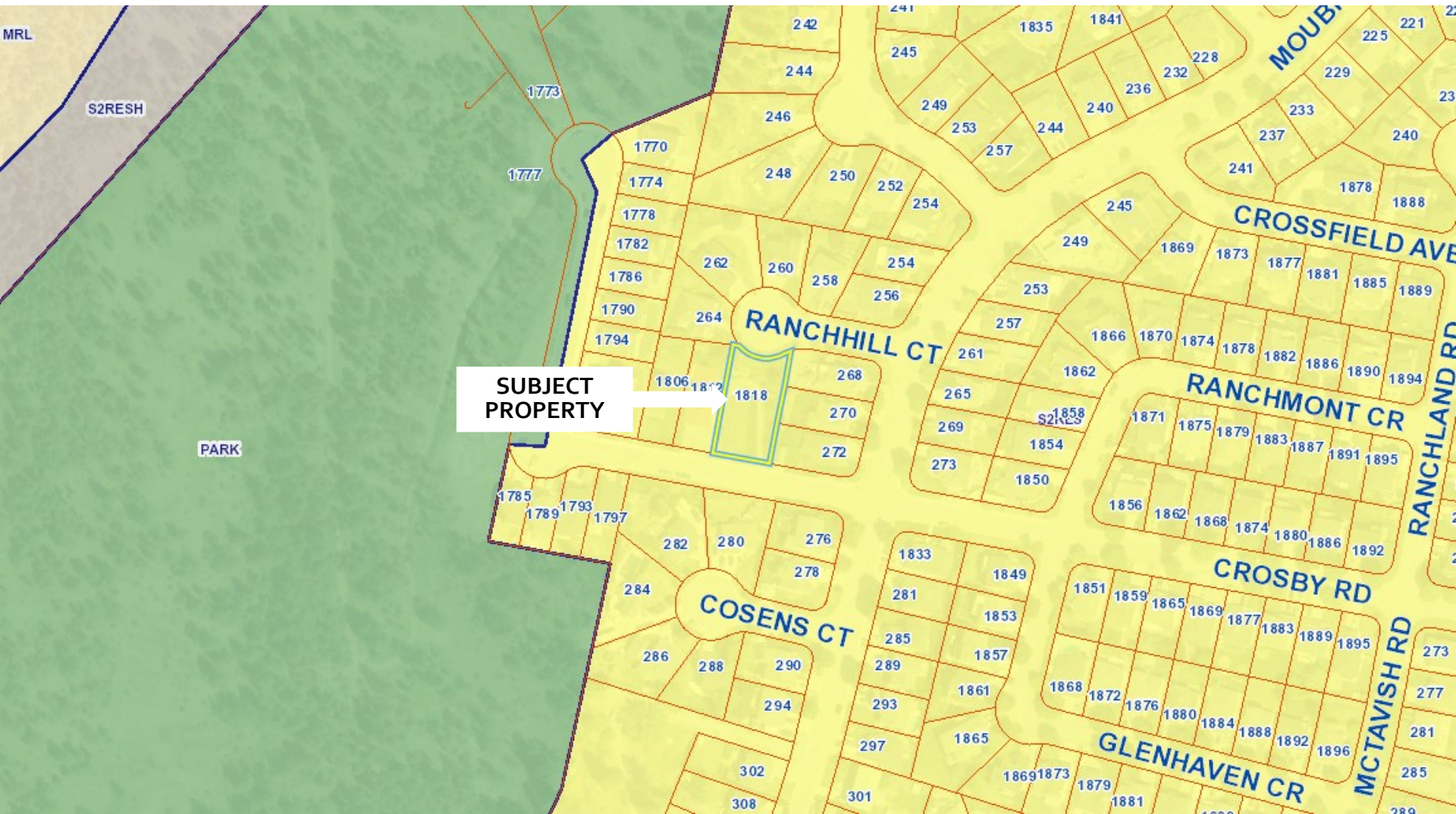
Building Permit

Council
Approvals

Context Map



OCP Future Land Use / Zoning



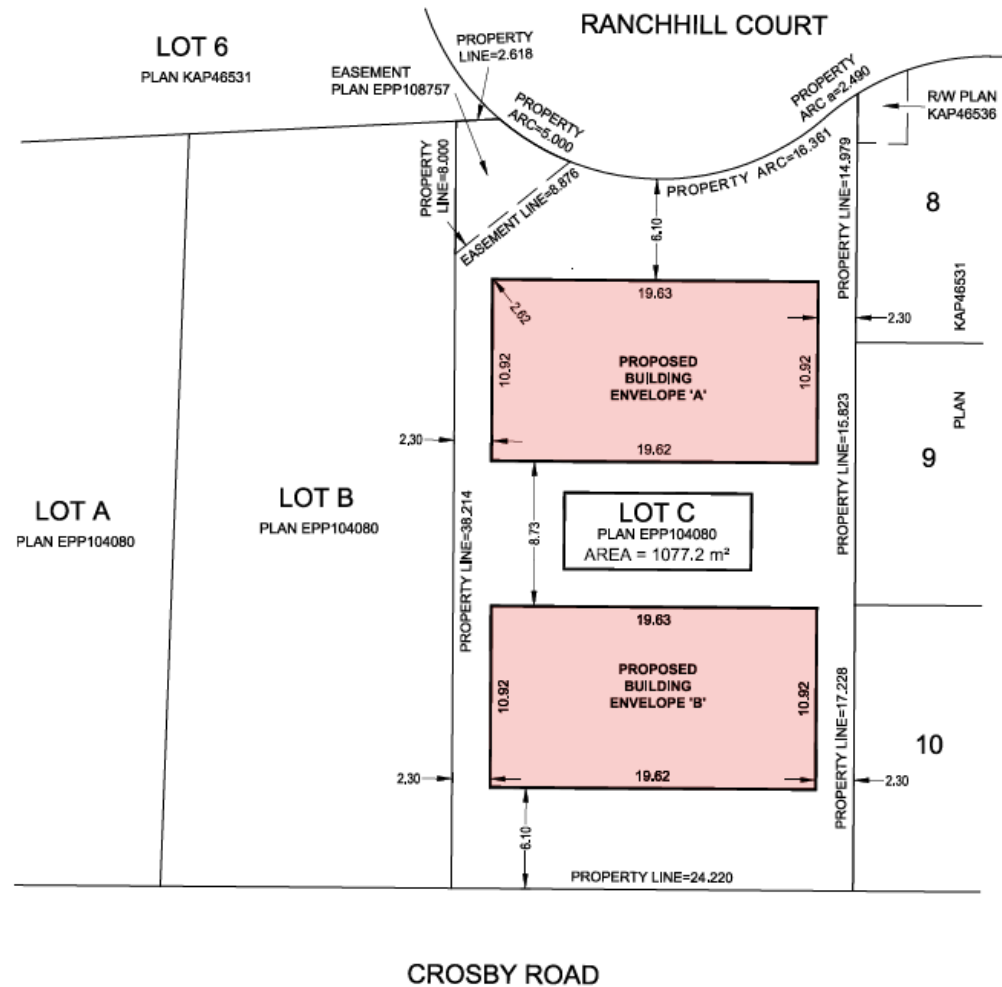
Subject Property Map



Project details

- ▶ The proposed rezoning from RU2 to RU6 will facilitate the development of two single-family homes on the subject property.
- ▶ The subject property is 1077m² in size.
- ▶ The proposed two dwellings are required to meet all of the Zoning Bylaw Development Regulations.

Site Plan



Staff Recommendation

- ▶ Development Planning Staff recommend **support** of the proposed Rezoning:
 - ▶ Subject property is within the Permanent Growth Boundary.
 - ▶ Meets the intent of the OCP including Sensitive Infill and the Future Land Use Designation of S2RES – Single/Two Unit Residential.
 - ▶ Recommend that the Public Hearing be waived.



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12226

Z21-0029

1818 Crosby 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 C Section 5 Township 23, ODYD, Plan EPP104080 located at Crosby Road, Kelowna, BC from the RU2 – Medium Lot Housing zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Public Hearing waived by the Municipal Council this

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: June 14, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z21-0018 & OCP21-0007

Owner: MCMI Developments Ltd.,
Inc.No. BC1239530

Address: 955 Manhattan Drive

Applicant: Jim Meiklejohn; Meiklejohn
Architects

Subject: Rezoning & OCP Amendment Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

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

Existing Zone: RU6 – Two Dwelling Housing

Proposed Zone: RM3 – Low Density Multiple Housing

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP21-0007 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot 2 Section 30 Township 26 ODYD Plan 2559, located at 955 Manhattan Drive, Kelowna, BC from the S2RES – Single / Two Unit Residential designation to the MRL – Multiple Unit Residential (Low Density) designation, be considered by Council;

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

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the *Purpose* of Section 475 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated June 14, 2021;

AND THAT Rezoning Application No. Z21-0018 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 Section 30 Township 26 ODYD Plan 2559, located at 955

Manhattan Drive, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule “A” attached to the Report from the Development Planning Department dated June 14, 2021;

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

2.0 Purpose

To rezone the subject property from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone with accompanying OCP Amendment to change the future land use designation of the lot from the S2RES – Single / Two Unit Residential designation to the MRL – Multiple Unit Residential Low Density Designation.

3.0 Development Planning

Development Planning supports rezoning the property to RM3 – Low Density Multiple Housing, and the accompanying OCP Amendment to change the future land use designation to MRL – Multiple Unit Residential Low Density.

The property, which is currently zoned RU6, is a relatively large lot that cannot be conveniently subdivided. The lot is nearly 2000 m², which is more than twice the size of a regular RU6 lot at 900 m². As such, redeveloping the lot under the existing RU6 zone would represent an under-development of the site. Further, the lot cannot be subdivided into two RU6 lots with two units each since a minimum lot width of 18m is needed to develop two units on an RU6 lot, and the 2-lot subdivision would leave both lots at only 12.7m in width (with each lot capable of accommodating only a single dwelling). Given this is the case, it is acknowledged that a zone over and above the existing RU6 zone would be suitable for the site.

The proposed RM3 zone allows for up to 3 storeys and 10m in height. Since the lot is relatively large, and the northern part of it is up against a laneway and a park—and separated somewhat from neighbouring properties—it is believed that a development in the range of 3 storeys could be sited on the lot and designed in such a way as to be respectful of its neighbours, as well as the neighbouring park, and also fit the context of the surrounding area.

Further, the lot has access to a lane which leads directly to the collector Guy St. Therefore, provided the site were developed in such a way that allowed for primary car access from the lane, the traffic impact on local streets would be minimized.

In addition, though this remains a low-profile neighbourhood, the neighbourhood itself is in relatively close proximity to the downtown urban centre (it being just over 100m from the north boundary of the urban centre) with its associated amenities, employment, entertainment and shopping opportunities. Even closer by, the site has direct access to Jack Brow Park and is a short distance from Rotary Marsh Park, the Rail Trail, Waterfront Park, Sutherland Park, and Knox Mountain Park. Given the site’s proximity to these urban areas and amenities, densification that can remain sensitive to the surrounding neighbourhood would be considered desirable.

Design

The proposed zone is considered by Staff to be supportable, however the proposed design poses challenges. Specifically, height, siting and setbacks of the proposed Development Permit and associated Development Variance Permit, as currently designed, fail to respond appropriately to neighbouring properties and are out of context with the surrounding area.

The applicant has proved reluctant to this point to change the proposed design to respond to Staff concerns. However, Staff will continue to work with the applicant to revise the proposed design down to one that is more suitable for the site and the area before coming back to Council for formal consideration at development stage.

4.0 Proposal

4.1 Project Description

The applicant proposes to rezone the property to RM3 to facilitate a development to consist of the following: a semi-detached unit at the front of the lot facing Manhattan drive, and a 5 storey, 10 unit apartment building at the back of the lot to be accessed from the laneway.

4.2 Site Context

The property is in the Central City Sector just over 100m north of the north boundary of the City Centre Urban Centre. Despite being so close to the downtown, the surrounding neighbourhood is low-profile, consisting mainly of single family homes and semi-detached homes of 1 and 2 storeys in height. The former Tolko Mill site is also directly across the street to the east. The site is adjacent Jack Brow Park and is also in close proximity to Rotary Marsh Park, the Rail Trail, Waterfront Park, Sutherland Park, and Knox Mountain Park.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 – Parks and Open Space	Jack Brow Park
East	I4 – Central Industrial	Vacant
South	RU6 – Two Unit Housing	Single Family Home
West	RU6 – Two Unit Housing	Two Dwelling Housing

Subject Property Map: 955 Manhattan Dr.



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

5.2 *Policy .2 Compact Urban Form.* Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities... 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 Development Engineering Department

- See Schedule A

7.0 Application Chronology

Date of Application Accepted: February 23, 2021
Date Public Consultation Completed: April 9, 2021

Report prepared by: A.D. Thibeault, Planner II

Reviewed by: Jocelyn Black, Urban Planning Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Schedule A: Development Engineering Memo

Attachment A: Applicant Rationale

Attachment B: Conceptual Drawing Package

CITY OF KELOWNA

MEMORANDUM

Date: March 3, 2021
File No.: Z21-0018
To: Urban Planner (AT)
From: Development Engineering Manager (JK)
Subject: 955 Manhattan Dr

SCHEDULE		A
This forms part of application # <u>Z21-0018, OCP21-0007</u>		
Planner Initials	AT	 City of Kelowna <small>COMMUNITY PLANNING</small>
		RU1 to RM3

The Development Engineering Branch has the following comments and requirements associated with this application to rezone the subject property from RU1 to RM2. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technician for this project is Ryan O'Sullivan.

1. General

- a) The following requirements are valid for one (1) years from the reference date of this memo, or until the PLR and/or application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.

2. Domestic Water and Fire Protection

- a) The subject property is currently serviced with a 19mm water service. One metered water service will be required for the development. The disconnection of the existing small diameter water services and the tie-in of a larger service is the developer's responsibility,

3. Sanitary Sewer

- a) This property is currently serviced with a 100-mm sanitary service. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. An IC is required to be installed or confirmed by the engineer.

4. Storm Drainage

- a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the Subdivision, Development and Servicing Bylaw No. 7900. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems. Only one service will be permitted for this development. The applicant, at his cost, will arrange the installation of one overflow service if required.



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5. Electric Power and Telecommunication Services

- a) 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.

6. Road Improvements

- a) Manhattan Dr. will be upgraded in the future to an urban standard along the full frontage of this proposed development. A cash in Lou for this works will be required for **\$38,361.45**. The Covenantor shall pay the City Engineering Administration and Inspection Fee (3.5% of Total Construction Cost plus GST) in the amount of **\$1,409.75** (\$1,342.65 + \$67.13 GST) at the time of the execution of this Covenant.
- a) Dedicate ~5.00m width along the full frontage of Manhattan Dr. to achieve a 15.0m ROW.

7. Erosion Servicing Control Plan

- a) Provide a detailed ESC Plan for this development as per the Subdivision, Development and Servicing Bylaw #7900.
- b) The developer must engage a consulting civil engineer to provide an ESC plan for this site which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900.
- c) Civil consultant is responsible for all inspection and maintenance.
- d) A Security Deposit for ESC Works equal to 3.0% of the Consulting Engineer's opinion of probable costs of civil earthworks and infrastructure will be added to the Servicing Agreement.

8. Road Dedication and Subdivision Requirements

- b) Grant Statutory Rights of Way if required for utility services.
- c) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.
- d) Dedicate ~5.00m width along the full frontage of Manhattan Dr. to achieve a 15.0m ROW

9. Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.

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

10. Servicing Agreement for Works and Services

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

11. Geotechnical Report

Provide a geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision. The Geotechnical reports must be submitted to the Development Services Department (Subdivision Approving officer) for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

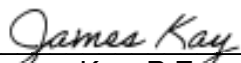
- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Recommendations for items that should be included in a Restrictive Covenant.
- (vi) Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
- (vii) Any items required in other sections of this document.

SCHEDULE		A
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# Z21-0018, OCP21-0007		
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		City of Kelowna COMMUNITY PLANNING


12. Charges and Fees

- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - ii) Levies

Manhattan Dr. frontage improvements	\$38,361.45
City Engineering Administration and Inspection Fee	\$1,409.75
Service upgrades	To be determined


James Kay, P.Eng.
Development Engineering Manager

RO

SCHEDULE		A
This forms part of application # <u>Z21-0018, OCP21-0007</u>		
Planner Initials	<div>AT</div>	 City of Kelowna COMMUNITY PLANNING

January 08, 2021

955 MANHATTAN DR. – townhouse & apartment buildings

20-1889

Design Rationale

rev-04

Introduction

MCMI Developments Ltd. is pleased to make application for a minor OCP amendment and rezoning to RM3 of this property located at 955 Manhattan Drive to accommodate this proposed new townhouse & condominium development. This development is in an established neighborhood that has seen relatively little development in recent years beyond upgrades to the waterfront residences. With the recent closure of the Tolko mill, it is anticipated that there will be significant redevelopment in this area. This project has the potential to guide the form and character of this neighborhood redevelopment in the years ahead.

The building architecture is based upon the following design principles:

Developer's Vision

"Our passion for this project comes from a perspective of parents of a fully dependent special needs child. We set out to purchase a condo in the downtown area that would lessen the daily challenges that we face primarily around accessibility. After deciding that we would like to live in the area, finding a condo that met our needs was challenging. Every condo that we looked at had many of the same problems.... vestibules from the parking garages had no accessibility buttons, there were thresholds blocking the access of a wheelchair to the patios, the hallways all too narrow to be able to turn corners without banging into and damaging walls, washroom accessibility nonexistent. Our dream is to build a place where we are able to live with our son for years to come where accessibility is not a barrier.

This privilege would, in our opinion, extend to all other owners, perhaps with needs like our own, as a fully integrated accessible building. We also enjoy the accessibility to many services from this location and we have a strong belief in the future of the downtown area. In fact, in recent years, we have opened new downtown businesses creating dozens of new jobs. This year we have moved to this same neighborhood and we love the healthier lifestyle (our vehicle usage has decreased dramatically). Densification makes sense to us and it allows us to walk between home, work, restaurants and shopping. We wish to make this our "forever" home but we also wish for others to be able to enjoy living in the same neighborhood!

Our inspiration for the design comes primarily from the name of the street, "Manhattan". We designed the building to have a timeless NY Manhattan apartment form. The building sits back on the lot to be unassuming with a tranquil common green space between it and the townhouses lining the Manhattan street, in keeping with the streetscape. The design intent is also driven by the desire to conserve water, electricity and natural gas by use of innovative energy saving technologies such as photovoltaic, solar hot water, electric car plug ins, on demand hot water heaters, and low water usage landscape design. We are downtown business owners who want to see growth and prosperity in our city. We look forward to living the downtown lifestyle with the ability to enjoy all of the amenities that the urban centre has to offer."

Site Planning

The development concept was developed, with regular early input from City planning staff as **two buildings in a 'townhouse and apartment' concept**. This concept achieves several urban planning benefits to the property:

- 1) The low-rise townhouse facing Manhattan is a smaller, two-story structure that nicely reflects the single-family fabric of the surrounding neighborhood.

- 2) The larger 5-storey apartment building (4-storey with set-back penthouse) is located at the rear of the property where it faces both a laneway and Jack Brow park thus mitigating potential impacts of shadow on any neighboring properties away.
- 3) Two buildings break down the massing of the overall development and take better advantage of the deep property and a longer, more massive, single building.
- 4) Two buildings created a private outdoor courtyard that provides an amenity that can be secured, supervised, and shared by the residents.

Building Form

This building form is modelled on the 'urban brownstone' common in established, pedestrian-oriented neighborhoods throughout Europe and North America. The inspiration for 955 Manhattan is New York City's Manhattan brownstones and some more recently constructed projects including in Kelowna's South Pandoosy north Kelowna neighborhoods. The buildings both use classical proportions in form and detail. The form is organized with a 'base', 'middle' and (set back) 'top' and is articulated with regularly spaced, vertically proportioned windows, and detailed with classically proportioned frames and cornice features.

Materials

The building is clad in a mix of durable and natural materials that include stone veneer base in key locations, cement stucco with traditional cornice and framing details at windows, entries, and roof parapets.

Generous covered decks with sliding 'window wall' comprise the western elevation of the apartment building to take advantage of the lake views. The colour palette consists of a warm beige or 'off-white' with black accent features that will bring harmony with some crisp contrasting elements to the project. The lighter tones will also reduce the cooling demands of the building).



ATTACHMENT		A
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ATTACHMENT

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ATTACHMENT B

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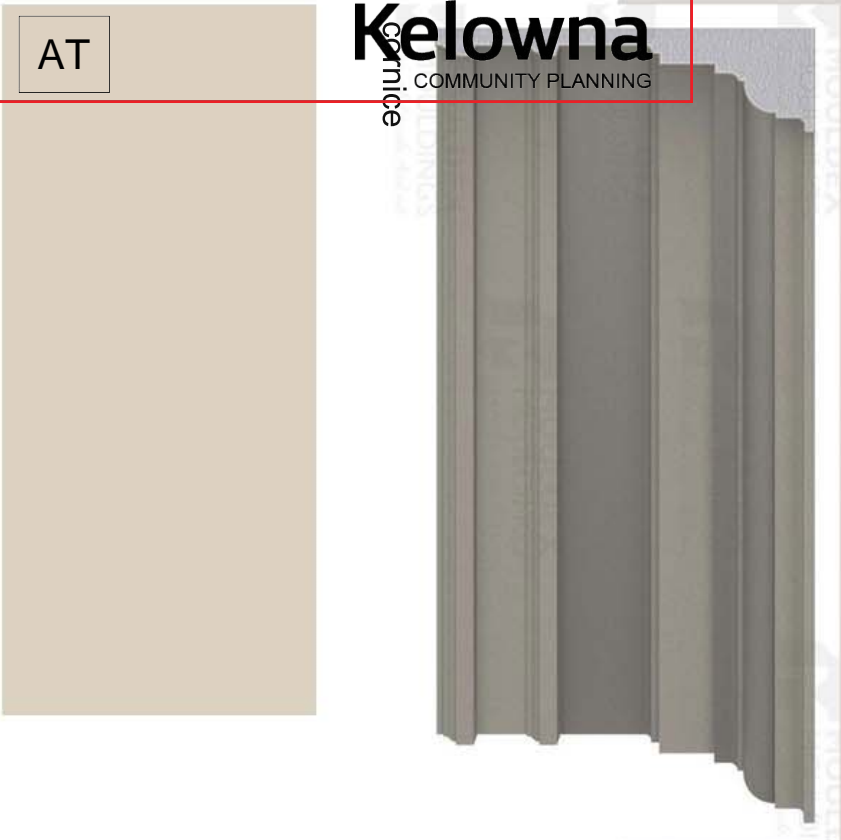


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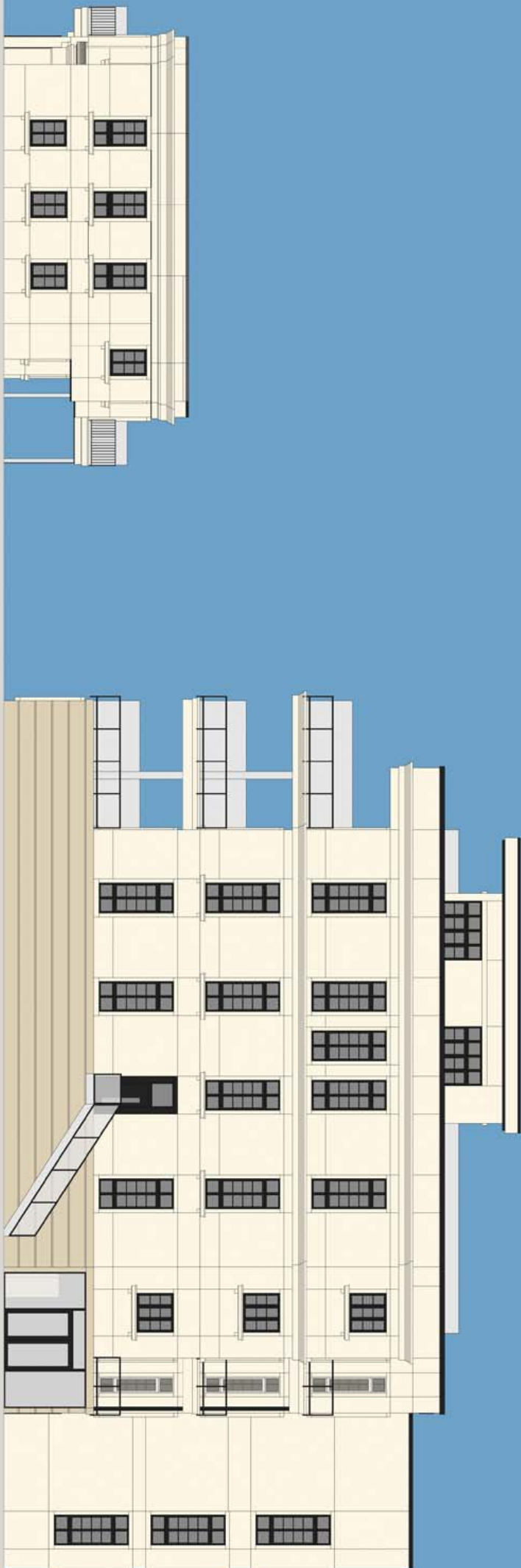
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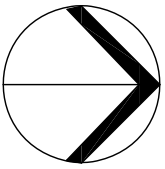


Board-formed Concrete



black window/door frame





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No.	Date	Revision
01	2020-11-16	PP SUBMISSION

Project Title
MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING

955 MANHATTAN DRIVE KELOWNA V1Y 1H7

Drawing Number

A2.01

Drawings are NOT TO BE SCALED.
ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title
SITE PLAN

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Job No.	m+m-20-1889
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Drawn	SN
Checked	JM

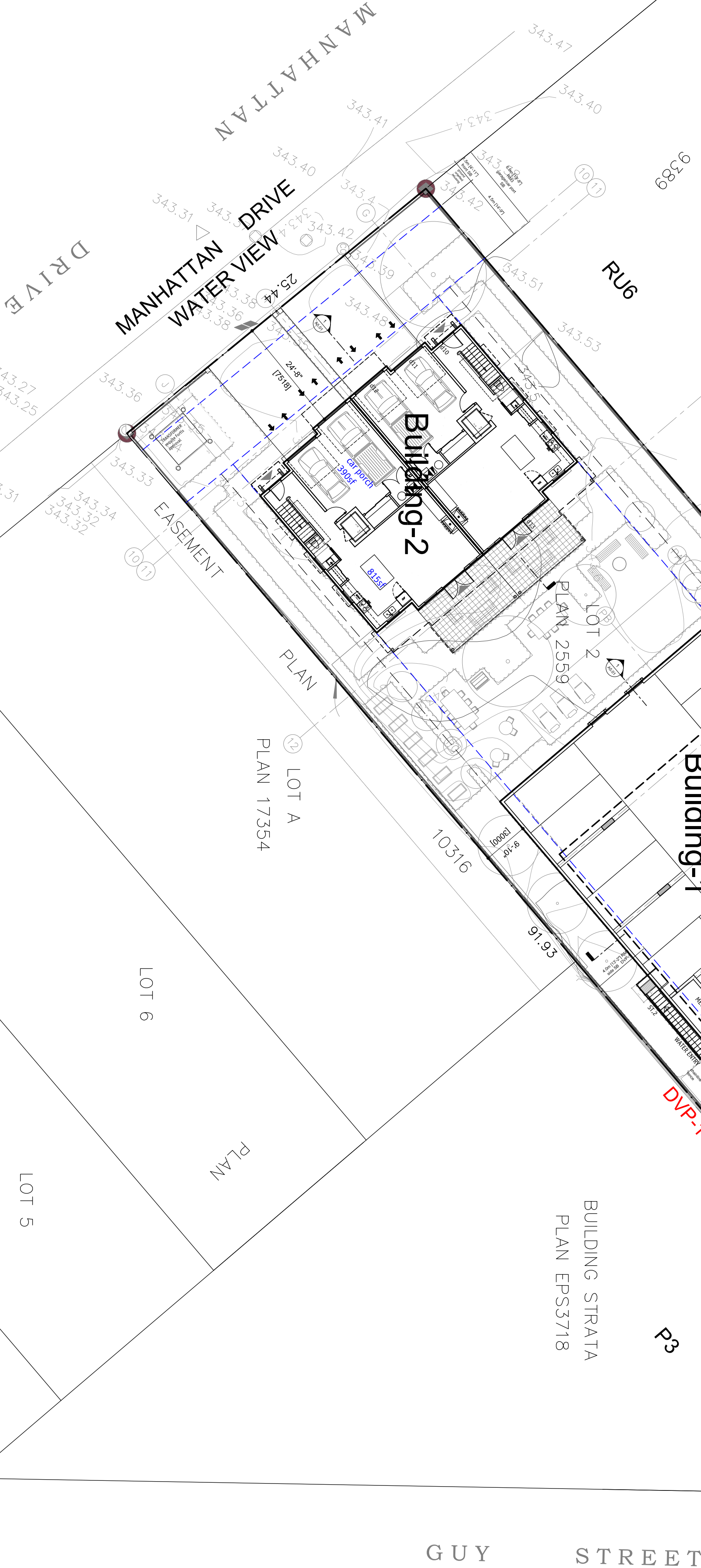
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JACK
BROW
PARK
PLAN 887
P3

LANE

GUY STREET

GUY STREET



ATTACHMENT B

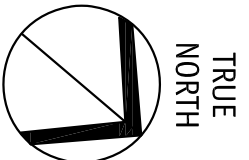
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Project Title
**MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING**

955 MANHATTAN DRIVE KELOWNA V1Y 1H7

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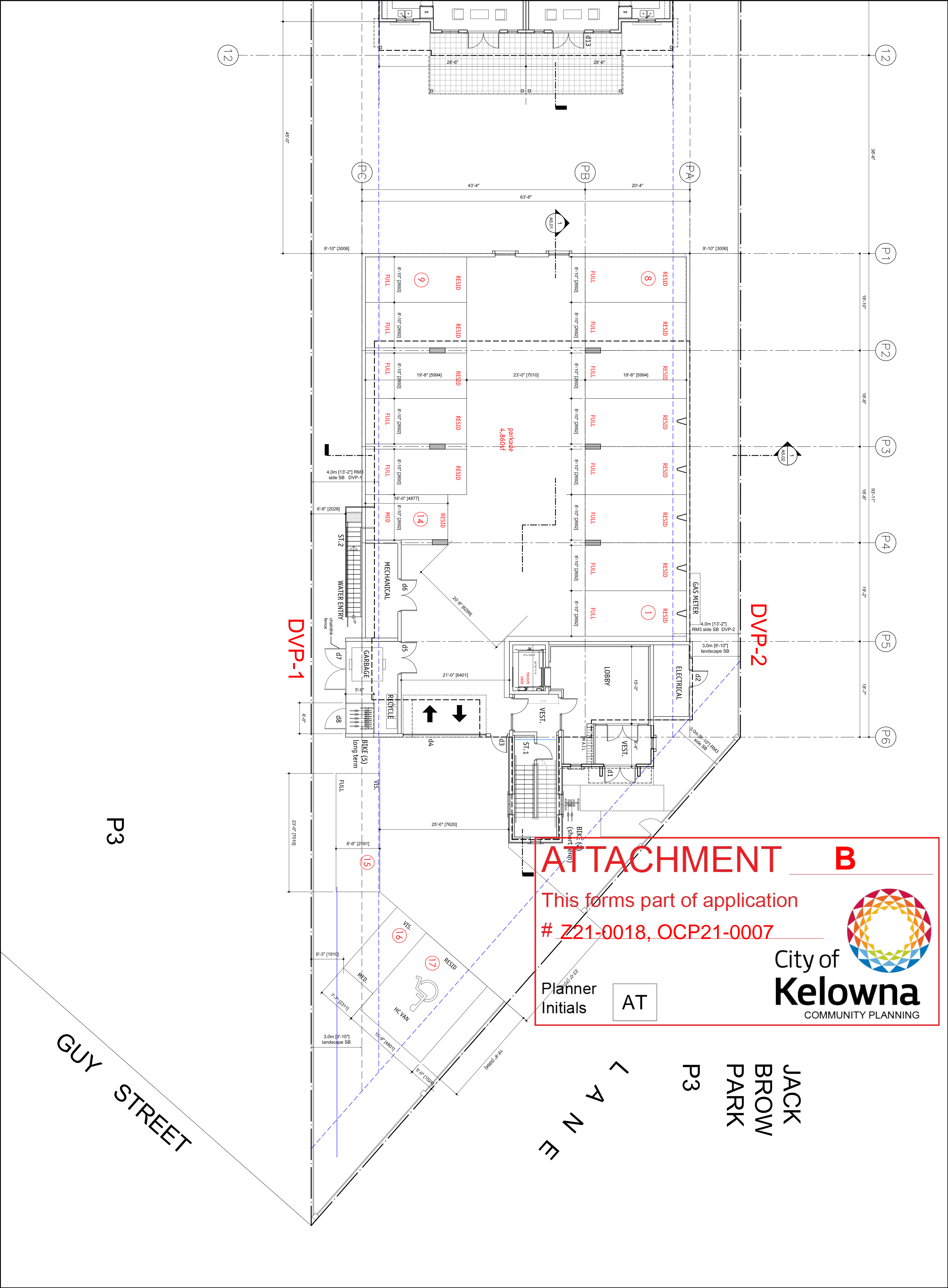
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Drawing Title

**CONDO
LEVEL 1 PLAN**

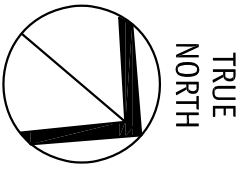
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2021-01-25

DP



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Project Title
MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING

955 MANHATTAN DRIVE, KELLOWNA V1Y 1H7

Drawing Number

A3.01-2

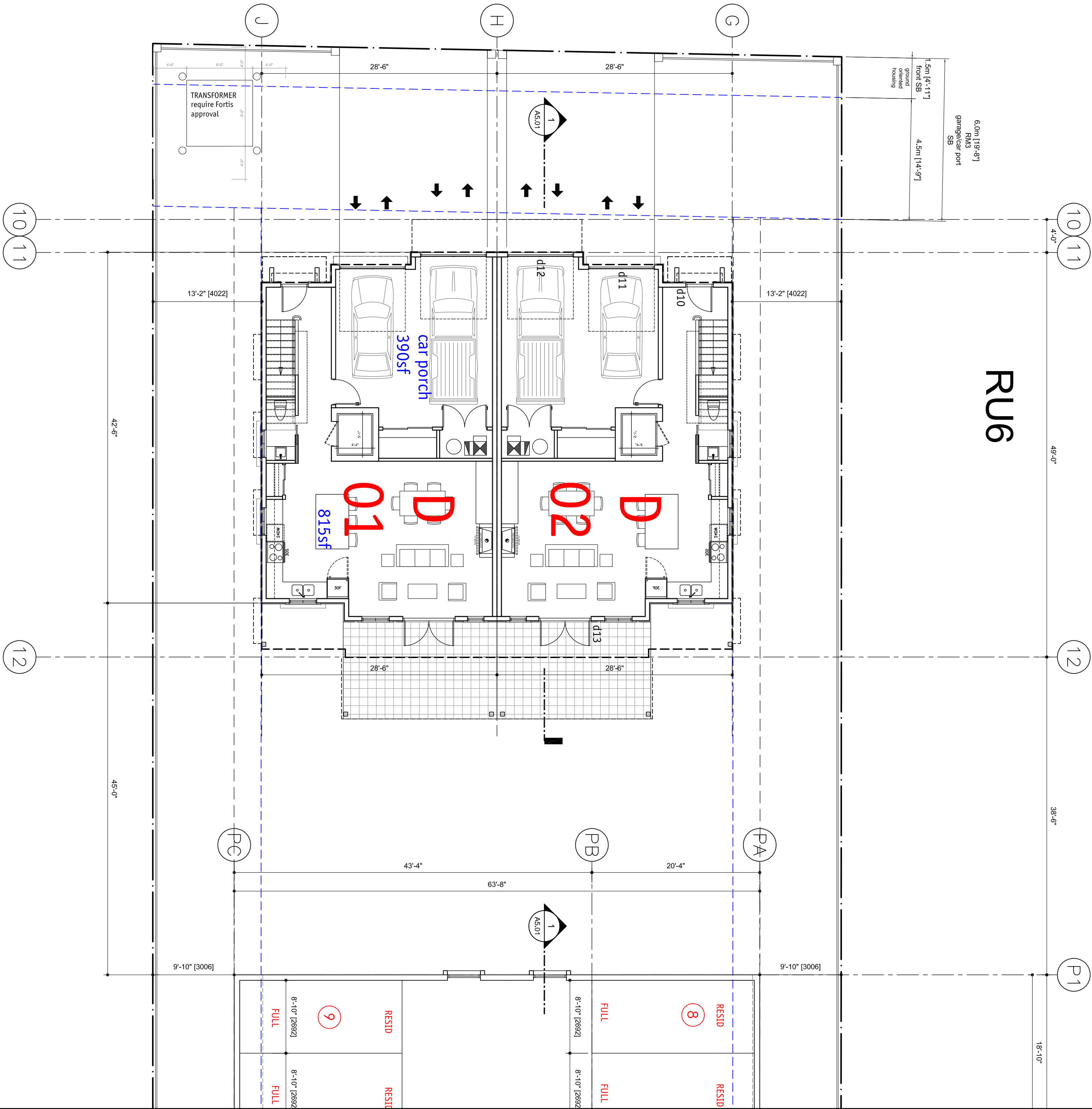
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Drawing Title

TOWNHOUSE
LEVEL 1 PLAN

scale: 1/8" = 1' 0"

Date	2021-01-25
Job No.	m+m-20-1889
Scale	AS SHOWN
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ATTACHMENT **B**

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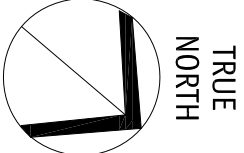
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MANHATTAN DRIVE
WATER VIEW



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Project Title
MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING

955 MANHATTAN DRIVE KELLOWNA V1Y 1H7

Drawing Number

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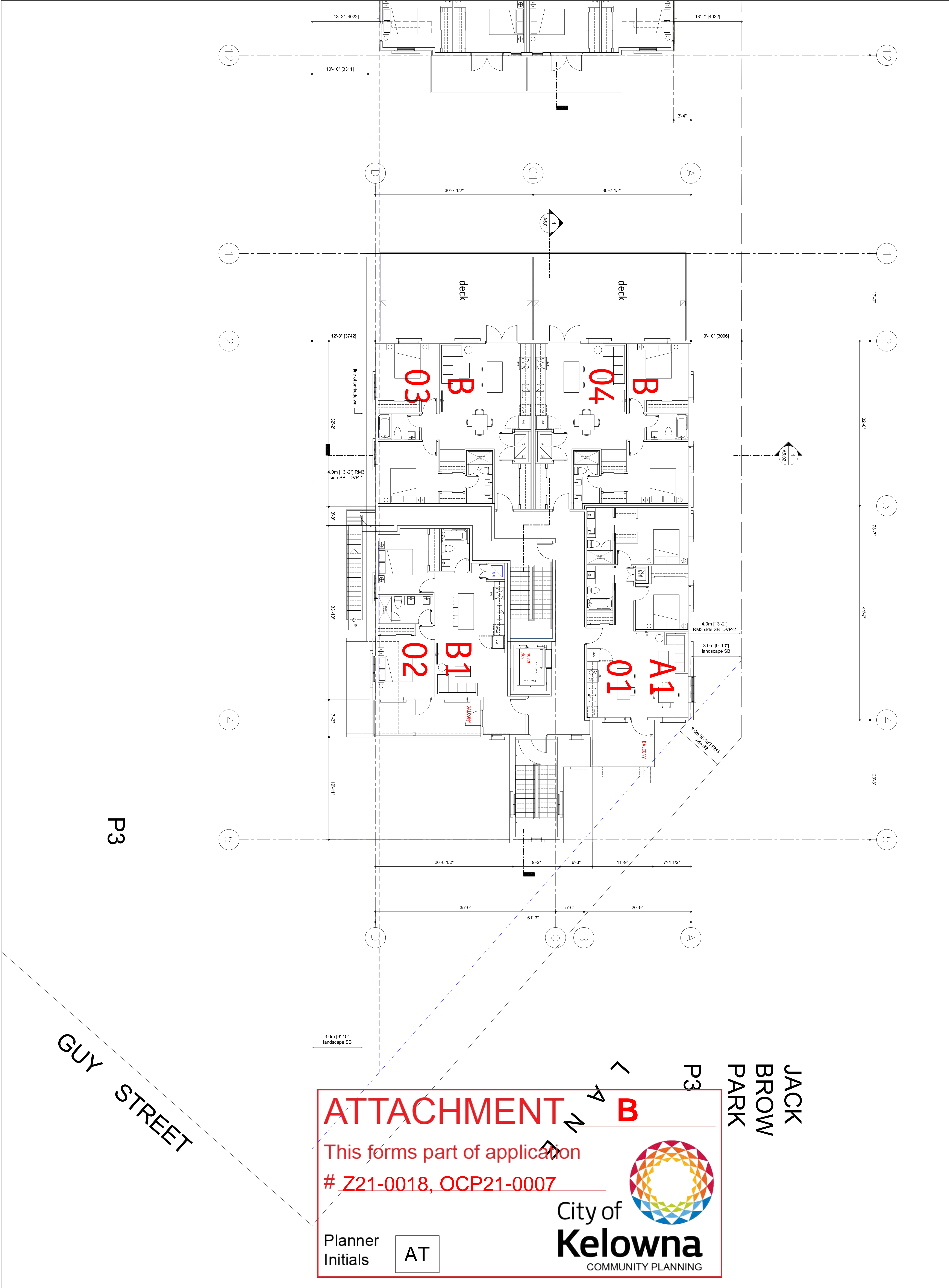
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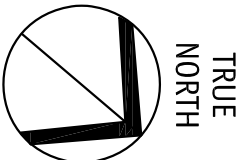
Drawing Title

CONDO
LEVEL 2 PLAN

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Date	2021-01-25
Job No.	m+m 20-1889
Scale	AS SHOWN
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- MULTI-FAMILY
HOUSING**

955 MANHATTAN DRIVE KELOWNA V1Y 1H7

Drawing Number

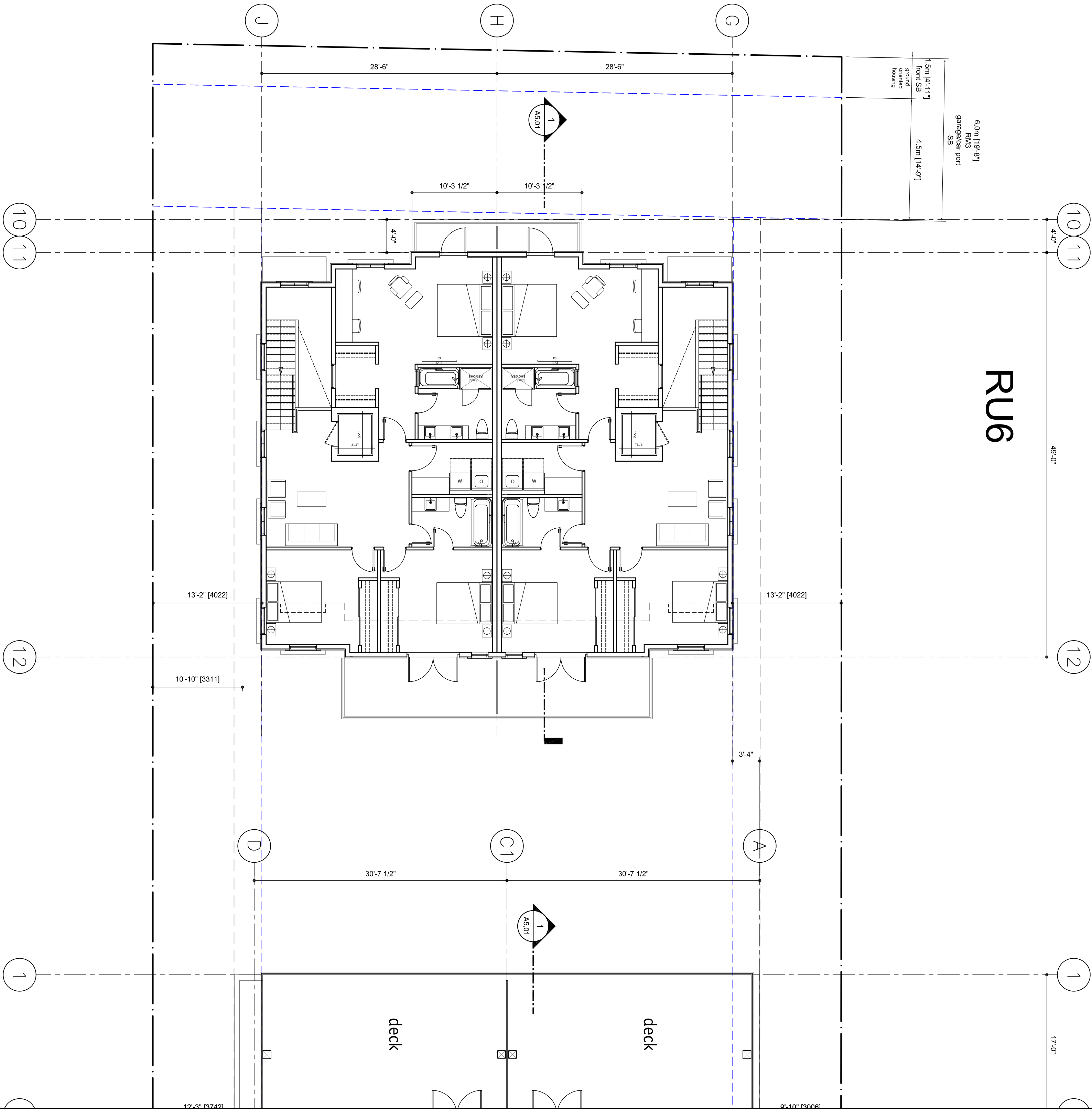
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Drawing Title
**TOWNHOUSE
LEVEL 2 PLAN**

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Job No.	m+m-20-1889
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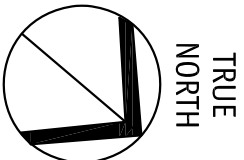
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MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING

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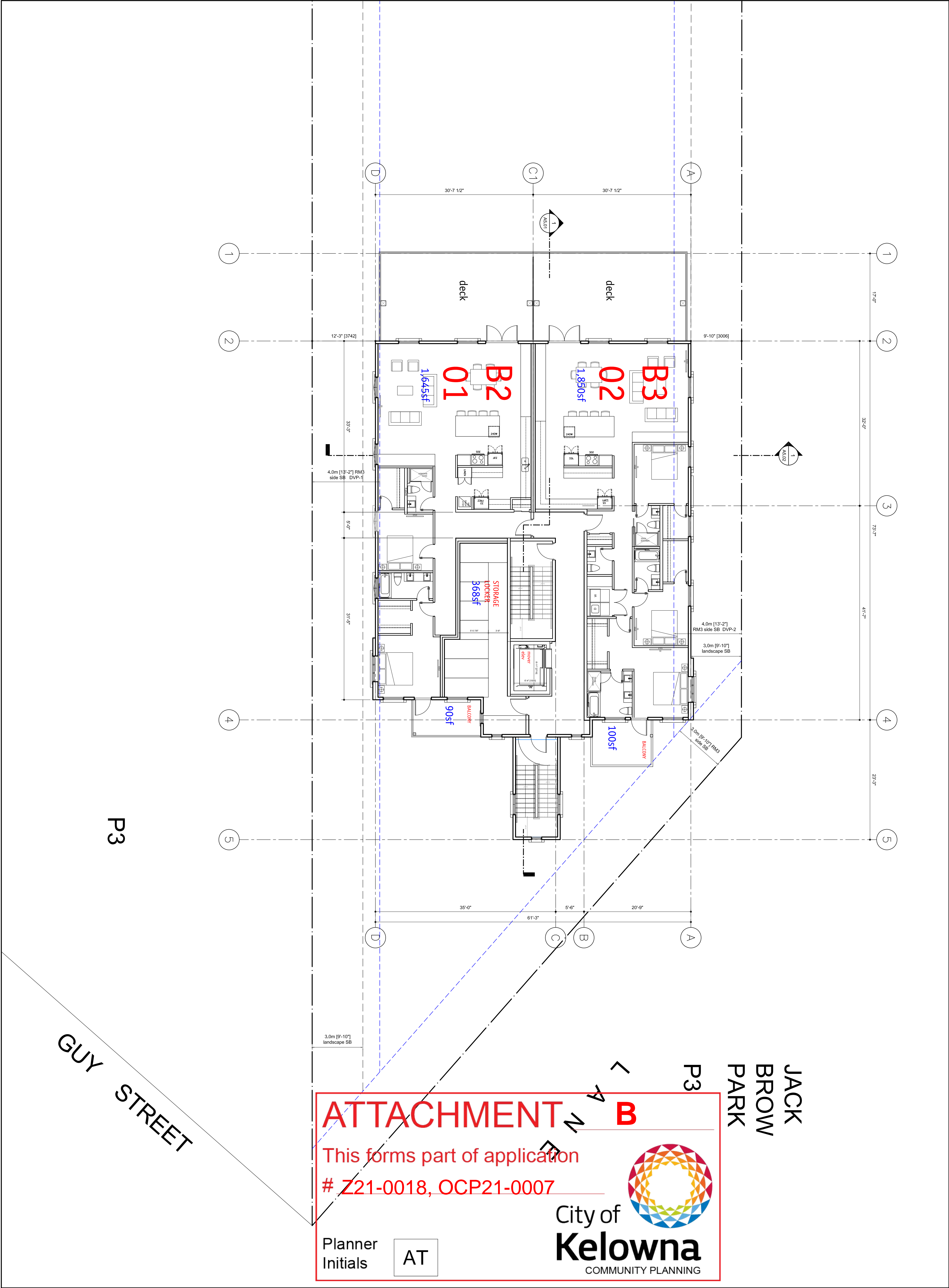
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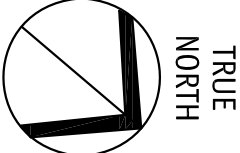
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Drawn	SN
Checked	JM



JACK
BROW
PARK

P3

GUY STREET



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Project Title
**MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING**

955 MANHATTAN DRIVE KELOWNA V1Y 1H7

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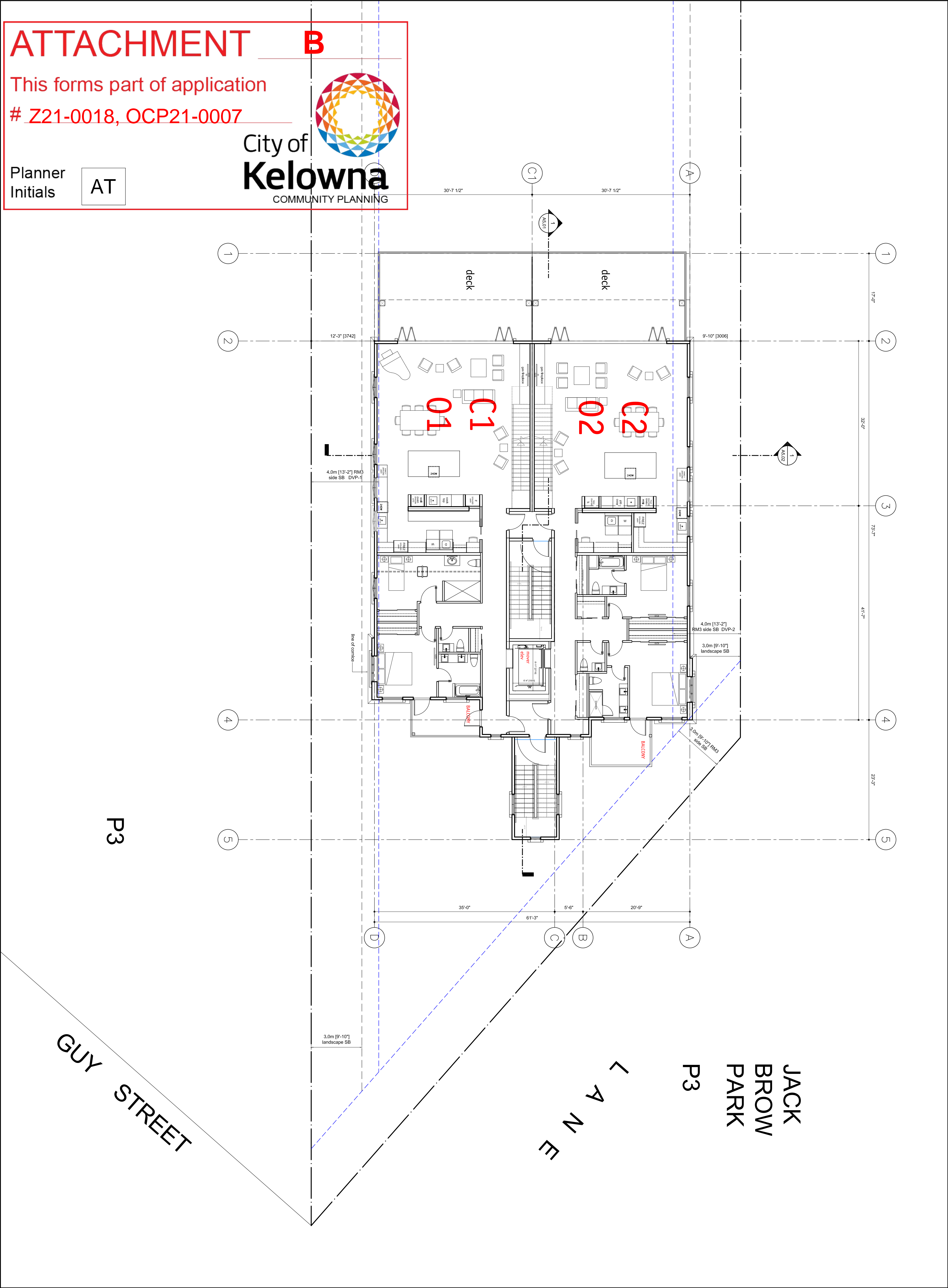
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Drawing Title
**CONDO
LEVEL 4 PLAN**

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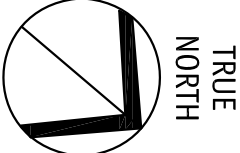
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**MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING**

955 MANHATTAN DRIVE KELOWNA V1Y 1H7

Drawing Number

A3.05

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Drawing Title

**CONDO
LEVEL 5 PLAN**

scale: 1/8" = 1' 0"

Date	2021-01-25
Job No.	m+m 20-1889
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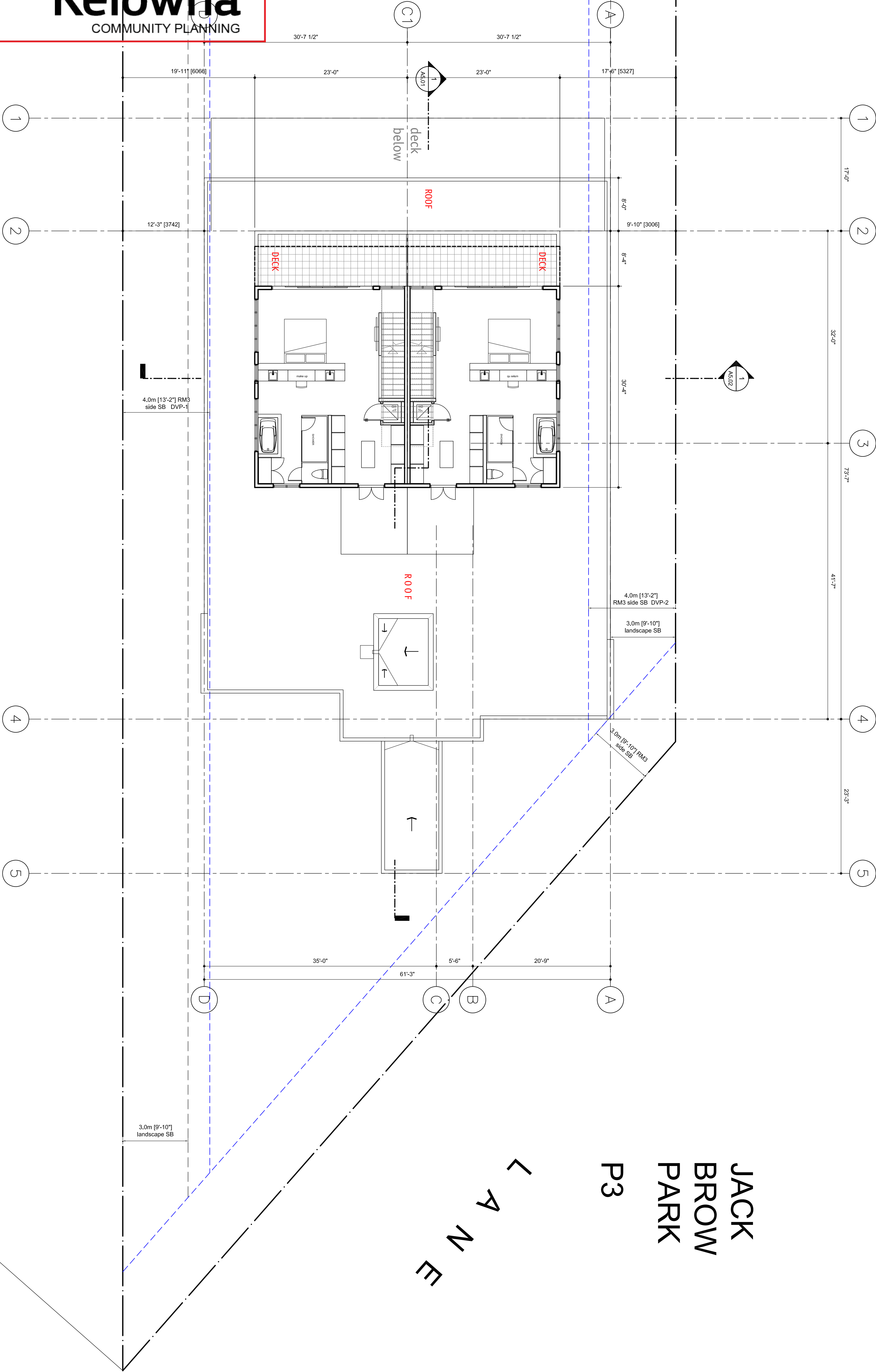
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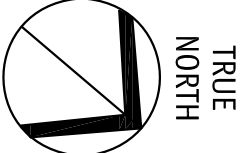
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JACK
BROW
PARK

P3

L A N E

GUY STREET



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MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING

955 MANHATTAN DRIVE, KELLOWNA V1Y 1H7

Drawing Number

A3.06-1

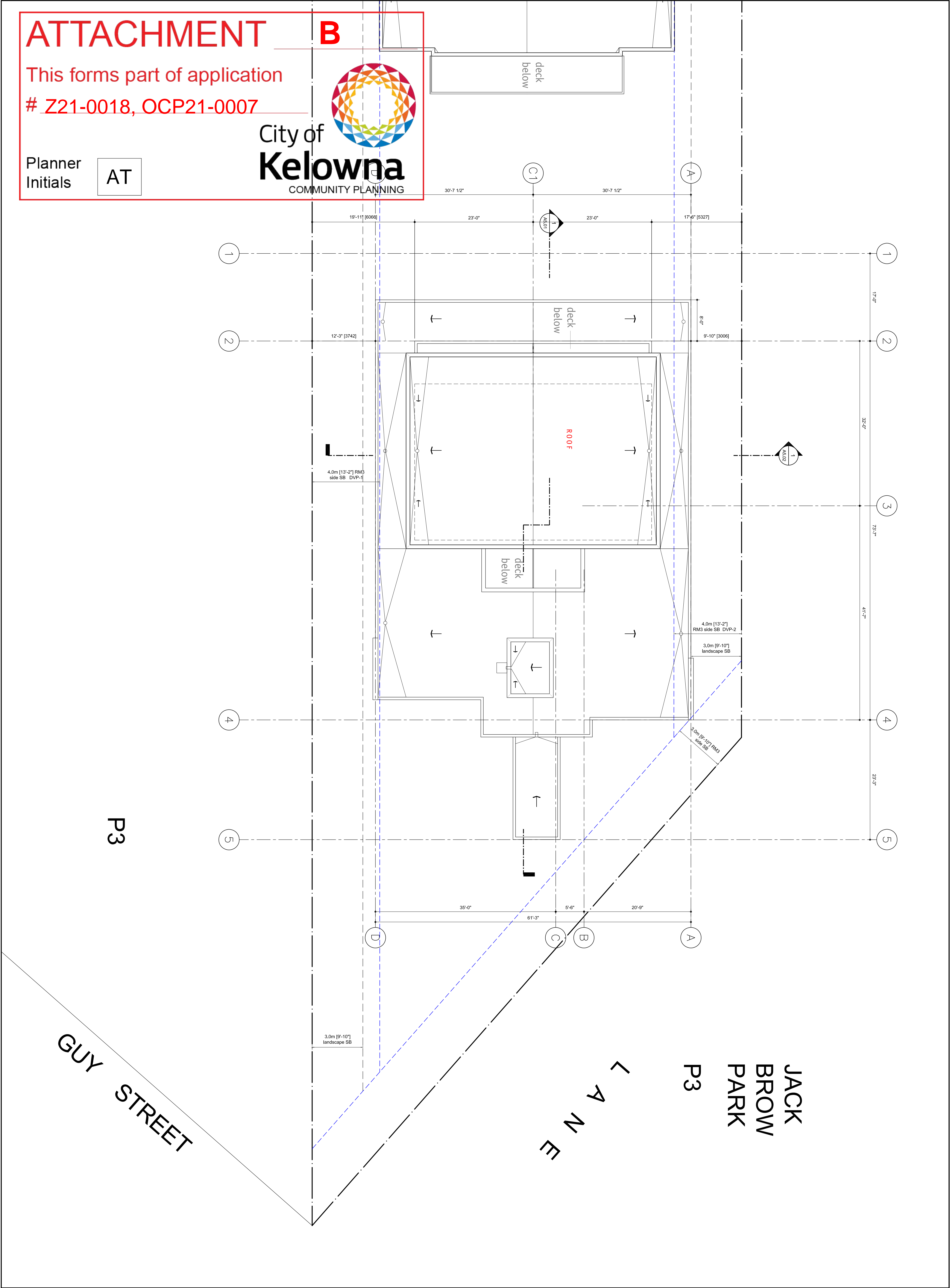
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ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title

CONDO
ROOF PLAN

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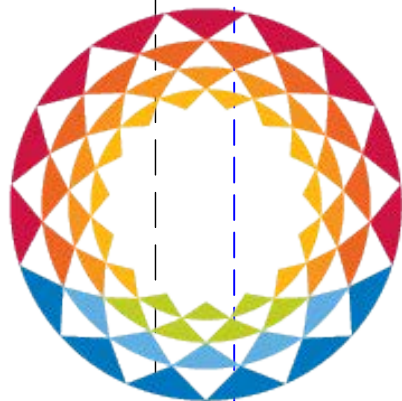
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Planner
Initials

AT

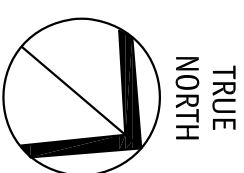
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City of
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COMMUNITY PLANNING

2021-01-25

DP



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[illegible]

Project Title
MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING

955 MANHATTAN DRIVE KELOWNA V1Y 1H7

Drawing Number

A3.06-2

DRAWINGS ARE NOT TO BE SCALED.
ALL DIMENSIONS SHALL BE VERIFIED ON JOB

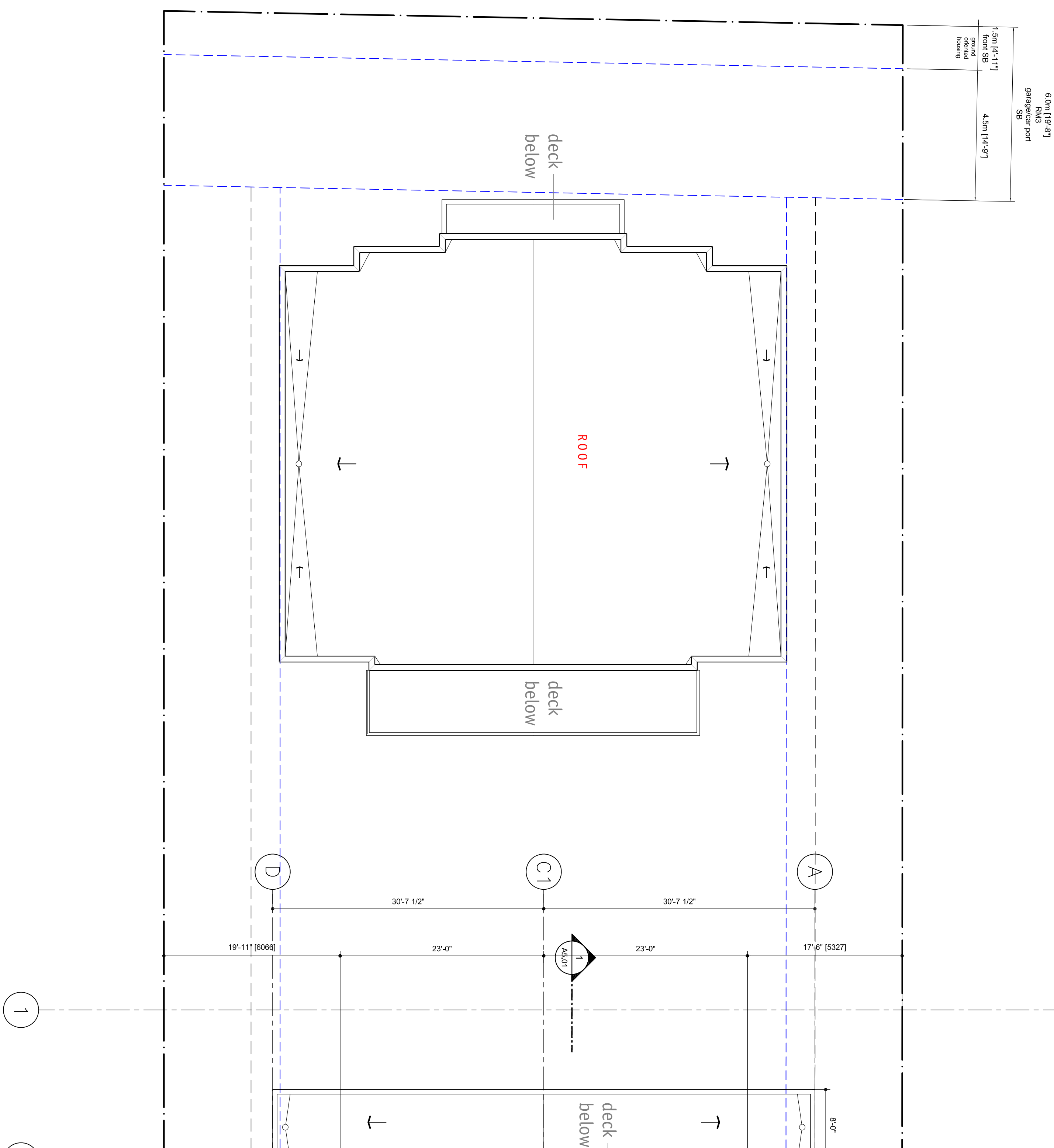
Drawing Title

TOWNHOUSE
ROOF PLAN

scale: 1/8"=1'0"

Date	2021-01-25
Job No.	m+m 20-1889
Scale	AS SHOWN
Drawn	SN
Checked	JM

RUG



MANHATTAN DRIVE
WATER VIEW

ATTACHMENT B

This forms part of application
Z21-0018, OCP21-0007



City of
Kelowna
COMMUNITY PLANNING

Planner
Initials

AT

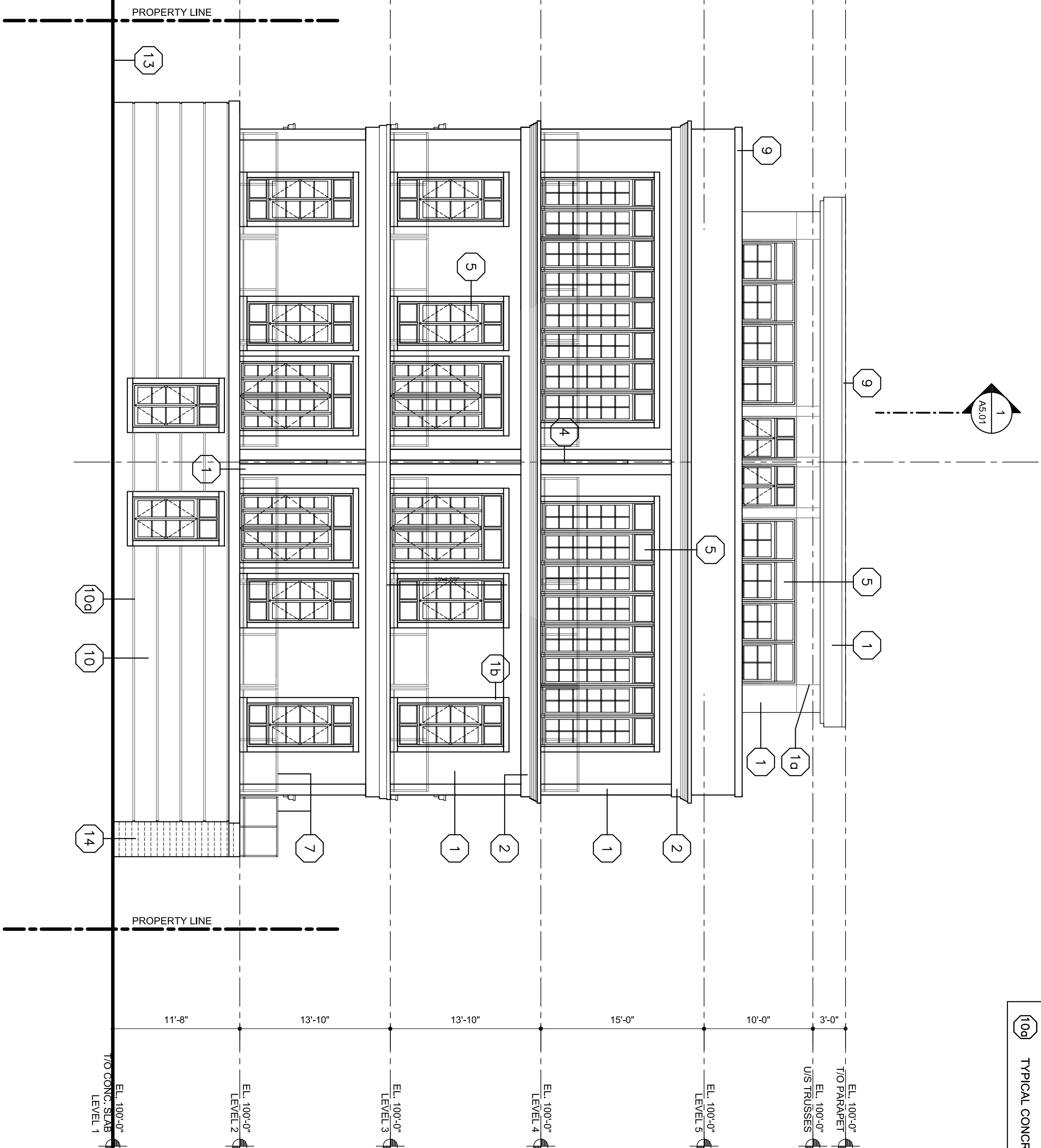
DP

BUILDING ELEVATION KEY NOTE:
ALL COLOURS TO BE CHOSEN BY ARCHITECT FROM APPROVED PRODUCT MANU.F.S
STANDARD LINE OF COLOURS.



City of

AT



MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING

955 MANHATTAN DRIVE KELOWNA V1Y 1H7

Drawing Number

A4.01

DRAWINGS ARE NOT TO BE SCALED.
ALL DIMENSIONS SHALL BE VERIFIED ON JOB

CONDO
REAR ELEVATION
facing townhouse
scale: 1/8"=1'0"

Date	2021-01-25
Job No.	m+m 20-1889
Scale	AS SHOWN
Drawn	SM
Checked	JM

DP

955 MANHATTAN DRIVE KELOWNA V1Y 1H7

Drawing Number

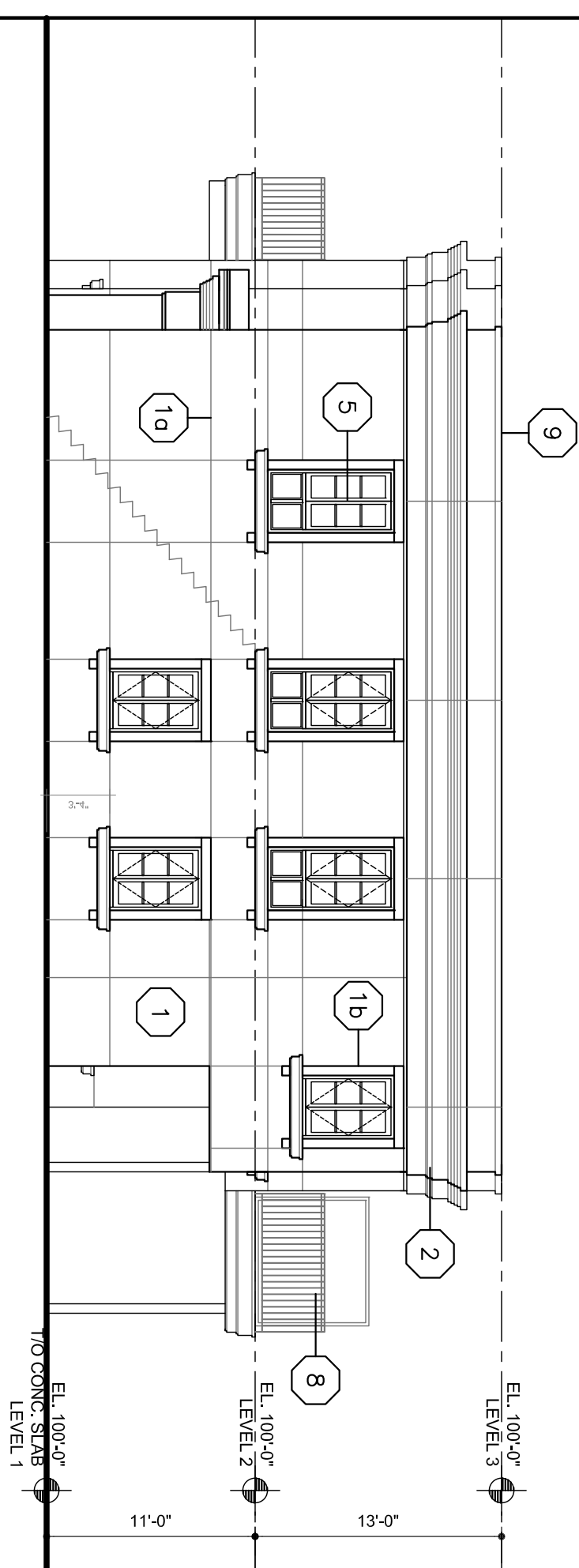
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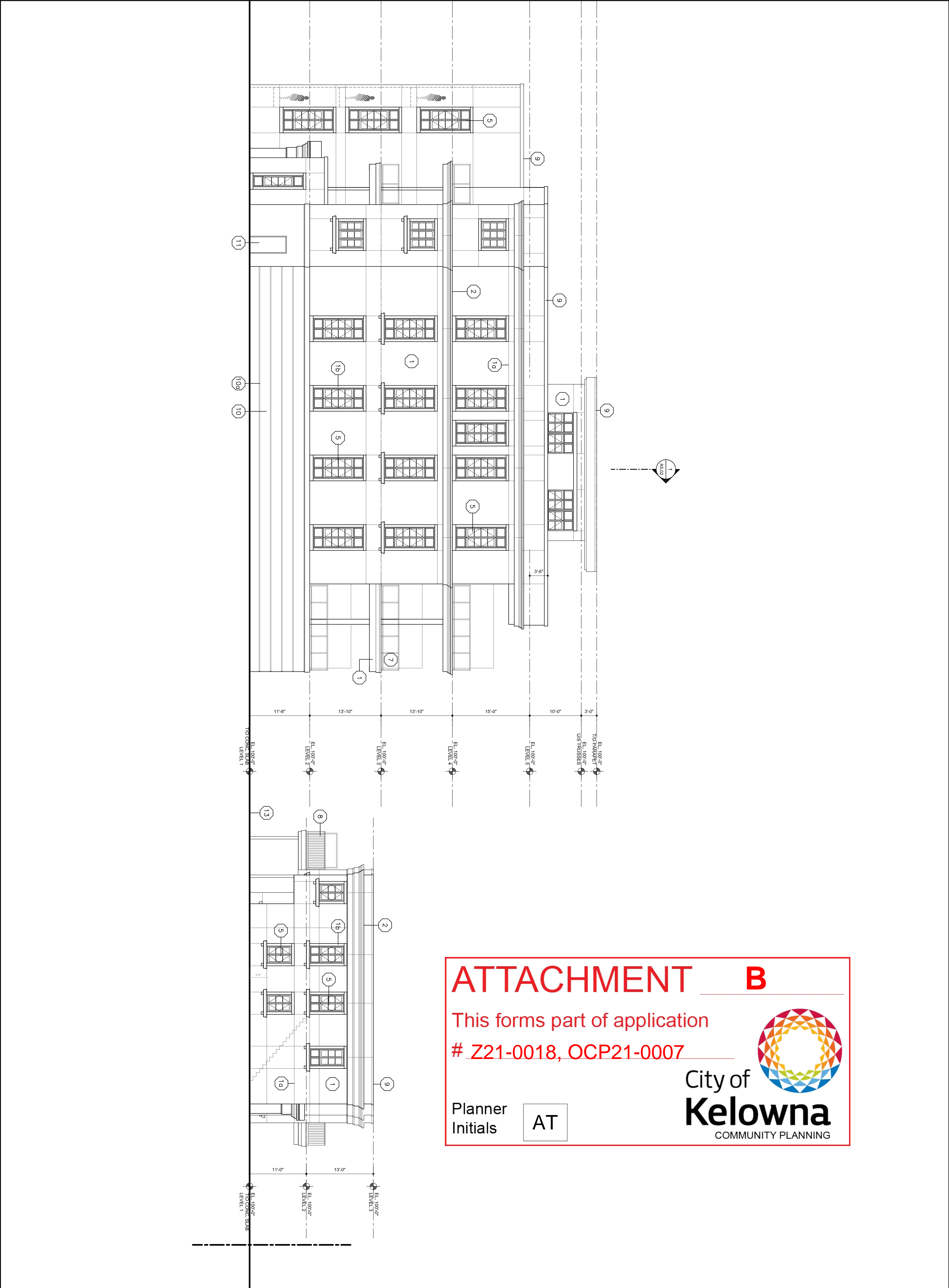
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Date	2021-01-25
Job No.	m+m 20-1889
Scale	AS SHOWN
Drawn	SN
Checked	JM



DVP-3







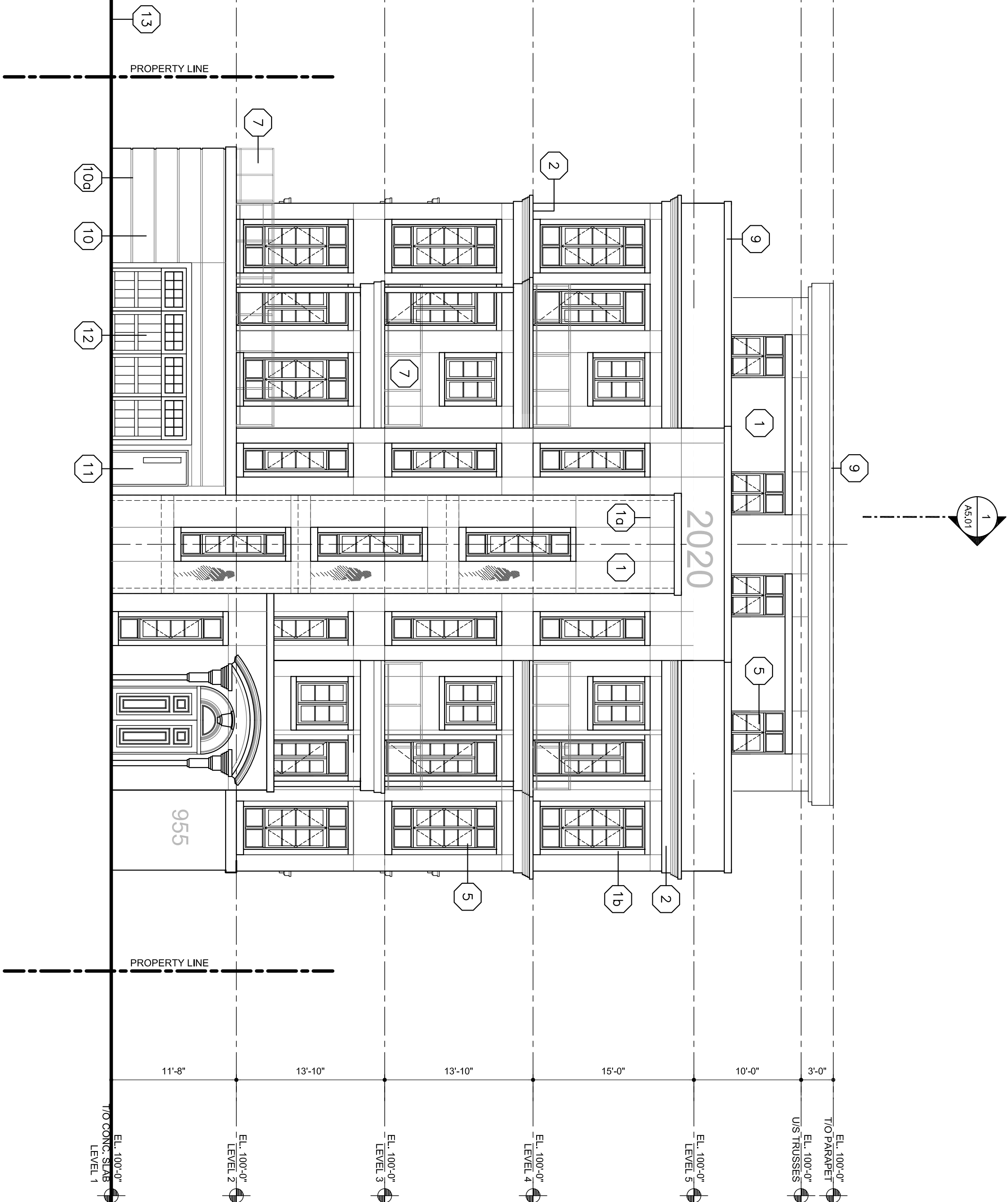
City of
Kelowna
COMMUNITY PLANNING

ATTACHMENT B

This forms part of application
Z21-0018, OCP21-0007

Planner
Initials

AT



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No.	Date	Revision
01	2020-11-16	PP SUBMISSION

Project Title
**MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING**

955 MANHATTAN DRIVE KELOWNA V1Y 1H7

Drawing Number

A4.04

Drawings are NOT TO BE SCALED.
ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title

**CONDO
FRONT ELEVATION**

scale: 1/8" = 1' 0"

Date	2021-01-25
Job No.	m+m-20-1889
Scale	AS SHOWN
Drawn	SN
Checked	JM



Z21-0018 & OCP21-0007 955 Manhattan Dr.

Rezoning and OCP Amendment Application



Proposal

- ▶ To rezone the subject property from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone;
- ▶ With accompanying OCP Amendment to change the future land use designation of the lot from the S2RES – Single / Two Unit Residential designation to the MRL – Multiple Unit Residential Low Density Designation.

Development Process

Feb. 23, 2021

Development Application Submitted



Staff Review & Circulation



Apr. 9, 2021

Public Notification Received



June 14, 2021

Initial Consideration



Public Hearing
Second & Third Readings



Final Reading
DP & Variances

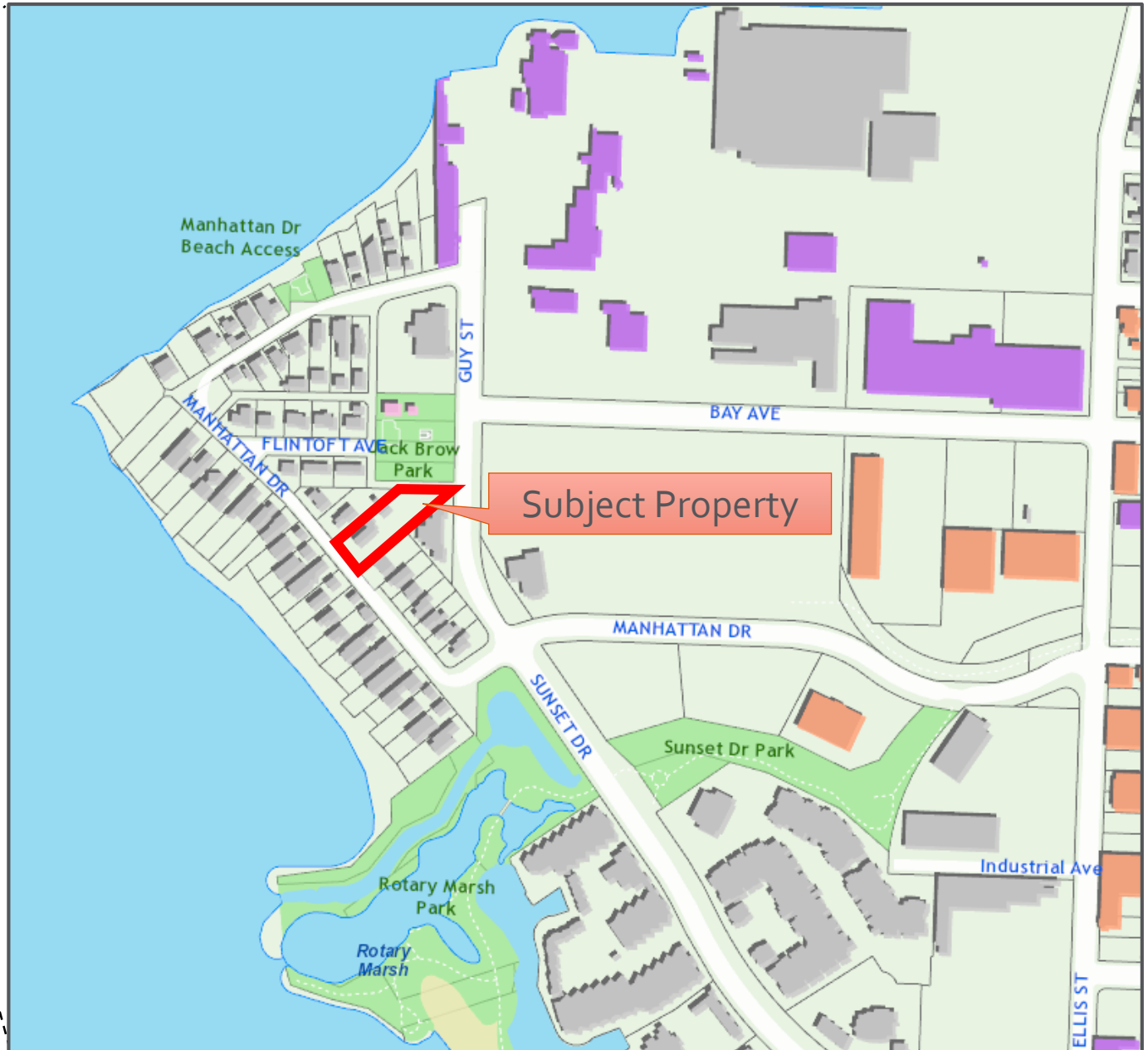
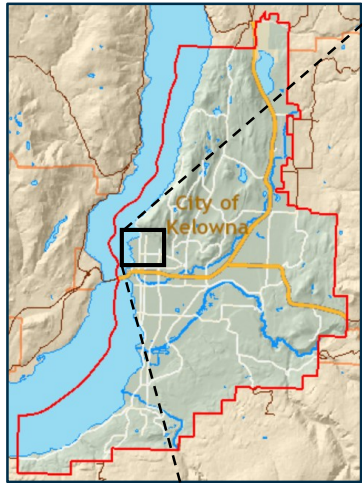


Building Permit

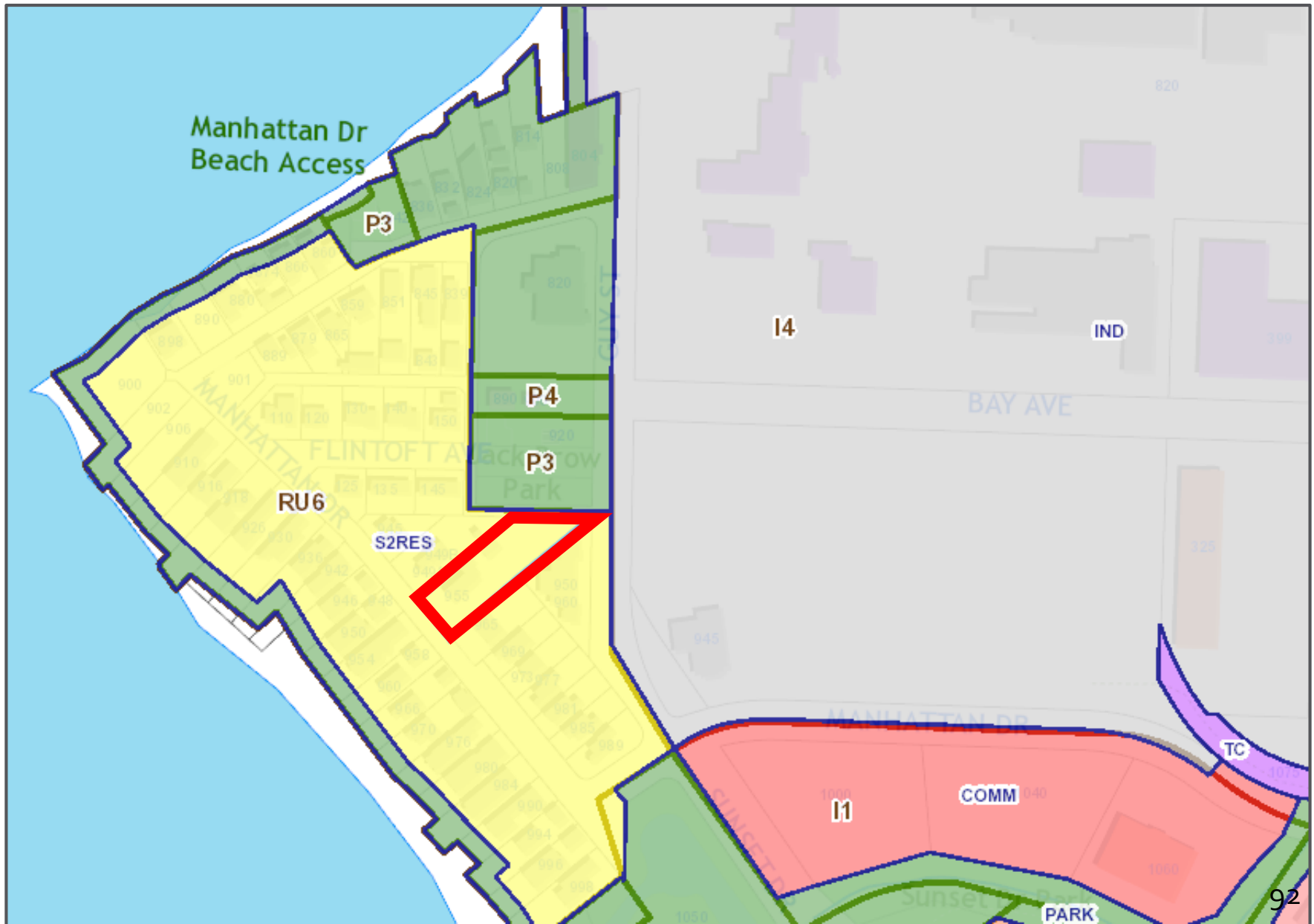


Council
Approvals

Context Map



OCP Future Land Use / Zoning



Subject Property Map



Project/technical details

- ▶ Rezone: RU6 ➡ RM₃
- ▶ OCP Amendment: S2RES ➡ MRL
- ▶ Facilitate a multiple dwelling unit development

Discussion

- ▶ Staff support the proposed RM3 zone for the following reasons:
 - ▶ Size and orientation of lot
 - ▶ 2000m², cannot be conveniently subdivided
 - ▶ RM3 allows 3 storeys/10m height
 - ▶ Potential to be respectful of neighbours;
 - ▶ and fit the context of the neighbourhood.
 - ▶ Limited impact on local streets
 - ▶ Access to collector Guy St. via laneway



Discussion

- ▶ Close proximity to:
 - ▶ Downtown
 - ▶ Amenities:
 - ▶ Jack Brow Park
 - ▶ Rotary Marsh Park
 - ▶ Rail Trail
 - ▶ Waterfront Park
 - ▶ Sutherland Park
 - ▶ Knox Mtn. Park
- ▶ Densification sensitive to surrounding neighbourhood considered desirable



Design

- ▶ Existing design poses challenges
 - ▶ Semi-detached unit facing Manhattan Dr.
 - ▶ 5 storey, 10 unit apt. at rear of lot



Staff Recommendation

- ▶ Staff support the proposed RM3 zone
 - ▶ Size and orientation of lot
 - ▶ RM3, 3 storeys/10m height
 - ▶ Limited impact on local streets
 - ▶ Close proximity to downtown and amenities
 - ▶ Existing design is not supportable



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12227

Official Community Plan Amendment No. OCP21-0007 955 Manhattan Drive

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lot 2 Section 30 Township 26 ODYD Plan 2559, located on Manhattan Drive, Kelowna, B.C., from the S2RES – Single / Two Unit Residential designation to the MRL – Multiple Unit Residential (Low Density) designation;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 12228
Z21-0018
955 Manhattan Drive

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2 Section 30 Township 26 ODYD Plan 2559 located at Manhattan Drive, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: June 14, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z21-0020

Owner: Kelowna Christian Center
Society, Inc. No. 50017232

Address: 155 Bryden Rd.

Applicant: Blair Sampson; WestUrban
Developments Ltd.

Subject: Rezoning Application

Existing OCP Designation: MRM – Multiple Unit Residential Medium Density

Existing Zone: RM5 – Medium Density Multiple Housing

Proposed Zone: RM5r – Medium Density Multiple Housing (Residential Rental Tenure Only)

1.0 Recommendation

THAT Rezoning Application No. Z21-0020 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 27 Township 26 ODYD Plan EPP85221, located at 155 Bryden Road, Kelowna, BC from the RM5 – Medium Density Multiple Housing zone to the RM5r – Medium Density Multiple Housing (Residential Rental Tenure Only) zone, be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464(2), waive the Public Hearing for the Rezoning Bylaw;

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

2.0 Purpose

To rezone the lot from the RM5 – Medium Density Multiple Housing zone to the RM5r – Medium Density Multiple Housing (Residential Rental Tenure Only) zone to restrict tenure on the lot to residential rental housing only, and to waive the Public Hearing.

3.0 Development Planning

Staff supports the proposal to rezone the lot to RM5r – Medium Density Multiple Housing (Residential Rental Tenure Only) to restrict tenure on the lot to residential rental only.

The 'r' designation was introduced recently under the City's multiple housing zones to restrict tenure on subject lots to residential rental only. The designation entitles property owners to a reduction in required parking stalls at the rate of 20% in urban centres, and 10% outside of urban centres. In this case, the lot is within the Rutland Urban Centre, and so would be entitled to a 20% reduction in required parking.

The City's Healthy Housing Strategy identifies rental housing as a significant need. Rezoning the lot to RM5r ensures the housing units on the subject property remain rental for the life-cycle of the building helping to fulfill the policy objective.

4.0 Proposal

4.1 Background

In July of 2019 the property was rezoned to RM5 – Medium Density Multiple Housing (Z18-0027), and a Development Permit and Development Variance Permit was issued (DP18-0062 & DVP18-0063). The applicant now proposes to rezone the lot to RM5r to restrict tenure on the lot to residential rental only. The applicant has also submitted a new Development Permit and Development Variance Permit application, as a series of changes to the original design are being proposed.

4.2 Project Description

The applicant proposes to rezone the lot to RM5r – Medium Density Multiple Housing (Residential Rental Tenure Only) to restrict tenure on the lot to residential rental only. The applicant intends to take advantage of the incentive to reduce required parking on lots with the 'r' designation by 20% within an urban centre.

The applicant has also submitted a Development Permit and Development Variance Permit application, and these are to be considered subsequent to the rezoning.

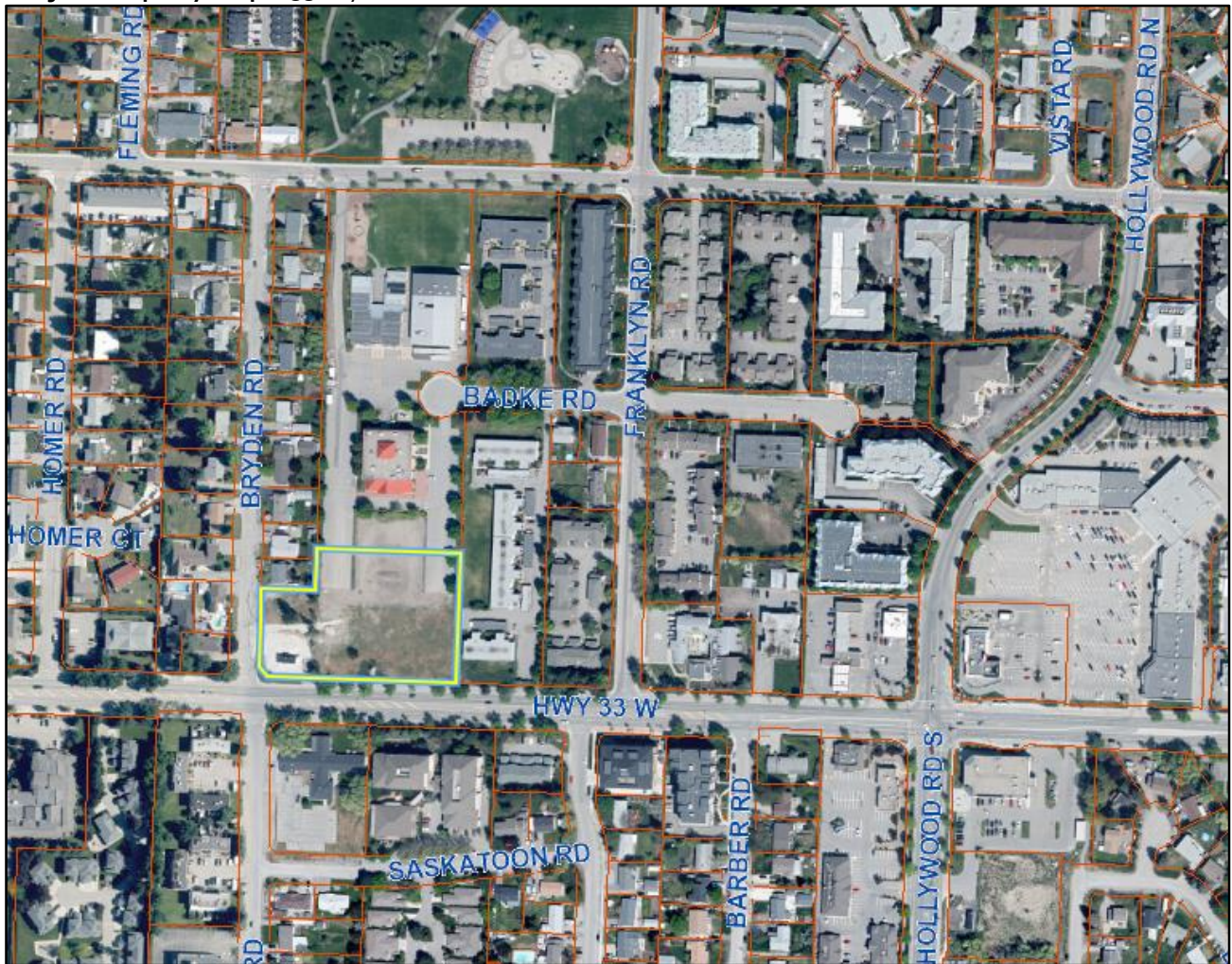
4.3 Site Context

The property is in the Rutland City Sector on the western edge of the Rutland Urban Centre and is adjacent Hwy 33. The property is also a block south of Ben Lee Park and the Houghton Rd. Recreation Corridor.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P2 – Education and Minor Institutional	Religious Assembly
East	RM3 – Low Density Multiple Dwelling Housing	Rowhousing
South	RM5 – Medium Density Multiple Dwelling Housing	Multiple Dwelling Housing
West	RU6 – Two Dwelling Housing	Semi-Detached Housing

Subject Property Map: 155 Bryden Road



5.0 Current Development Policies

5.1 Kelowna Healthy Housing Strategy

Key Directions and Recommended Actions

3.1 Promote and Protect Rental Housing

6.o Application Chronology

Date of Application Accepted: March 11, 2021

Date Public Consultation Completed: May 28, 2021

Report prepared by: A.D. Thibeault, Planner II

Reviewed by: Jocelyn Black, Urban Planning Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Attachment A: Applicant Rationale

Attachment B: Conceptual Drawing Package

March 8, 2021

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

ATTACHMENT A

This forms part of application

Z21-0020

Planner
Initials

AT



City of
Kelowna
COMMUNITY PLANNING

Dear Mr. Thibault,

RE: Development Permit Application – 155 Bryden Road

Please find attached the application for a multiple unit Development Permit for a residential development consisting of two 6-storey apartment buildings with 192 purpose-built market rental units. The proposed project is located on approximately 2.52 acres within the Rutland Urban Center of Kelowna, at Bryden Road and Highway 33. The buildings will be comprised of one-, two- and three-bedroom units in a variety of sizes and floor plans to provide a long term cost-effective housing solution to Rutland residents while adding population density in the Urban Centre.

The buildings have a bold west-coast design, combining white-washed cedar and dark wood-coloured cement-fiber board paneling, and finished with a dramatic butterfly roofline and accented siding and trim. The siting of the buildings on the lot has been planned to maximize open space and outdoor recreational areas. The landscaping has been designed both to facilitate pedestrian access throughout the site, and to present pleasing, well-treed street frontages. With their high-quality design and landscaping, the buildings will act as a positive visual landmark for the neighborhood, adding aesthetic appeal and diversity to the neighborhood.

Providing housing within the Rutland Urban Centre is a mandate of the present Council, and the proposed infill project will provide efficient use of land, while contributing to a healthy housing mix. The project will increase population density within easy access of public transportation services, and within close distance of parks, schools, restaurants, events, and community amenities, to promote walking and biking. The development is steps away from Ben Lee Park, a fabulous amenity for residents. The proposed project strongly supports the Official Community Plan (OCP).

To maximize alignment to policy, a textual amendment to the current zoning was suggested by the Kelowna staff to amend the current zone (RM5 – Medium Density Multiple Housing) to RM5r – Medium Density Multiple Housing (Residential Rental Tenure Only) since our application is for purpose-built rental. The zoning amendment application was submitted February, 2021.

The benefit of the residential rental tenure zone, is that the parking requirements can be reduced by 20% through a development permit variance request. Through this development permit application, we request that our parking requirement be reduced as it will enable a landscape plan that prioritizes pedestrian safety and dramatically increases the amount of open green space available for recreation purposes.

The current zoning allows for a maximum height as the 'lesser of 18m or 4.5 storeys'. We are requesting a variance in height from 4.5 storeys to 6 storeys. Through effective design, the buildings will be able to embody 6 stories without significantly increasing the allowable measured height of the buildings, which are

projected to stand at 18.45 and 18.8 m. Through this variance, the compact design provides a more efficient use of land and aligns to the scale of the neighborhood. Recent residential developments in the Hwy 33 corridor reflect increased density, including Aurora Crescent, Cambridge House, and Central Green. Beyond these recent buildings, there are also pre-existing 4, 5, & higher-storey structures within the residential block of this location.

Overall, the project supports the objectives of the OCP. It will also be a benefit to the community and residents by providing a pleasant streetscape. The location will allow residents to enjoy close community amenities, walkable activities, and everything the Rutland area offers. The proposed development aligns also to the Multiple Unit Development Permit Area design guidelines. Specific details on form and character, signage, siting, landscaping and screening, lighting and parking included in our proposal are as follows:

A. Form and Character

The form and character of the development is consistent with the development permit guidelines for this area by providing a varying scale throughout the development by way of varying building massing and form typologies. The buildings utilize similar high-quality materials to create a cohesive development, although the juxtaposition and variation of these materials creates visual interest and eliminates any monotony. The design and finish of the proposed buildings is compatible with the existing neighbourhood through the use of complementary colours and materials, in a natural 'west-coast' palette. The buildings have clearly defined entry points, enhanced with accented siding and protruding canopies to identify their location. The buildings also have plentiful balconies and windows overlooking the sidewalks and open areas to engage the public realm and increase public safety through 'natural surveillance'.

B. Signage

The signage for the development will be located directly on the building facade to identify the building. Lighting will be directed to only illuminate the signage when required. All signage will be consistent with the architectural style of the development.

C. Siting, Landscaping and Screening

The project will create a pedestrian-friendly landscape that is both safe and enjoyable. The building footprints have been minimized to maximum the open, recreational green space on the property. The building placement addresses neighbouring sites, solar paths and view corridors along the site, as well as access to the development and vehicular movement within the site. Multiple sidewalks allow for easy pedestrian passage throughout the site and increase pedestrian safety. There is only one clearly-marked vehicle entrance to the small surface parking lot and underground parkade, limiting vehicle passage within the site itself.

Enjoying the pleasant outdoor climate of the Okanagan is a priority for planning in this development. Each unit will be accessible from a common entryway and vestibule and will have private amenity space in the form of a balcony or patio. Additionally, rooftop public amenity space is planned for both buildings, with views toward Okanagan Lake and Okanagan Mountain Park. Other lifestyle amenities contemplated include a fitness area, dog park and pet recreation, dog wash, relaxation areas, and resident storage. Planning for the development is aimed at a lifestyle for long-term rental residents.



The landscaping and screening has been designed by a registered Landscape Architect, which incorporates appropriate plant species and locations for the area of the development. The refuse service area will be hidden by landscaping, to mitigate impacts on public view and noise pollution. The design and layout of the proposed development incorporates many elements of CPTED (Crime Prevention Through Environmental Design), including natural surveillance, access control, territorial reinforcement and maintenance. Security cameras, secure tenant access, generous lighting, and activated building faces have all been contemplated. An active property manager and welcoming lobby environment will also add to the comfort of all residents within the development.

D. Lighting

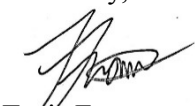
All lighting will be full cut off luminaries. The building will have soffit lighting that operates on a solar activated lens, and provides a warm glow to the underside of the roof line. Lighting will be provided at the entry canopies of the apartment by way of solar activated soffit lighting. The parking area will be lit with full cut off light standards providing security and safety at night.

E. Parking

The parking within the development consists of one large underground parkade, as well as a small surface lot. Short term bicycle parking is located at bike racks outside, while long term secure bicycle parking is provided within the underground parkade. Handicap and visitor stalls are provided as required, as well as stalls dedicated to electric vehicles. The parkade also houses the electrical and mechanical rooms.

The proposed project generally conforms to the zoning and development permit bylaws, though specific variances have been requested, as previously described, which will enhance the development. The project will help fulfill the goals for the Rutland Urban Centre outlined in the OCP, and contribute towards a vibrant neighbourhood. Should you require and further information or clarification, please do not hesitate to contact me.

Sincerely,



Tanis Frame
Architect AIBC, LEED AP

ATTACHMENT		A
This forms part of application		
# Z21-0020		
Planner Initials	AT	 City of Kelowna <small>COMMUNITY PLANNING</small>

ATTACHMENT

B

This forms part of application

Z21-0020

Planner Initials

AT

City of Kelowna

COMMUNITY PLANNING







Z21-0020

155 Bryden Rd.

Rezoning Application



Proposal

- ▶ To rezone the lot from the RM5 – Medium Density Multiple Housing zone to the RM5r – Medium Density Multiple Housing (Residential Rental Tenure Only) zone
- ▶ To restrict tenure on the lot to residential rental only.
- ▶ To waive the Public Hearing

Development Process

Mar. 11, 2021

Development Application Submitted



Staff Review & Circulation



May 28, 2021

Public Notification Received



June 14, 2021

Initial Consideration



Public Hearing
Second & Third Readings



Final Reading
DP & Variances

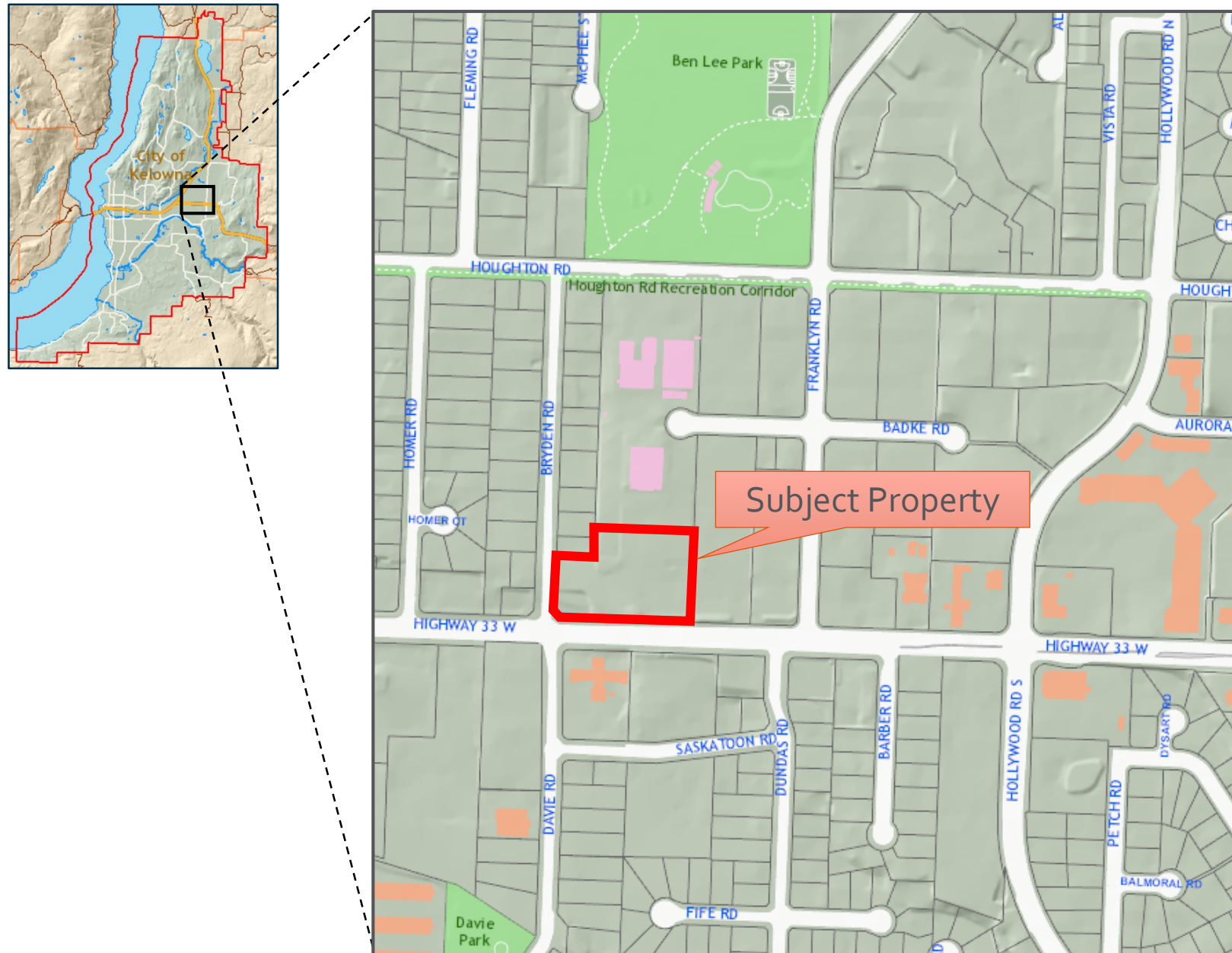


Building Permit

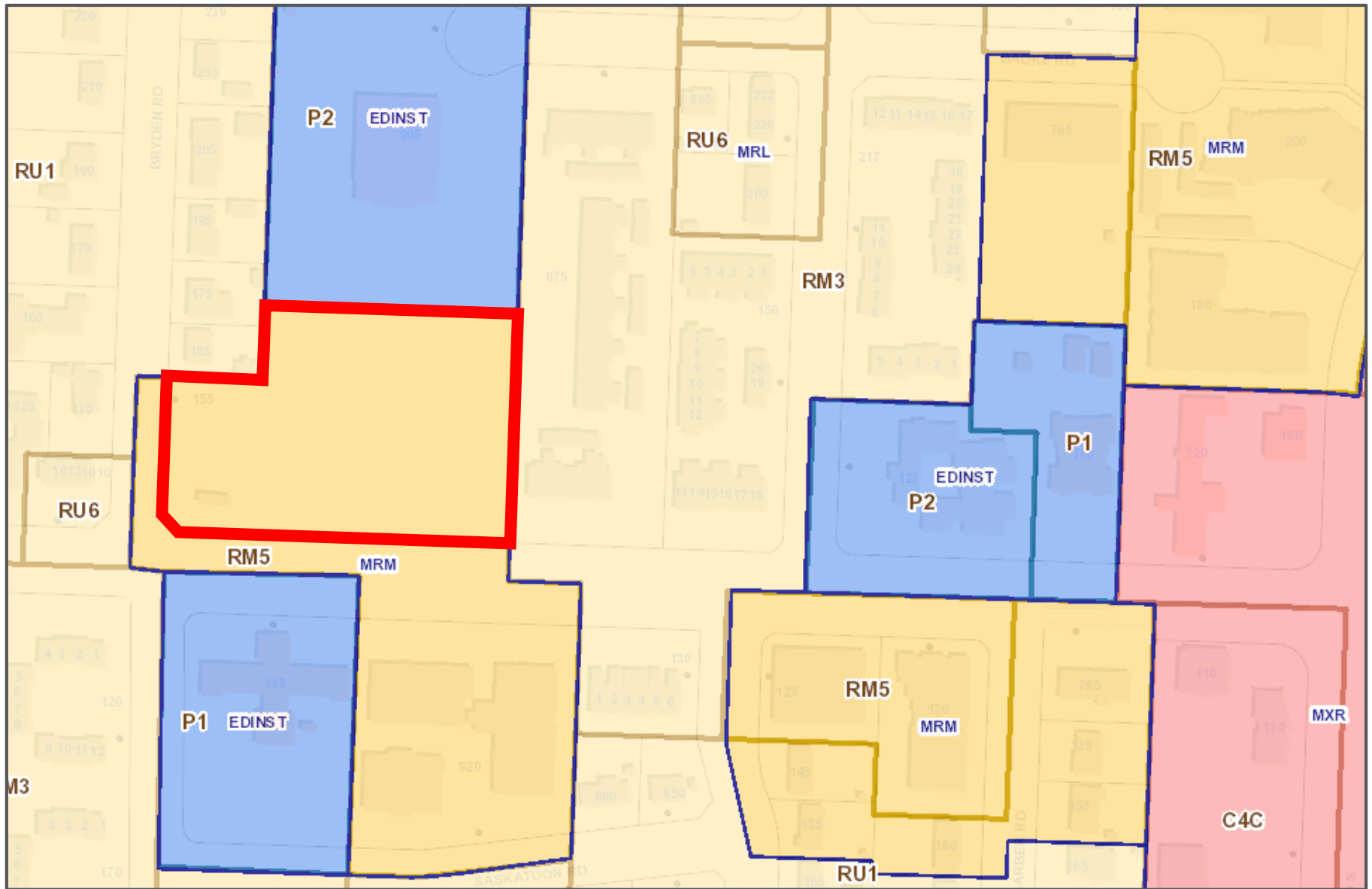


Council
Approvals

Context Map



OCP Future Land Use / Zoning



Subject Property Map



Background

- ▶ July 2019 property was rezoned to RM5 – Medium Density Multiple Housing
- ▶ DP & DVP was issued
- ▶ Applicant now proposes to rezone to RM5r to restrict tenure on the lot to residential rental only
 - ▶ Eligible for parking reduction of 20% within urban centre
- ▶ Applicant also submitted new DP & DVP application
 - ▶ series of changes to the original design are being proposed.

Conceptual Rendering



Development Policy

- ▶ City's Healthy Housing Strategy identifies rental housing as a significant need.
- ▶ Rezoning the lot to RM5r ensures the housing units on the lot remain rental for the life-cycle of the building helping to fulfil the policy objective.

Staff Recommendation

- ▶ Staff support rezoning the lot to RM5r – Medium Density Multiple Housing (Residential Rental Tenure Only)
 - ▶ Ensures a greater stock of rental housing in the city—a significant need.



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12231

Z21-0020

155 Bryden 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 A Section 27 Township 26 ODYD Plan EPP85221 located at Bryden Road, Kelowna, BC from the RM5 – Medium Density Multiple Housing zone to the RM5r – Medium Density Multiple Housing (Residential Rental Tenure Only) zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Public Hearing waived by the Municipal Council this

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: June 14, 2021

To: Council

From: City Manager

Subject: Rezoning Bylaw No. 12139 for Z20-0106 Summary of Correspondence

Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated June 14, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12139;

AND THAT Rezoning Bylaw No. 12139 be forwarded for further reading consideration.

Purpose:

To receive a summary of correspondence for Rezoning Bylaw No. 12139 and to give the bylaw further reading consideration.

Background:

On January 11, 2021 Council passed a resolution directing staff to recommend that Council waive the Public Hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff and are not expected to generate significant public input based on correspondence received. This resolution is in effect until the Order of the Provincial Health Officer regarding gatherings and events is rescinded or replaced to allow for in-person attendance at public hearings or until Council provides further direction on waiving public hearings.

The public has the opportunity to submit written correspondence for applications where the Public Hearing has been waived. Notification is done through signage on the subject property, newspaper advertisements, and mailouts in accordance with the *Local Government Act* and Development Application Procedures Bylaw No. 10540.

Previous Council Resolution

Resolution	Date
AND THAT Council direct staff to recommend that Council waive the public hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff, and are not	January 11, 2021

expected to generate significant public input based on correspondence received at the time of the report to Council;	
--	--

Discussion:

Rezoning Application Z20-0106 for 360 Burne Avenue was brought forward to Council for initial consideration on [May 17, 2021](#). At this meeting, Council passed a resolution to waive the Public Hearing and correspondence was accepted between May 19, 2021 and May 31, 2021.

The Office of the City Clerk received zero pieces of correspondence.

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

Conclusion:

Following the public notification period, staff are recommending that Council give Rezoning Bylaw No. 12139, located at 360 Burne Avenue, further reading consideration.

Internal Circulation:

Considerations applicable to this report:

Legal/Statutory Authority:

Local Government Act s. 464(2)

Legal/Statutory Procedural Requirements:

Following the notification period under s. 467 of the *Local Government Act* and upon considering correspondence submitted, Council may choose to:

- give a bylaw further reading consideration,
- advance the bylaw to a Public Hearing, or
- defeat the bylaw.

Considerations not applicable to this report:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by: R. Van Huizen, Legislative Technician

Approved for inclusion: S. Fleming, City Clerk

cc: Development Planning

CITY OF KELOWNA

BYLAW NO. 12139

Z20-0106

360 Burne Avenue

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 8 District Lot 14, ODYD, Plan 1178 located at Burne Avenue, Kelowna, BC 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 17th day of May, 2021.

Public Hearing waived by the Municipal Council this

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: June 14, 2021
To: Council
From: City Manager
Subject: Rezoning Bylaw No. 12146 for Z20-0037 Summary of Correspondence
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated June 14, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12146;

AND THAT Rezoning Bylaw No. 12146 be forwarded for further reading consideration.

Purpose:

To receive a summary of correspondence for Rezoning Bylaw No. 12146 and to give the bylaw further reading consideration.

Background:

On January 11, 2021, Council passed a resolution directing staff to recommend that Council waive the Public Hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff and are not expected to generate significant public input based on correspondence received. This resolution is in effect until the Order of the Provincial Health Officer regarding gatherings and events is rescinded or replaced to allow for in-person attendance at public hearings or until Council provides further direction on waiving public hearings.

The public has the opportunity to submit written correspondence for applications where the Public Hearing has been waived. Notification is done through signage on the subject property, newspaper advertisements, and mailouts in accordance with the *Local Government Act* and Development Application Procedures Bylaw No. 10540.

Previous Council Resolution

Resolution	Date
AND THAT Council direct staff to recommend that Council waive the public	January 11, 2021

hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff, and are not expected to generate significant public input based on correspondence received at the time of the report to Council;	
---	--

Discussion:

Rezoning Application Z20-0037 for 410 Francis Avenue was brought forward to Council for initial consideration on [May 17, 2021](#). At this meeting, Council passed a resolution to waive the Public Hearing and correspondence was accepted between May 19, 2021 and May 31, 2021.

The Office of the City Clerk received two pieces of correspondence and these have been circulated to Council. They are summarized as follows:

- 2 letters of concern

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

Conclusion:

Following the public notification period, staff are recommending that Council give Rezoning Bylaw No. 12146, located at 410 Francis Avenue, further reading consideration.

Internal Circulation:

Considerations applicable to this report:

Legal/Statutory Authority:

Local Government Act s. 464(2)

Legal/Statutory Procedural Requirements:

Following the notification period under s. 467 of the *Local Government Act* and upon considering correspondence submitted, Council may choose to:

- give a bylaw further reading consideration,
- advance the bylaw to a Public Hearing, or
- defeat the bylaw.

Considerations not applicable to this report:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by: R. Van Huizen, Legislative Technician

Approved for inclusion: S. Fleming, City Clerk

cc: Development Planning

CITY OF KELOWNA

BYLAW NO. 12146

Z20-0037

410 Francis Avenue

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 19 District Lot 14, ODYD, Plan 7336 located at Francis Avenue, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 17th day of May, 2021.

Public Hearing waived by the Municipal Council this

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: June 14, 2021
To: Council
From: City Manager
Subject: Rezoning Bylaw No. 12213 for Z20-0090 Summary of Correspondence
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated June 14, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12213;

AND THAT Rezoning Bylaw No. 12213 be forwarded for further reading consideration.

Purpose:

To receive a summary of correspondence for Rezoning Bylaw No. 12213 and to give the bylaw further reading consideration.

Background:

On January 11, 2021, Council passed a resolution directing staff to recommend that Council waive the Public Hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff and are not expected to generate significant public input based on correspondence received. This resolution is in effect until the Order of the Provincial Health Officer regarding gatherings and events is rescinded or replaced to allow for in-person attendance at public hearings or until Council provides further direction on waiving public hearings.

The public has the opportunity to submit written correspondence for applications where the Public Hearing has been waived. Notification is done through signage on the subject property, newspaper advertisements, and mailouts in accordance with the *Local Government Act* and Development Application Procedures Bylaw No. 10540.

Previous Council Resolution

Resolution	Date
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AND THAT Council direct staff to recommend that Council waive the public hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff, and are not expected to generate significant public input based on correspondence received at the time of the report to Council;	January 11, 2021
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Discussion:

Rezoning Application Z20-0090 for 1226 Mountainview Street was brought forward to Council for initial consideration on [May 17, 2021](#). At this meeting, Council passed a resolution to waive the Public Hearing and correspondence was accepted between May 19, 2021 and May 31, 2021.

The Office of the City Clerk received one piece of correspondence and these have been circulated to Council. They are summarized as follows:

- 1 letter of concern/opposition

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

Conclusion:

Following the public notification period, staff are recommending that Council give Rezoning Bylaw No. 12213, located at 1226 Mountainview Street, further reading consideration.

Internal Circulation:

Considerations applicable to this report:

Legal/Statutory Authority:

Local Government Act s. 464(2)

Legal/Statutory Procedural Requirements:

Following the notification period under s. 467 of the *Local Government Act* and upon considering correspondence submitted, Council may choose to:

- give a bylaw further reading consideration,
- advance the bylaw to a Public Hearing, or
- defeat the bylaw.

Considerations not applicable to this report:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by: R. Van Huizen, Legislative Technician

Approved for inclusion: S. Fleming, City Clerk

cc: Development Planning

CITY OF KELOWNA
BYLAW NO. 12213
Z20-0090
1226 Mountainview Street

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 8 Section 29 Township 26 ODYD Plan 25524 located at Mountainview, Kelowna, BC 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 17th day of May, 2021.

Public Hearing waived by the Municipal Council this

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: June 14, 2021
To: Council
From: City Manager
Subject: Rezoning Bylaw No. 12141 for Z21-0012 Summary of Correspondence
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated June 14, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12141;

AND THAT Rezoning Bylaw No. 12141 be forwarded for further reading consideration.

Purpose:

To receive a summary of correspondence for Rezoning Bylaw No. 12141 and to give the bylaw further reading consideration.

Background:

On January 11, 2021, Council passed a resolution directing staff to recommend that Council waive the Public Hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff and are not expected to generate significant public input based on correspondence received. This resolution is in effect until the Order of the Provincial Health Officer regarding gatherings and events is rescinded or replaced to allow for in-person attendance at public hearings or until Council provides further direction on waiving public hearings.

The public has the opportunity to submit written correspondence for applications where the Public Hearing has been waived. Notification is done through signage on the subject property, newspaper advertisements, and mailouts in accordance with the *Local Government Act* and Development Application Procedures Bylaw No. 10540.

Previous Council Resolution

Resolution	Date
AND THAT Council direct staff to recommend that Council waive the public	January 11, 2021

hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff, and are not expected to generate significant public input based on correspondence received at the time of the report to Council;	
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Discussion:

Rezoning Application Z21-0012 for 156 Snowsell Street North was brought forward to Council for initial consideration on [May 17, 2021](#). At this meeting, Council passed a resolution to waive the Public Hearing and correspondence was accepted between May 19, 2021 and May 31, 2021.

The Office of the City Clerk received two pieces of correspondence and these have been circulated to Council. They are summarized as follows:

- 2 letters of concern/opposition, which included a petition with 13 signatures.

The item of correspondence with the associated petition comments on matters other than the proposed rezoning and change in land use. As such, staff are recommending Council proceed with further readings of the Bylaw rather than advance it to a public hearing.

Conclusion:

Following the public notification period, staff are recommending that Council give Rezoning Bylaw No. 12141, located at 156 Snowsell Street North, further reading consideration.

Considerations applicable to this report:

Legal/Statutory Authority:

Local Government Act s. 464(2)

Legal/Statutory Procedural Requirements:

Following the notification period under s. 467 of the *Local Government Act* and upon considering correspondence submitted, Council may choose to:

- give a bylaw further reading consideration,
- advance the bylaw to a Public Hearing, or
- defeat the bylaw.

Considerations not applicable to this report:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by: R. Van Huizen, Legislative Technician

Approved for inclusion: S. Fleming, City Clerk

cc: Development Planning

CITY OF KELOWNA
BYLAW NO. 12141
Z21-0012
156 Snowsell Street North

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 9 Section 4 Township 23, ODYD, Plan 10855 located at Snowsell Street North, Kelowna, BC from the RR3 – Rural Residential 3 zone to the RU2 – Medium Lot Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 17th day of May, 2021.

Public Hearing waived by the Municipal Council this

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11968
Z19-0057 – 1075 Stockley Street

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 5, Section 19, Township 27, ODYD, Plan KAP81890, located on Stockley Street, Kelowna, BC from the RU4 – Low Density Cluster Housing zone to the RU6 – Two Dwelling Housing zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 13th day of January, 2020.

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

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

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

Audrie Henry

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 12134

Z19-0118

2405 Taylor Crescent

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 14 District Lot 14 ODYD Plan 7336 located at Taylor Crescent, Kelowna, BC 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 10th day of May, 2021.

Public Hearing waived by the Municipal Council this 10th day of May, 2021.

Read a second and third time by the Municipal Council this 31st day of May, 2021.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 12144
TA20-0023 – Amendment to Sections 7, 8, 11, 14, 16 and 18

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

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

1. THAT **Section 7 – Landscaping and Screening, 7.5 Fencing and Retaining Walls, 7.5.3** be amended by:

a) Deleting the following:

"No **fence** constructed at the **natural grade** in rural residential or **residential zones** shall exceed 2.0 m in **height**, except where **abutting** an agricultural or commercial **zone**, the maximum **height** is 2.4 m. Where fences are constructed adjacent to the Front Lot Line or a Flanking Street, the maximum fence height shall be 1.06 m"

And replacing it with:

"The maximum **height** for fences constructed at **natural grade** in rural residential zones shall not exceed 2.0 m in **height**, except where **abutting** an agricultural, industrial or commercial zone, the maximum **height** is 2.4 m. The maximum **height** for fences constructed at **natural grade** on commercial or industrial zoned properties shall not exceed 2.4 m. The maximum **height** for fences constructed at the **natural grade** in urban residential or multi-family zones shall not exceed 2.0 m in **height**, except that it shall not exceed 1.2 m in **height** within the minimum **front yard** or **flanking street** yard setbacks."

2. AND THAT **Section 7 – Landscaping and Screening, 7.6 Minimum Landscape Buffers, 7.6.5** be amended by:

b) Deleting the following:

"Notwithstanding paragraph 7.6.1, buffer widths between a building or structure and the property line may be reduced to the width of the required yard if the required yard is narrower than the buffer specified in that section, with the exception of level 5 buffering."

And replacing it with:

"Notwithstanding paragraph **7.6.1**, buffer widths between a building or structure and the property line may be reduced to the width of the required yard if the required yard is narrower than the buffer specified in that section, with the exception of level 5 buffering."

3. AND THAT **Section 8 – Parking and Loading, 8.5 Off-Street Bicycle Parking, 8.5.6 Long Term Bicycle Parking Standards(c) ii** be amended by:

c) Deleting the following:

"Wall-Mounted bicycle racks located in front of an automobile stall within a parkade will only be counted towards the minimum Long-Term Bicycle Parking if the automobile stall meets the minimum Regulated - size vehicle standards."

And replacing it with:

"Wall-Mounted bicycle racks located in front of an automobile stall within a parkade will only be counted towards the minimum **Long-Term Bicycle Parking** if the automobile stall meets the minimum regular - size vehicle standards."

4. AND THAT **Section 11 – Agricultural Zones, 11.1.6(c) Development Regulations** be amended by:

Deleting the following:

"(c) For **lots** 0.4 ha and greater, a **residential footprint** must be registered on title for any residential development triggered by a Farm Protection Development Permit. The maximum **residential footprint** is 2,000 m². A second residential footprint up to 1,000 m² may be registered for a **mobile home** for **immediate family** where permitted."

And replacing it with:

"(c) For **lots** 0.4 ha and greater, a **residential footprint** must be registered on title for any residential development triggered by a Farm Protection Development Permit. The maximum **residential footprint** is 2,000 m². A second residential footprint up to 1,000 m² may be registered for a **mobile home** for **immediate family** where permitted."

5. AND THAT **Section 14 – Commercial Zones, 14.4 C4 – Urban Centre Commercial, 14.4.5 Development Regulations** be amended by adding the following in its appropriate location:

"(h) For Mid-Rise and High-Rise structures:

- i. Any portion of a building above 16.0 m or **4 storeys** (whichever is lesser) in **height** must setback a minimum of 3.0 m from all sides, except when abutting a laneway.
- ii. For structures taller than 40.0 m or **12 storeys** (whichever is lesser) in **height**, the floor plate above the 16.0 m or **4 storeys** (whichever is lesser) cannot exceed:
 - (a) 750m² for residential use.
 - (b) 850 m² for **hotel** use.
 - (c) 930m² for office use."

6. AND THAT **Section 14 – Commercial Zones, 14.7 C7 – Central Business Commercial, 14.7.5 Development Regulations** be amended by:

Deleting the following:

"(h) For any building above 16.0m in height:

- i. Any portion of a building above 16.0 m in height must be a minimum of 3.0 m. from any property line abutting a street.
- ii. Any portion of a building above 16.0 m in height must be a minimum of 4.0 m from any **property line** abutting another **property**.
- iii. A building floor plate cannot exceed 1,221 m²."

And replacing it with:

"(h) For Mid-Rise and High-Rise structures:

- i. Any portion of a building above 16.0 m or **4 storeys** (whichever is lesser) in **height** must setback a minimum of 3.0 m from all sides, except when abutting a laneway.

- ii. For structures taller than 40.0 m or 12 **storeys** (whichever is lesser) in **height**, the floor plate above the 16.0 m or 4 **storeys** (whichever is lesser) cannot exceed:

- (a) 750m² for residential use.
- (b) 850 m² for **hotel** use.
- (c) 930m² for office use."

- 7. AND THAT **Section 14 – Commercial Zones, 14.7 C7 – Centre Business Commercial, 14.7.5 Development Regulations** be amended by deleting the following:

"Setback Table

Height	Front and Flanking Yard Setback	Side Yard Setbacks	Floorplate
0.0 to 16.0 m	0.0 m	0.0 m	No restriction
16.0 m and above	3.0 m	4.0 m	1,221 m ²

- 8. AND THAT **Section 14 – Commercial Zones, 14.9 C9 – Tourist Commercial, 14.9.2 Principal Uses** be amended by adding in its appropriate location:

"(l) **multiple dwelling housing**"

- 9. AND THAT **Section 14 – Commercial Zones, 14.9 C9 – Tourist Commercial, 14.9.3 Secondary Uses** be amended by adding in its appropriate location:

"(m) **home based businesses, minor**"

- 10. AND THAT **Section 14 – Commercial Zones, 14.9 C9 – Tourist Commercial, 14.9.5 Development Regulations** be amended by adding in its appropriate location:

"(f) For Mid-Rise and High-Rise structures:

- i. Any portion of a building above 16.0 m or 4 **storeys** (whichever is lesser) in **height** must setback a minimum of 3.0 m from all sides, except when abutting a laneway.
- ii. For structures taller than 40.0 m or 12 **storeys** (whichever is lesser) in **height**, the floor plate above the 16.0 m or 4 **storeys** (whichever is lesser) cannot exceed:
 - (a) 750m² for residential use.
 - (b) 850 m² for **hotel** use.
 - (c) 930m² for office use."

- 11. AND THAT **Section 16 – Public and Institutional Zones, 16.2 P2 – Education and Minor Institutional, 16.2.6(d) Other Regulations** be amended by:

Deleting the following:

"For lots less than 1,000 m² in area, a **health services, minor** use shall not generate more than six (6) clients to the site from which the business is being operated at any given time."

And replacing it with:

"For lots greater than 1,000 m² in area, a **health services, minor** use shall not generate more than six (6) clients to the site from which the business is being operated at any given time."

12. AND THAT **Section 18 – Schedule B – Comprehensive Development Zones, CD14–CD27, CD22 – Central Green Comprehensive Development Zone, Schedule 7 – CD22 Sub-Areas A & B Zoning, 7.3 Secondary Uses** be amended by adding in its appropriate location:

“(w) **home based businesses, minor**”

13. 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 18th day of January, 2021.

Amended at first reading by the Municipal Council this 10th day of May, 2021.

Considered at a Public Hearing on the 1st day of June, 2021.

Read a second and third time by the Municipal Council this 1st day of June, 2021.

Approved under the Transportation Act this 2nd day of June, 2021.

Audrie Henry

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: June 14, 2021
To: Council
From: City Manager
Subject: Rental Housing Agreement Bylaw – 1260 Neptune Road
Department: Policy & Planning

Recommendation:

THAT Council receives, for information, the report from Policy & Planning dated June 14, 2021 recommending that Council adopt the following Housing Agreement Bylaw to secure 23 purpose-built rental housing units;

AND THAT Bylaw No. 12196 authorizing a Housing Agreement between the City of Kelowna and Davara Holdings Ltd., which requires the owners to designate 23 as purpose-built rental housing for Lot A Section 14 Township 26 ODYD Plan EPP83144 at 1260 Neptune Road, Kelowna, BC, be forwarded for reading consideration.

Purpose:

To authorize a housing agreement for a rental housing project that is pursuing a rental housing tax exemption, in accordance with Bylaw No. 9561.

Background:

In order to be eligible to receive a rental housing Revitalization Tax Exemption, a proponent must enter into a housing agreement with the City of Kelowna. The housing agreement becomes a bylaw on title and secures the purpose-built rental housing units. This requirement ensures all projects that receive the City's financial incentives are required to deliver and maintain their housing as purpose-built rental for a minimum of ten years to fifteen years based on the type of rental housing.

Discussion:

The housing agreement for council consideration today is for a rental housing project at 1260 Neptune Road, comprised of 23 single-detached housing units. The applicant, Davara Holdings Ltd. has received a building permit for the 23-unit project that will provide family-friendly rental units in a unique location within the Core Area. In accordance with the recent update to Bylaw 9561, the project is required to enter into a 15-year housing agreement to secure the units, recognizing the greater risk of stratification for projects consisting of detached rental units. The housing agreement would become bylaw upon

approval from Council, ensuring that the project is operated as purpose-built rental housing for a minimum of fifteen years.

Conclusion:

The housing agreement for this project aligns with the City's goal of promoting and protecting the supply of long-term rental housing, while also enhancing the diversity of housing options for renters in Kelowna.

Internal Circulation:

Policy and Planning
Development Planning
Legislative Services

Legal/Statutory Authority:

Local Government Act, Section 483

Existing Policy:

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

Submitted by: A. Janousek, Policy & Planning

Approved for inclusion:



J. Moore, Long Range Policy Planning Manager

cc:

Legislative Services

CITY OF KELOWNA

BYLAW NO. 12196

Housing Agreement Authorization Bylaw – Davara Holdings Ltd. 1260 Neptune Road

Whereas pursuant to Section 483 of the *Local Government Act*, a local government may, by bylaw, enter into a housing agreement.

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

1. The Municipal Council hereby authorizes the City of Kelowna to enter into a Housing Agreement with Davara Holdings Limited, Inc.No. BCo797640. for the lands known as Lot A Section 14 Township 26 ODYD Plan EPP83144 located on Neptune Road, Kelowna, B.C., a true copy of which is attached to and forms part of this bylaw as Schedule "A".
2. The Mayor and City Clerk are hereby authorized to execute the attached agreement as well as any conveyances, deeds, receipts or other documents in connection with the attached agreement.
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

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

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

PURPOSE-BUILT RENTAL HOUSING AGREEMENT

THIS AGREEMENT dated for reference April 26, 2021 affects:

LEGAL DESCRIPTION OF PROPERTY SUBJECT TO THE AGREEMENT:

Lot A Section 14 Township 26 ODYD Plan EPP83144

("Land")

And is

BETWEEN: Davara Holdings Ltd. 1-911 Borden Ave Kelowna B.C V1Y 6A5

("Owner")

AND:

CITY OF KELOWNA, a local government incorporated pursuant to the *Community Charter* and having its offices at 1435 Water Street, Kelowna, B.C. V1Y 1J4

("City")

GIVEN THAT:

- A. The Owner has applied to the City for rezoning of the Lands to permit the construction of a housing complex that will include purpose-built rental housing units, as defined in this Agreement, on certain lands more particularly described in this Agreement;
- B. The City may, pursuant to section 483 of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure, and availability of the housing units on the land or construction on land;
- C. The Owner and the City wish to enter into this Agreement to provide for purpose-built rental housing on the terms and conditions set out in this Agreement, and agree that this Agreement is a housing agreement under s. 483 of the *Local Government Act*; and
- D. The City has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement;

This Agreement is evidence that in consideration of \$1.00 paid by the City to the Owner (the receipt of which is acknowledged by the Owner) and in consideration of the promises exchanged below, the City and Owner agree, as a housing agreement between the Owner and the City under s. 483 of the *Local Government Act*, as follows:

ARTICLE 1 INTERPRETATION

1.1 Definitions -

"Caregiver" means an individual who provides assistance with the performance of the personal functions and activities necessary for daily living that a person is unable to perform efficiently for himself or herself;

"City" means the City of Kelowna;

"Dwelling Unit" means accommodation providing sleeping rooms, washrooms, and no more than one kitchen, intended for domestic use, and used or intended to be used permanently or semi-permanently for a Household. This use does not include a room in a hotel or a motel.

"Household" means

- (a) a person;
- (b) two or more persons related by blood, marriage, or adoption; or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities;
- (c) a group of not more than five persons, including boarders, who are not related by blood, marriage, or adoption, or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities; or
- (d) a combination of (b) and (c), provided that the combined total does not include more than 3 persons unrelated by blood, marriage or adoption or associated through foster care; all living together in one dwelling unit as a single household using common cooking facilities.

In addition, a household may also include up to one Caregiver or nanny;

"Land" means the land described herein;

"LTO" means the Kamloops Land Title Office or its successor;

"Official Community Plan" means the City of Kelowna Official Community Plan Bylaw No. 10500, or its successor bylaw;

"Owner" means the registered owner of the Lands from time to time and any parcels into which the Lands are subdivided;

"Purpose-Built Rental Housing" means a Dwelling Unit that is intended to be used for rental housing; and

"Tenancy Agreement" means a tenancy agreement as defined in, and subject to, the *Residential Tenancy Act*.

1.2 Interpretation - In this Agreement:

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

- (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
- (c) reference to a particular numbered section or article, or to a particular lettered Schedule, is a reference to the correspondingly numbered or lettered article, section or Schedule of this Agreement;
- (d) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
- (e) the word "enactment" has the meaning given in the *Interpretation Act* on the reference date of this Agreement;
- (f) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
- (g) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;
- (h) the provisions of s. 25 of the *Interpretation Act* with respect to the calculation of time apply;
- (i) time is of the essence;
- (j) all provisions are to be interpreted as always speaking;
- (k) reference to a "party" is a reference to a party to this Agreement and to their respective successors, assigns, trustees, administrators and receivers;
- (l) reference to a "day", "month", "quarter" or "year" is a reference to a calendar day, calendar month, calendar quarter or calendar year, as the case may be, unless otherwise expressly provided;
- (m) the definitions given in the City of Kelowna Zoning Bylaw No. 8000, or its successor bylaw, and the Official Community Plan apply for the purposes of this Agreement; and
- (n) any act, decision, determination, consideration, consent or exercise of discretion by a party, or other person, as provided in this Agreement will be performed, made or exercised acting reasonably.

1.3 Purpose of Agreement - The Owner and the City agree that:

- (a) this Agreement is intended to serve the public interest by providing for occupancy of a certain number of Dwelling Units, of the kinds provided for in this Agreement, that are in demand in the City of Kelowna but that are not readily available;
- (b) damages are not an adequate remedy to the City in respect of any breach of this Agreement by the Owner, such that the Owner agrees the City should be entitled to an order for specific performance, injunction or other specific relief respecting any breach of this Agreement by the Owner.

**ARTICLE 2
HOUSING AGREEMENT AND LAND USE RESTRICTIONS**

- 2.1 Land Use Restrictions** - The Owner and the City hereby covenant and agree as follows:
- (a) The Land will be used only in accordance with this Agreement;
 - (b) The Owner will design, construct and maintain one or more buildings providing 23 Dwelling Units as Purpose-Built Rental Housing
 - (c) The Owner acknowledges that the City will not support applications to stratify the building(s) on the Land, thereby allowing the identified Purpose-Built Rental Housing Dwelling Units to be sold independently of each other, for a period of fifteen (15) years from the date of this Agreement.

**ARTICLE 3
HOUSING AGREEMENT AND TRANSFER RESTRICTIONS**

- 3.1 Purchaser Qualifications** - The City and the Owner agree as follows:
- (a) the Owner will not sell or transfer, or agree to sell or transfer, any interest in any building containing Purpose-Built Rental Housing Dwelling Units on the Land other than a full interest in the fee simple title to an agency or individual that will continue to ensure that the Purpose-Built Rental Housing Dwelling Units are available in accordance with this Agreement.
- 3.2 Use and Occupancy of Purpose-Built Rental Housing Dwelling Unit** - The Owner agrees with the City as follows:
- (a) the Owner will rent or lease each Purpose-Built Rental Housing Dwelling Unit on the Land in accordance with the *Residential Tenancy Act*, and in no event may the Owner itself occupy a Purpose-Built Rental Housing Dwelling Unit or use the Purpose-Built Rental Housing Dwelling Unit for short-term vacation accommodation; and
 - (b) the Owner will deliver a copy of the Tenancy Agreement for each Purpose-Built Rental Housing Dwelling Unit to the City upon demand.

**ARTICLE 4
GENERAL**

- 4.1 Notice of Housing Agreement** - For clarity, the Owner acknowledges and agrees that:
- (a) this Agreement constitutes a housing agreement entered into under s. 483 of the *Local Government Act*;
 - (b) the City is requiring the Owner to file a notice of housing agreement in the LTO against title to the Land;

- (c) once such a notice is filed, this Agreement binds all persons who acquire an interest in the Land;
 - (d) in the event the parties agree to release this Agreement from the title of the Land, which may not occur before the fifteenth (15th) anniversary of the date of this Agreement, the Owner will repay the City for 100% of the amount of the rental grant received from the City. Such repaid funds will be directed to the City's Housing Opportunities Reserve Fund.
- 4.2 No Effect On Laws or Powers - This Agreement does not**
- (a) affect or limit the discretion, rights, duties or powers of the City under any enactment or at common law, including in relation to the use or subdivision of land,
 - (b) impose on the City any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement,
 - (c) affect or limit any enactment relating to the use or subdivision of land, or
 - (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of land.
- 4.3 Management –** The Owner covenants and agrees that it will furnish good and efficient management of the Dwelling Units and will permit representatives of the City to inspect the Dwelling Units at any reasonable time, subject to the notice provisions of the *Residential Tenancy Act*. The Owner further covenants and agrees that it will maintain the Dwelling Units in a satisfactory state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Land. Notwithstanding the foregoing, the Owner acknowledges and agrees that the City, in its absolute discretion, may require the Owner, at the Owner's expense, to hire a person or company with the skill and expertise to manage the Dwelling Units.
- 4.4 Notice -** Any notice which may be or is required to be given under this Agreement will be in writing and either be delivered or sent by facsimile transmission. Any notice which is delivered is to be considered to have been given on the first day after it is dispatched for delivery. Any notice which is sent by fax transmission is to be considered to have been given on the first business day after it is sent. If a party changes its address or facsimile number, or both, it will promptly give notice of its new address or facsimile number, or both, to the other party as provided in this section.
- 4.5 Agreement Runs With the Land -** Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the City in respect of the Land and this Agreement burdens the Land and runs with it and binds the Owner's successors in title and binds every parcel into which it is consolidated or subdivided by any means, including by subdivision or by strata plan under the *Strata Property Act*.
- 4.6 Limitation on Owner's Obligations -** The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Land.
- 4.7 Release –** The Owner by this Agreement releases and forever discharges the City and each of its elected officials, officers, directors, employees and agents, and its and their heirs, executors, administrators, personal representatives, successors, and assigns, from and against all claims, demands, damages, actions, or causes of action by reason of or arising out of advice or direction respecting the ownership, lease, operation or management of the Land or the Dwelling Units which has been or at any time after the

- commencement of this Agreement may be given to the Owner by all or any of them. This clause will survive the termination of this Agreement.
- 4.8 **Joint Venture** – Nothing in this Agreement will constitute the Owner as the agent, joint venturer, or partner of the City or give the Owner any authority to bind the City in any way.
- 4.9 **Waiver** - An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
- 4.10 **Further Acts** - The Owner will do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.
- 4.11 **Severance** - If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
- 4.12 **Equitable Remedies** – The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.
- 4.13 **No Other Agreements** - This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.
- 4.14 **Amendment** - This Agreement may be discharged, amended or affected only by an instrument duly executed by both the Owner and the City.
- 4.15 **Enurement** - This Agreement binds the parties to it and their respective successors, heirs, executors and administrators. Reference in this Agreement to the "City" is a reference also to the elected and appointed officials, employees and agents of the City.
- 416 **Deed and Contract** - By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

IN WITNESS WHEREOF the parties hereunto have executed this Agreement on the date and year first above written.

SIGNED, SEALED & DELIVERED in)
the presence of:)

Signature of Witness)

Print Name)

Address)

Occupation)

"OWNER"
by its authorized signatories:

DocuSigned by:
David Sargent
AC83D618F8E0439

Print Name: Davara Holdings Ltd

Print Name:

SIGNED, SEALED & DELIVERED in)
the presence of:)

Signature of Witness)

Print Name)

Address)

Occupation)

CITY OF KELOWNA
by its authorized signatories:

Mayor

City Clerk

Report to Council



Date: June 14, 2021

To: Council

From: City Manager

Subject: Rental Housing Tax Exemption Agreements – Spring 2021

Department: Policy & Planning

Recommendation:

THAT Council receives, for information, the report from the Policy & Planning Department dated June 14, 2021 recommending that Council adopt the following Revitalization Tax Exemption Agreements for two purpose-built rental housing projects;

AND THAT Council approves the City of Kelowna entering into a Revitalization Tax Exemption Agreement with the Evangel Family Rental Housing Society S-16918 for Lot A District Lot 138 ODYD Plan 31933 except plan 36604 located at 969 Harvey Avenue, Kelowna, BC;

AND THAT Council approves that City of Kelowna entering into a Revitalization Tax Exemption Agreement with Davara Holdings Ltd. for Lot A Section 14 Township 26 ODYD Plan EPP83144 located at 1260 Neptune Road, Kelowna, BC.

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

Purpose:

To enter into Revitalization Tax Exemption Agreements with Evangel Family Rental Housing Society and Davara Holdings Ltd. on the subject properties.

Background:

The City's Healthy Housing Strategy identifies the need for annual construction of purpose-built rental housing to encourage a balanced long-term rental housing market in Kelowna. The development of purpose-built rental housing is an ongoing priority for the City given the low vacancy rates and robust population growth that continue to drive demand for rental housing.

To encourage the development of purpose-built rental housing the City provides two financial incentive programs. One of the incentives is for 10-year revitalization tax exemptions for purpose-built rental housing where the proponent meets three requirements:

1. Subject property is located within one of the following areas: Core Area of Kelowna, Glenmore Valley Village Centre, or University South Village Centre as defined by the OCP, Bylaw 10500
2. The subject property has a Housing Agreement

3. Development is in compliance with the OCP Future Land Use designation

Discussion:

Both applications meet the criteria of the RTE Program Bylaw. The affordable multi-family rental project at 969 Harvey Avenue has entered into a 10-year housing agreement and is located on the edge of Downtown. The 23 single-detached housing rental units at 1260 Neptune Road also meet the criteria for the program and will provide family-friendly rental housing units in the Core Area. In accordance with the recent update to Bylaw 9561, the Neptune project is required to enter into a 15-year housing agreement to secure the units, recognizing the greater risk of stratification for projects consisting of detached rental units. Both projects comply with the OCP future land use designation and are proposing to deliver secured long-term rental housing units within the Core Area of the City.

The proposed exemptions will be valid for the ten years based on occupancy of each individual project. A draft copy of the Revitalization Tax Exemption Agreement for each project is attached for additional details. Although there is a significant need and demand for long-term purpose-built rental housing, the Revitalization Tax Exemption program does come at a financial cost to the City of Kelowna. Staff estimate that \$460,000 of municipal tax revenue would be exempt over the 10-year RTE Agreements for the 69 rental units. A revenue impact estimate for each project is provided in the table below.

Project Location	Project Details	Estimated 10-year Revenue Impact
969 Harvey Avenue	46	\$275,000
1260 Neptune Road	23	\$185,000

Conclusion:

Both projects reflect the City's on-going efforts to encourage the development of purpose-built rental housing in the Core Area. Also, both projects will enhance the diversity of rental housing options for Kelowna renters.

Internal Circulation:

Development Planning
Policy and Planning
Financial Services

Legal/Statutory Authority:

Revitalization Tax Exemption Program Bylaw No. 9561, 2006
Local Government Act, Section 483

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

Submitted by: A. Janousek, Planner

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

Attachments:

Attachment A - Draft RTE21-0002 Agreement 969 Harvey Avenue

Attachment B - Draft RTE21-0001 Agreement 1260 Neptune Road

Consolidated Bylaw No. 9561 - Page 14

BL10566, BL10674, BL11457, BL10974, BL11854 & BL11912 amended SCHEDULE "B":

SCHEDULE "B"
Revitalization Tax Exemption Agreement

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

BETWEEN:

THE EVANGEL FAMILY RENTAL HOUSING SOCIETY
100-969 Harvey Avenue,
Kelowna, B.C.
V1Y 8M8

(the "Owner")

AND:

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

(the "City")

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of lands in the City of Kelowna at 969 Harvey Avenue, Kelowna, BC, legally described as LOT A DISTRICT LOT 138 OSOYOOS DIVISION YALE DISTRICT PLAN 31933 EXCEPT PLAN 36604; PID: 003-567 -257 (the "Parcel");
- B. Council has established a revitalization tax exemption program and has included within the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561 the designation of areas which include the Parcel as a revitalization area; and
- C. The Owner proposes to construct new improvements on the Parcel as described in Appendix "A" attached to and forming part of this agreement (the "Project") and has applied to the City to take part in the revitalization tax exemption program in respect of the Project and the City has agreed to accept the Project under the program;

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

1. **The Project** – the Owner will use its best efforts to ensure that the Project is constructed, maintained, operated and used in a fashion that will be consistent with and will foster the objectives of the revitalization tax exemption program, as outlined in the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561. Without limiting the generality of the foregoing, the Owner covenants to use its best efforts to ensure that the Project will:
 - a. Construct a 6 storey multi-family affordable rental housing building with approximately 4,680 square metres of new residential space;

- b. Provide 46 units of affordable rental housing; and
 - c. Provide a unit mix of 4 one-bedroom units, 7 two-bedroom units, and 35 three-bedroom units.
- 2. **Operation and Maintenance of the Project** – throughout the term of this agreement, the Owner shall operate, repair and maintain the Project and will keep the Project in a state of good repair as a prudent owner would do.
- 3. **Revitalization Amount** – In this agreement, “**Revitalization Amount**” means the municipal portion of property tax calculated in relation to the increase in the assessed value of improvements on the Parcel resulting from the construction of the Project as described in section 1. For clarity, this amount is attributable only to the new building and excludes the existing rental building on the site;
- 4. **Revitalization Tax Exemption** – subject to fulfilment of the conditions set out in this agreement and in “City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561”, the City shall issue a revitalization tax exemption certificate (the “Tax Exemption Certificate”) to the British Columbia Assessment Authority entitling the Owner to a property tax exemption in respect of the property taxes due (not including local service taxes) in relation to the Revitalization Amount on the Parcel (the “Tax Exemption”) for the calendar year(s) set out in the Tax Exemption Certificate .
- 5. **Conditions** – the following conditions shall be fulfilled before the City will issue a Tax Exemption Certificate to the Owner in respect of the Project:
 - a. The Owner must complete or cause to be completed construction of the Project in a good and workmanlike fashion and in strict compliance with the building permit and the plans and specifications attached hereto as Appendix “A”;
 - b. The completed Project must substantially satisfy the performance criteria set out in Appendix “B” hereto, as determined by the City’s Development Planning Manager or designate, in their sole discretion, acting reasonably; and
 - c. The Owner must submit a copy of the Occupancy Permit and Title Certificate to the City of Kelowna’s Revenue Branch within 48 months from the date the Agreement is executed by Council.
- 6. **Calculation of Revitalization Tax Exemption** – the amount of the Tax Exemption shall be equal to:
 - a. Purpose-Built Rental Housing Projects within the Core Area, Glenmore Valley Village Centre and University South Village Centre as defined by the OCP, 100% of the Revitalization Amount on the parcel, for projects that are subject to a Housing Agreement (for a minimum of 10 years) and where the proposed project is in compliance with the OCP Future Land Use designation at the time of Revitalization Tax Exemption application.
- 7. **Term of Tax Exemption** – provided the requirements of this agreement, and of the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561, are met the Tax Exemption shall be for 10 years after the BC Assessment Authority validates the Tax Exemption Certificate issued by the City of Kelowna’s Revenue Branch.
- 8. **Compliance with Laws** – the Owner shall construct the Project and, at all times during the term of the Tax Exemption or any renewal term, use and occupy the Parcel and the Project in compliance with all statutes, laws, regulations and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or bylaws, including all the rules regulations policies guidelines criteria or the like made under or pursuant to any such laws.

9. **Effect of Stratification** – if the Owner stratifies the Parcel under the Strata Property Act, then the Tax Exemption shall be prorated among the strata lots in accordance with the unit entitlement of each strata lot for:
- a. the current and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office before May 1; or
 - b. for the next calendar year and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office after May 1;

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

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

11. **Cancellation** – the City may in its sole discretion cancel the Tax Exemption Certificate at any time:
- a. on the written request of the Owner; or
 - b. effective immediately upon delivery of a notice of cancellation to the Owner if at any time any of the conditions in the Tax Exemption Certificate are not met.
 - c. If the Owner is subject to an operating agreement with the Provincial Rental Housing Corporation and is not in compliance with the operating agreement.

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

12. **No Refund** – for greater certainty, under no circumstances will the Owner be entitled under the City's revitalization tax exemption program to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.
13. **Notices** – any notice or other writing required or permitted to be given hereunder or for the purposes hereof to any party shall be sufficiently given if delivered by hand or posted on the Parcel, or if sent by prepaid registered mail (Express Post) or if transmitted by facsimile to such party:

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

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

Attention:
Phone:

Email:

- b. in the case of a notice to the Owner, at:

THE EVANGEL FAMILY RENTAL HOUSING SOCIETY
100-969 Harvey Avenue,
Kelowna, B.C.
V1Y 8M8

Attention: Ted Rhind
Phone: 250-762-6225
Email: parkhousing@shaw.ca

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

14. **No Assignment** – the Owner shall not assign its interest in this agreement except to a subsequent owner in fee simple of the Parcel.
15. **Severance** – if any portion of this agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this agreement.
16. **Interpretation** – wherever the singular or masculine is used in this agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so require.
17. **Further Assurances** – the parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this agreement.
18. **Waiver** – waiver by the City of a default by the Owner shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.
19. **Powers Preserved** – this agreement does not:
 - a. Affect or limit the discretion, rights or powers of the City under any enactment or at common law, including in relation to the use or subdivision of the Parcel;
 - b. Affect or limit any enactment relating to the use or subdivision of the Parcel; or
 - c. Relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Parcel and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges, application fees, user fees or other rates, levies or charges payable under any bylaw of the City.
20. **Reference** – every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.
21. **Enurement** – this agreement shall ensure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.

Consolidated Bylaw No. 9561 - Page 14

22. Any construction of a new improvement or alteration of an existing improvement as of this bylaw undertaken prior to the application for a Revitalization Tax Exemption will not be eligible for consideration
23. The maximum Revitalization Tax Exemption authorized under this Bylaw must not exceed the Revitalization Amount on the Property between:
 - a. the calendar year before the construction or alteration began, as outlined under Section 1 of this agreement; and
 - a. the calendar year in which the construction or alteration, as outlined under Section 1 of this agreement, is completed.
24. The Property's assessed value of improvements must not be reduced below the amount assessed in the calendar year prior to construction or alteration, as a result of the Revitalization Tax Exemption.

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

Executed by the CITY OF KELOWNA by its authorized signatories:

Mayor

City Clerk

Executed by the EVANGEL FAMILY RENTAL HOUSING SOCIETY by its Authorized signatories:

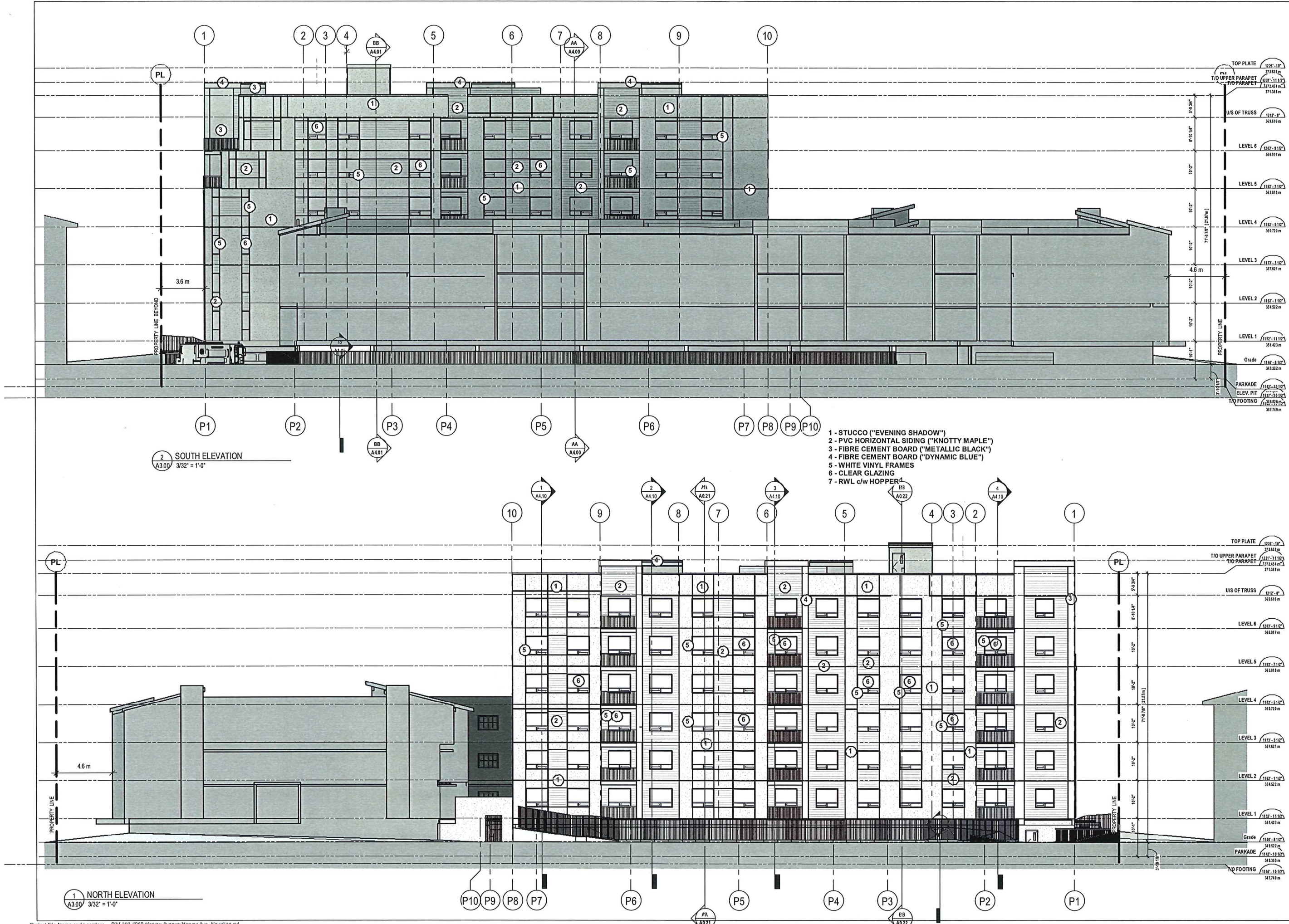


Ted Rhind



Kevin Draper

Appendix "A": Plans and Specifications
Appendix "B": Performance Criteria



Notes:
© Copyright Reserved. This drawing and design is, and all
times remains, the property of NOVATION Architecture LTD., and
can be reproduced only with written consent.
All drawings shall be read in conjunction with specifications and
construction details.
All work shall be carried out in accordance with Canadian
standards, specifications, BC Building Code (2018 and 2019) and
local authority bylaws and regulations.
Tabulated scales refer to A-size drawing sheets.
This drawing must not be scaled.
Contractors shall verify all dimensions prior to commencement of
work.
Any omissions or discrepancies shall be reported to the architect.

Seal

2021-04-13

This document is:
☐ NOT controlled. Revisions may be
made without notice.
☒ A CONTROLLED document. Revisions
will be advised.

☐ The first issue of the document.
☐ A complete revision. Remove previous
issues from use.
☐ A partial revision. Remove previous
issues of corresponding sheets / pages
from use.
☐ Not for Construction.

No.	Date	Description
24	20210412	BUILDING ENVELOPE REVIEW
21	20210217	RE-ISSUED FOR BUILDING PERMIT
19	20210209	RE-ISSUED FOR BUILDING PERMIT
7	20210221	ISSUED FOR TENDER
6	20210229	ISSUED FOR BUILDING PERMIT
5	20210116	RE-ISSUED FOR DP
4	20210106	RE-ISSUED FOR DP
3	20200324	RE-ISSUED FOR DP
1	20190930	ISSUED FOR DP

No. Date Description

Revisions

NOVATION
ARCHITECTURE LTD.
302 - 2237 LECKIE ROAD
KELOWNA BC V1X 6Y5

project title
969 HARVEY AVENUE
LOT 4 DISTRICT LOT 138 ODDY PLAN 31903
EXCEPT PLAN 36604
KELOWNA, BRITISH COLUMBIA

project no. 1821

drawing title
ELEVATIONS

designer PS scale 3/32" = 1'-0"

drawn BD

checked PS

drawing no. A3.00

project 2021-04-13 9:10:41 AM

Consolidated Bylaw No. 9561 - Page 14

BL10566, BL10674, BL11457, BL10974, BL11854 & BL11912 amended SCHEDULE "B":

SCHEDULE "B"
Revitalization Tax Exemption Agreement

THIS AGREEMENT dated for reference the 26th day of April, 2021 is

BETWEEN:

Davara Holdings Ltd
1-911 Borden Ave
Kelowna B.C
V1Y 6A5
(the "Owner")

AND:

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

(the "City")

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of lands in the City of Kelowna at 1260 Neptune Road legally described as Lot A Section 14 Township 26 ODYD Plan EPP83144 (the "Parcel");
- B. Council has established a revitalization tax exemption program and has included within the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561 the designation of areas which include the Parcel as a revitalization area; and
- C. The Owner proposes to construct new improvements *[or alter existing improvements]* on the Parcel as described in Appendix "A" attached to and forming part of this agreement (the "Project") and has applied to the City to take part in the revitalization tax exemption program in respect of the Project and the City has agreed to accept the Project under the program;

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

1. **The Project** – the Owner will use its best efforts to ensure that the Project is constructed, maintained, operated and used in a fashion that will be consistent with and will foster the objectives of the revitalization tax exemption program, as outlined in the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561. Without limiting the generality of the foregoing, the Owner covenants to use its best efforts to ensure that the Project will:
 - a. Provide 23 dwelling units of purpose-built rental housing

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2. **Operation and Maintenance of the Project** – throughout the term of this agreement, the Owner shall operate, repair and maintain the Project and will keep the Project in a state of good repair as a prudent owner would do.
3. **Revitalization Amount** – In this agreement, “Revitalization Amount” means the municipal portion of property tax calculated in relation to the increase in the assessed value of improvements on the Parcel resulting from the construction of the Project as described in section 1;
4. **Revitalization Tax Exemption** – subject to fulfilment of the conditions set out in this agreement and in “City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561”, the City shall issue a revitalization tax exemption certificate (the “Tax Exemption Certificate”) to the British Columbia Assessment Authority entitling the Owner to a property tax exemption in respect of the property taxes due (not including local service taxes) in relation to the Revitalization Amount on the Parcel (the “Tax Exemption”) for the calendar year(s) set out in the Tax Exemption Certificate .
5. **Conditions** – the following conditions shall be fulfilled before the City will issue a Tax Exemption Certificate to the Owner in respect of the Project:
 - a. The Owner must complete or cause to be completed construction of the Project in a good and workmanlike fashion and in strict compliance with the building permit and the plans and specifications attached hereto as Appendix “A”;
 - b. The completed Project must substantially satisfy the performance criteria set out in Appendix “B” hereto, as determined by the City’s Development Planning Manager or designate, in their sole discretion, acting reasonably; and
 - c. The Owner must submit a copy of the Occupancy Permit and Title Certificate to the City of Kelowna’s Revenue Branch within 48 months from the date the Agreement is executed by Council.
6.
 - a) **Calculation of Revitalization Tax Exemption** – the amount of the Tax Exemption shall be equal to For Purpose-Built Rental Housing Projects within the Core Area, Glenmore Valley Village Centre and University South Village Centre as defined by the OCP, 100% of the Revitalization Amount on the parcel, for projects that are subject to a Housing Agreement (for a minimum of 10 years) and where the proposed project is in compliance with the OCP Future Land Use designation at the time of Revitalization Tax Exemption application.
 - b) For “Tax Incentive Area 1”, 100% of the Revitalization Amount on the Parcel;
 - c) For “Tax Incentive Area 2,”
 - i. 100% of the Revitalization Amount on the Parcel, for a project with a minimum floor area of 3,716 m² (40,000 sq. ft.);
 - ii. 75% of the Revitalization Amount on the Parcel which can be attributed to a residential land use, and/or 50% of the Revitalization Amount on the Parcel which can be attributed to a commercial land use, for a project with a minimum floor area of less than 3,716 m² (40,000 sq. ft.);
 - d) [deleted]
 - e) For “Tax Incentive Area 3,” 100% of the Revitalization Amount on the Parcel;

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- f) For Purpose-Built Rental Housing Projects within the Core Area, Glenmore Valley Village Centre and University South Village Centre as defined by the OCP, 100% of the Revitalization Amount on the parcel, for projects that are subject to a Housing Agreement (for a minimum of 15 years) and where the proposed project is in compliance with the OCP Future Land Use designation at the time of Revitalization Tax Exemption application.
7. **Term of Tax Exemption** – provided the requirements of this agreement, and of the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561, are met the Tax Exemption shall be for 10 years after the BC Assessment Authority validates the Tax Exemption Certificate issued by the City of Kelowna's Revenue Branch.,
8. **Compliance with Laws** – the Owner shall construct the Project and, at all times during the term of the Tax Exemption or any renewal term, use and occupy the Parcel and the Project in compliance with all statutes, laws, regulations and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or bylaws, including all the rules regulations policies guidelines criteria or the like made under or pursuant to any such laws.
9. **Effect of Stratification** – if the Owner stratifies the Parcel under the Strata Property Act, then the Tax Exemption shall be prorated among the strata lots in accordance with the unit entitlement of each strata lot for:
- a. the current and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office before May 1; or
 - b. for the next calendar year and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office after May 1;
- so long as, if the Project is the subject of an operating agreement between the Owner and the Provincial Rental Housing Corporation, the Owner is in compliance with the operating agreement. The Owner agrees to provide written confirmation to the City regarding the Owner's compliance with the said operating agreement, satisfactory to the City, upon the City's reasonable inquiry.
10. **Termination of the agreement** - the revitalization tax exemption agreement will be valid for 48 months from the date the agreement is executed by Council. If the conditions for issuance of a Tax Exemption Certificate have not been met during this term, the owner may request a renewal term to this agreement or the agreement will be terminated.
11. **Cancellation** – the City may in its sole discretion cancel the Tax Exemption Certificate at any time:
- a. on the written request of the Owner; or
 - b. effective immediately upon delivery of a notice of cancellation to the Owner if at any time any of the conditions in the Tax Exemption Certificate are not met.
 - c. If the Owner is subject to an operating agreement with the Provincial Rental Housing Corporation and is not in compliance with the operating agreement.

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

Consolidated Bylaw No. 9561 - Page 14

12. **No Refund** – for greater certainty, under no circumstances will the Owner be entitled under the City's revitalization tax exemption program to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.
13. **Notices** – any notice or other writing required or permitted to be given hereunder or for the purposes hereof to any party shall be sufficiently given if delivered by hand or posted on the Parcel, or if sent by prepaid registered mail (Express Post) or if transmitted by facsimile to such party:

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

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

Attention: Revenue Department
Email: Revenue@kelowna.ca

- b. in the case of a notice to the Owner, at:

Davara Holdings Ltd 1-911 Borden Ave Kelowna B.C V1Y 6A5

Attention: David Sargent
Phone: 250-575-2994
Email: dave.sargent@davara.ca

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

14. **No Assignment** – the Owner shall not assign its interest in this agreement except to a subsequent owner in fee simple of the Parcel.
15. **Severance** – if any portion of this agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this agreement.
16. **Interpretation** – wherever the singular or masculine is used in this agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so require.
17. **Further Assurances** – the parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this agreement.
18. **Waiver** – waiver by the City of a default by the Owner shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.
19. **Powers Preserved** – this agreement does not:
- a. Affect or limit the discretion, rights or powers of the City under any enactment or at common law, including in relation to the use or subdivision of the Parcel;
- b. Affect or limit any enactment relating to the use or subdivision of the Parcel; or

Consolidated Bylaw No. 9561 - Page 14

- c. Relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Parcel and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges, application fees, user fees or other rates, levies or charges payable under any bylaw of the City.
20. **Reference** – every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.
21. **Enurement** – this agreement shall ensure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.
22. Any construction of a new improvement or alteration of an existing improvement as of this bylaw undertaken prior to the application for a Revitalization Tax Exemption will not be eligible for consideration
23. The maximum Revitalization Tax Exemption authorized under this Bylaw must not exceed the Revitalization Amount on the Property between:
- a. the calendar year before the construction or alteration began, as outlined under Section 1 of this agreement; and
 - a. the calendar year in which the construction or alteration, as outlined under Section 1 of this agreement, is completed.
24. The Property's assessed value of improvements must not be reduced below the amount assessed in the calendar year prior to construction or alteration, as a result of the Revitalization Tax Exemption.

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

Executed by the CITY OF KELOWNA by
Its authorized signatories:

Mayor

City Clerk

Executed by Davara Holdings Ltd by its Authorized signatories:

DocuSigned by:



Name: David Sargent

Name: David Sargent

Name:

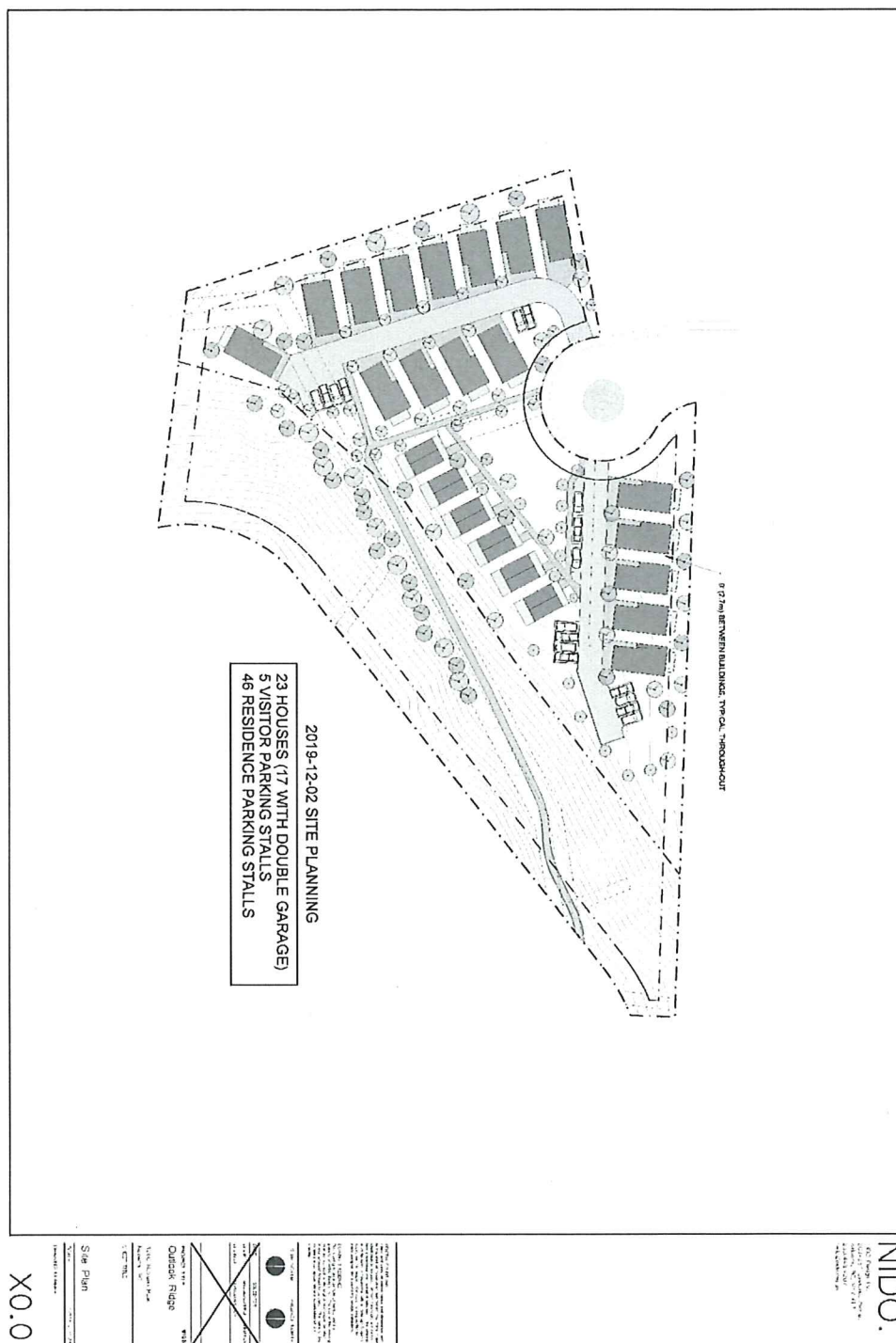
Appendix "A": Plans and Specifications

Appendix "B": Performance Criteria

Consolidated Bylaw No. 9561 - Page 16

Appendix "A"

Plans and Specifications



PURPOSE-BUILT RENTAL HOUSING AGREEMENT

THIS AGREEMENT dated for reference April 26, 2021 affects:

LEGAL DESCRIPTION OF PROPERTY SUBJECT TO THE AGREEMENT:

Lot A Section 14 Township 26 ODYD Plan EPP83144

("Land")

And is

BETWEEN: Davara Holdings Ltd. 1-911 Borden Ave Kelowna B.C V1Y 6A5

("Owner")

AND:

CITY OF KELOWNA, a local government incorporated pursuant to the *Community Charter* and having its offices at 1435 Water Street, Kelowna, B.C. V1Y 1J4

("City")

GIVEN THAT:

- A. The Owner has applied to the City for rezoning of the Lands to permit the construction of a housing complex that will include purpose-built rental housing units, as defined in this Agreement, on certain lands more particularly described in this Agreement;
- B. The City may, pursuant to section 483 of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure, and availability of the housing units on the land or construction on land;
- C. The Owner and the City wish to enter into this Agreement to provide for purpose-built rental housing on the terms and conditions set out in this Agreement, and agree that this Agreement is a housing agreement under s. 483 of the *Local Government Act*; and
- D. The City has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement;

This Agreement is evidence that in consideration of \$1.00 paid by the City to the Owner (the receipt of which is acknowledged by the Owner) and in consideration of the promises exchanged below, the City and Owner agree, as a housing agreement between the Owner and the City under s. 483 of the *Local Government Act*, as follows:

ARTICLE 1 INTERPRETATION

1.1 Definitions -

"Caregiver" means an individual who provides assistance with the performance of the personal functions and activities necessary for daily living that a person is unable to perform efficiently for himself or herself;

"City" means the City of Kelowna;

"Dwelling Unit" means accommodation providing sleeping rooms, washrooms, and no more than one kitchen, intended for domestic use, and used or intended to be used permanently or semi-permanently for a Household. This use does not include a room in a hotel or a motel.

"Household" means

- (a) a person;
- (b) two or more persons related by blood, marriage, or adoption; or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities;
- (c) a group of not more than five persons, including boarders, who are not related by blood, marriage, or adoption, or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities; or
- (d) a combination of (b) and (c), provided that the combined total does not include more than 3 persons unrelated by blood, marriage or adoption or associated through foster care; all living together in one dwelling unit as a single household using common cooking facilities.

In addition, a household may also include up to one Caregiver or nanny;

"Land" means the land described herein;

"LTO" means the Kamloops Land Title Office or its successor;

"Official Community Plan" means the City of Kelowna Official Community Plan Bylaw No. 10500, or its successor bylaw;

"Owner" means the registered owner of the Lands from time to time and any parcels into which the Lands are subdivided;

"Purpose-Built Rental Housing" means a Dwelling Unit that is intended to be used for rental housing; and

"Tenancy Agreement" means a tenancy agreement as defined in, and subject to, the *Residential Tenancy Act*.

1.2 Interpretation - In this Agreement:

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

- (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
- (c) reference to a particular numbered section or article, or to a particular lettered Schedule, is a reference to the correspondingly numbered or lettered article, section or Schedule of this Agreement;
- (d) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
- (e) the word "enactment" has the meaning given in the *Interpretation Act* on the reference date of this Agreement;
- (f) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
- (g) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;
- (h) the provisions of s. 25 of the *Interpretation Act* with respect to the calculation of time apply;
- (i) time is of the essence;
- (j) all provisions are to be interpreted as always speaking;
- (k) reference to a "party" is a reference to a party to this Agreement and to their respective successors, assigns, trustees, administrators and receivers;
- (l) reference to a "day", "month", "quarter" or "year" is a reference to a calendar day, calendar month, calendar quarter or calendar year, as the case may be, unless otherwise expressly provided;
- (m) the definitions given in the City of Kelowna Zoning Bylaw No. 8000, or its successor bylaw, and the Official Community Plan apply for the purposes of this Agreement; and
- (n) any act, decision, determination, consideration, consent or exercise of discretion by a party, or other person, as provided in this Agreement will be performed, made or exercised acting reasonably.

1.3 Purpose of Agreement - The Owner and the City agree that:

- (a) this Agreement is intended to serve the public interest by providing for occupancy of a certain number of Dwelling Units, of the kinds provided for in this Agreement, that are in demand in the City of Kelowna but that are not readily available;
- (b) damages are not an adequate remedy to the City in respect of any breach of this Agreement by the Owner, such that the Owner agrees the City should be entitled to an order for specific performance, injunction or other specific relief respecting any breach of this Agreement by the Owner.

**ARTICLE 2
HOUSING AGREEMENT AND LAND USE RESTRICTIONS**

2.1 Land Use Restrictions - The Owner and the City hereby covenant and agree as follows:

- (a) The Land will be used only in accordance with this Agreement;
- (b) The Owner will design, construct and maintain one or more buildings providing 23 Dwelling Units as Purpose-Built Rental Housing
- (c) The Owner acknowledges that the City will not support applications to stratify the building(s) on the Land, thereby allowing the identified Purpose-Built Rental Housing Dwelling Units to be sold independently of each other, for a period of fifteen (15) years from the date of this Agreement.

**ARTICLE 3
HOUSING AGREEMENT AND TRANSFER RESTRICTIONS**

3.1 Purchaser Qualifications - The City and the Owner agree as follows:

- (a) the Owner will not sell or transfer, or agree to sell or transfer, any interest in any building containing Purpose-Built Rental Housing Dwelling Units on the Land other than a full interest in the fee simple title to an agency or individual that will continue to ensure that the Purpose-Built Rental Housing Dwelling Units are available in accordance with this Agreement.

3.2 Use and Occupancy of Purpose-Built Rental Housing Dwelling Unit - The Owner agrees with the City as follows:

- (a) the Owner will rent or lease each Purpose-Built Rental Housing Dwelling Unit on the Land in accordance with the *Residential Tenancy Act*, and in no event may the Owner itself occupy a Purpose-Built Rental Housing Dwelling Unit or use the Purpose-Built Rental Housing Dwelling Unit for short-term vacation accommodation; and
- (b) the Owner will deliver a copy of the Tenancy Agreement for each Purpose-Built Rental Housing Dwelling Unit to the City upon demand.

**ARTICLE 4
GENERAL**

4.1 Notice of Housing Agreement - For clarity, the Owner acknowledges and agrees that:

- (a) this Agreement constitutes a housing agreement entered into under s. 483 of the *Local Government Act*;
- (b) the City is requiring the Owner to file a notice of housing agreement in the LTO against title to the Land;

- (c) once such a notice is filed, this Agreement binds all persons who acquire an interest in the Land;
- (d) in the event the parties agree to release this Agreement from the title of the Land, which may not occur before the fifteenth (15th) anniversary of the date of this Agreement, the Owner will repay the City for 100% of the amount of the rental grant received from the City. Such repaid funds will be directed to the City's Housing Opportunities Reserve Fund.

4.2 No Effect On Laws or Powers - This Agreement does not

- (a) affect or limit the discretion, rights, duties or powers of the City under any enactment or at common law, including in relation to the use or subdivision of land,
- (b) impose on the City any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement,
- (c) affect or limit any enactment relating to the use or subdivision of land, or
- (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of land.

4.3 Management – The Owner covenants and agrees that it will furnish good and efficient management of the Dwelling Units and will permit representatives of the City to inspect the Dwelling Units at any reasonable time, subject to the notice provisions of the *Residential Tenancy Act*. The Owner further covenants and agrees that it will maintain the Dwelling Units in a satisfactory state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Land. Notwithstanding the foregoing, the Owner acknowledges and agrees that the City, in its absolute discretion, may require the Owner, at the Owner's expense, to hire a person or company with the skill and expertise to manage the Dwelling Units.

4.4 Notice - Any notice which may be or is required to be given under this Agreement will be in writing and either be delivered or sent by facsimile transmission. Any notice which is delivered is to be considered to have been given on the first day after it is dispatched for delivery. Any notice which is sent by fax transmission is to be considered to have been given on the first business day after it is sent. If a party changes its address or facsimile number, or both, it will promptly give notice of its new address or facsimile number, or both, to the other party as provided in this section.

4.5 Agreement Runs With the Land - Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the City in respect of the Land and this Agreement burdens the Land and runs with it and binds the Owner's successors in title and binds every parcel into which it is consolidated or subdivided by any means, including by subdivision or by strata plan under the *Strata Property Act*.

4.6 Limitation on Owner's Obligations - The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Land.

4.7 Release – The Owner by this Agreement releases and forever discharges the City and each of its elected officials, officers, directors, employees and agents, and its and their heirs, executors, administrators, personal representatives, successors, and assigns, from and against all claims, demands, damages, actions, or causes of action by reason of or arising out of advice or direction respecting the ownership, lease, operation or management of the Land or the Dwelling Units which has been or at any time after the

commencement of this Agreement may be given to the Owner by all or any of them. This clause will survive the termination of this Agreement.

- 4.8 Joint Venture** – Nothing in this Agreement will constitute the Owner as the agent, joint venturer, or partner of the City or give the Owner any authority to bind the City in any way.
- 4.9 Waiver** - An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
- 4.10 Further Acts** - The Owner will do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.
- 4.11 Severance** - If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
- 4.12 Equitable Remedies** – The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.
- 4.13 No Other Agreements** - This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.
- 4.14 Amendment** - This Agreement may be discharged, amended or affected only by an instrument duly executed by both the Owner and the City.
- 4.15 Enurement** - This Agreement binds the parties to it and their respective successors, heirs, executors and administrators. Reference in this Agreement to the "City" is a reference also to the elected and appointed officials, employees and agents of the City.
- 416 Deed and Contract** - By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

IN WITNESS WHEREOF the parties hereunto have executed this Agreement on the date and year first above written.

SIGNED, SEALED & DELIVERED in)
the presence of:)

Signature of Witness)

Print Name)

Address)

Occupation)

“OWNER”
by its authorized signatories:

DocuSigned by:
David Sargent
A083B618F8EB439...

Print Name: Davara Holdings Ltd

Print Name:

SIGNED, SEALED & DELIVERED in)
the presence of:)

Signature of Witness)

Print Name)

Address)

Occupation)

CITY OF KELOWNA
by its authorized signatories:

Mayor

City Clerk

Report to Council



Date: June 14, 2021
To: Council
From: City Manager
Subject: Review and Options for Shared E-Scooters in Kelowna
Department: Integrated Transportation

Recommendation:

THAT Council receive, for information, the report from Integrated Transportation dated June 14th with regard to the Review and Options for Shared E-Scooters in Kelowna;

AND THAT Council support the implementation of current and proposed new actions outlined in Attachment # 1 to the report from Integrated Transportation dated June 14, 2021;

AND THAT Council direct staff to continue to actively monitor the program and report back promptly if the program is not delivering on its core objectives;

AND THAT Council direct staff not to issue any further permits for shared e-scooters in 2021 under the Bikeshare (Micromobility) Permit Program.

Purpose:

To provide Council with an information report on the e-scooter program, its challenges and wins since program launch, and options moving forward.

Background:

On March 23, 2021 the province [announced the E-mobility pilot project](#). Council subsequently updated Kelowna's Traffic Bylaw on April 19th enabling e-scooters to be used city-wide.

Resolution	Date
THAT Council direct staff to provide an information report on the scooter program; its challenges and wins over the first month of operation and details regarding the permitting process, conditions and limitations.	May 31, 2021

Discussion:

The e-scooter program is intended to advance [Council's priorities](#) that “emerging technologies are making it easier to get around”, “greenhouse gas emissions are decreasing”, and “travel times are optimized”. As part of the City’s work on the 2040 Official Community Plan and 2040 Transportation Master Plan, the community envisions major growth in density and travel within the Core Area over the next 20 years. For example, within central Kelowna (roughly the triangle formed by Downtown, Pandosy Urban Centre, and Capri-Landmark) the amount of travel is expected to double. This increased travel demand cannot be met by single-occupancy vehicles and will require alternative transportation modes, such as transit, bicycling and walking to help move more people through our existing road space. As a space-efficient, low-carbon transportation option, e-scooters are seen as a viable and cost-effective option in this mix. E-scooters are in active use in many communities worldwide; in some cases, for a number of years.

To evaluate the e-scooter pilot against the original objectives of the program, it is important to ensure the program is safe, is being used as a transportation option (i.e. helping take cars off the road), and is cost-effective. Attachment #1 provides a summary of how the e-scooter program is performing against these three core objectives. To be successful, it is critical that the program deliver on these core objectives. Staff are committed to monitoring the program and tracking the data necessary for Council to determine whether the pilot program is a success.

As a new alternative for personal transportation in Kelowna, the e-scooter pilot program has come with both positive and concerning aspects. As a new technology for many, e-scooters have raised issues that staff and the e-scooter companies are vigilantly addressing. Common issues include improper parking and unsafe / illegal riding behaviors. In response to the concerns, staff have already implemented approximately 55 amendments to how shared e-scooter service is delivered, over the first 45 days of the program. As detailed in Attachment #1, numerous measures are being taken and will continue to be implemented to address the issues raised, which are helping to reduce the number of concerns over time.

Recently, concerns were raised related to injuries as a result of e-scooters. The safety of the e-scooter program is a top priority, as well as ensuring no undue burdens are placed on our health care system or enforcement partners (i.e., police and bylaw). As described in Attachment #1, statistics indicate that across the world, as well as in Canada, e-scooter injury and fatality rates are in line with bicycles. Also attached is a letter from the Central Okanagan Medical Health Officer, Dr. Silvina Mema, and Director of Healthy Communities, Dr. Heather Deegan, clarifying the position of Interior Health regarding e-scooters (Attachment #3). The letter highlights the standing partnership that the City and Interior Health have in supporting healthy environments and notes the role of e-scooters in supporting vibrant, healthy communities. The letter also explains that while local injury statistics related to shared e-scooters are not yet available, work is underway to help collect and analyze this data moving forward. In the interim, the letter notes several strategies to mitigate health impacts, which staff have reviewed and incorporated into the current and recommended actions described in Attachment #1.

Since program launch, approximately 77,000 e-scooter trips have occurred (an average of 1,700 trips per day). As detailed in Attachment #1, e-scooter mode share has approached a rate similar to bikes in just

45 days, and the program uptake well exceeds the 2018 shared pedal-bike pilot program. Not surprisingly, e-scooter rider survey results indicate 72 per cent had never ridden an e-scooter before and the majority of first- or second-time rides were for fun/leisure, likely to try them out and see how they work. Riders who reported taking three or more e-scooter trips used the e-scooter 58 per cent of the time for transportation-related purposes and 40 - 56 per cent of those trips replaced driving trips. This means the e-scooter program has the potential to take approximately 274,000 km of vehicle travel off our road network each year, reducing an estimated 50 tonnes of direct vehicle emissions annually. While the high levels of ridership indicate demand for this type of service, it has also meant a big change for Kelowna in a short amount of time. Over 20,000 e-scooter customer accounts have been created, the majority of whom are new riders learning the rules of the road.

Conclusion:

Preliminary findings after just six weeks of implementation indicate there is strong potential for the shared e-scooter program to be a cost-effective way to help take cars off the road, reduce greenhouse gas emissions, and help people get around. However, a more robust survey of riders after a longer period of time would help provide a more comprehensive picture.

On the basis of the information in the attachments, staff are seeking Council's support to continue the shared e-scooter pilot, subject to the program meeting the key performance metrics. These metrics are outlined in Attachment #1, and include safety and injuries, demonstrated success at helping take cars off the road, and being cost effective. Staff will continue to monitor the program, including working with IH to track e-scooter related injuries, and report back to Council promptly if any of these three key performance metrics trend in the wrong direction. To address existing concerns, staff recommend not issuing any further permits for shared e-scooters in 2021, continuing with the actions underway described in Attachment #1, and implementing the new actions identified. A full program evaluation could be undertaken in the fall.

Internal Circulation:

City Clerk
Communications
Community Safety
Infrastructure
Risk Management

Considerations applicable to this report:

External Agency/Public Comments: See attached letter from Interior Health (Attachment #3)

Considerations not applicable to this report:

Communications Comments:

Legal/Statutory Authority:

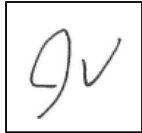
Legal/Statutory Procedural Requirements:

Financial/Budgetary Considerations:

Existing Policy:

Submitted by: M. VanZerr, Strategic Transportation Planning Manager

Approved for inclusion:

A square box containing a handwritten signature in black ink, which appears to be 'J. Vos'.

J. Vos, Divisional Director, Infrastructure

Attachment 1 – Summary Report on the Challenges and Wins for Kelowna's E-Scooter Program

Attachment 2 – Presentation

Attachment 3 - E-Scooters and Health Evidence – MHO Letter

Attachment 1: Summary Report on the Challenges and Wins for Kelowna's E-Scooter Program

This report provides a summary of the challenges and wins for Kelowna's shared e-scooter program since launch on April 19th. It summarizes the latest data and information available to support ongoing discussions and decision-making regarding the future of shared e-scooters within Kelowna's Bikeshare (Micromobility) Permit Program.

Key Performance Metrics: To evaluate any program, it is important to understand the key criteria related to its success. This is necessary to understand the benefits and trade-offs and whether a program is meeting its core objectives. The e-scooter program is intended to advance [Council's priorities](#) that "emerging technologies are making it easier to get around", "greenhouse gas emissions are decreasing", and "travel times are optimized". Additionally, the amount of travel within central Kelowna (roughly the triangle formed by Downtown, Pandosy, and Capri-Landmark) is expected to double in the next 20 years. This increased demand cannot be accommodated through single-occupancy vehicles. The e-scooter pilot is intended to provide a safe and cost-effective way to connect our growing urban centres and move more people through our existing road space.

To evaluate the e-scooter pilot against the original objectives of the program, it is important to ensure the program is safe, is being used as a transportation option (i.e. helping take cars off the road), and is cost-effective. The following section summarizes the data available to date for each of these key performance metrics to help Council weigh the program benefits and tradeoffs:

- Safety and Injuries
- Helping take Cars off the Road
- Cost-Effective

To be successful, it is critical that the program deliver on these core objectives. Staff are committed to transparently monitoring the program on an ongoing basis, amending the program as needed, and tracking the data necessary for Council to determine whether the pilot program is a success.

Notably, the data summarized in this report is based on only six weeks of program operation. While it helps provide an early snapshot, a longer observation period would help provide a more complete picture of the program's performance.

Safety and Injuries

The safety of the e-scooter program is a top priority, as well as ensuring no undue burdens are placed on our health care system or enforcement partners (i.e. police and bylaw). The provincial Motor Vehicle Act and Kelowna Traffic Bylaw require e-scooter riders to:

- Ride in the street, bicycle lanes or multi-use paths (sidewalk riding is illegal)
- Be sober (intoxicated riding is a serious offence, similar to impaired driving)
- Not block sidewalks when parking
- Wear a helmet
- Riders must be 16 years or older (this is true regardless of whether a parent or guardian is present)
- One person per scooter (no doubling up)

- Follow the rules of the road (which are similar to bikes and other small vehicles on our road network)

E-scooter companies are required to include this information to riders before they can unlock an e-scooter. All four companies provide key safety messages within their apps, hang tags and information printed directly on each e-scooter. This information has been reviewed with a lens of educating riders about the laws, and operators are reproducing materials to be more clear. Other safety recommendations include going slow to start, ringing the bell when passing, and being wary of potholes and uneven surfaces.

The City has also worked to get these messages out through a communications campaign. Examples include ongoing social media posts, and the City's [shared bikes and e-scooters](#) web resources, which also include parking do's and don'ts and who to call if you have a question or concern. There are multiple options to provide feedback. Concerned residents can contact e-scooter companies (each e-scooter has a 24-hour phone number), the City, or law enforcement.

Staff have been in contact with Interior Health (IH) since 2019 and again before the program launch in 2021. Following recent media reports citing safety concerns, staff have re-engaged with multiple IH staff to better understand the nature of the concerns. IH has since determined that quantitative data regarding the number of emergency room visits and injuries related to the shared e-scooter pilot program are not yet available. This is because the emergency intake form does not currently have a field for shared e-scooters. As such, IH staff could not confirm the numbers reported in recent media articles, or since the program launch, primarily due to challenges with data collection and quality (for example, distinguishing between private and shared electric scooters, motorized scooters, non-motorized scooters, mopeds, and mobility scooters, among other vehicle types). However, IH has indicated they are interested in tracking this data and are working to update intake forms and search historical records to help the City better understand the safety of the e-scooter program moving forward.

Additionally, the Medical Health Officer for the Central Okanagan, Dr. Silvina Mema, and Director of Healthy Communities, Dr. Heather Deegan, have clarified the position of IH in regards to e-scooters and provided a letter (Attachment #3). The letter highlights the standing partnership that the City and Interior Health have in supporting healthy environments and notes the role of e-scooters in supporting vibrant, healthy communities. The letter also notes several strategies to mitigate health impacts, which staff have reviewed and incorporated into the current and recommended actions described at the end of this report.

While local injury data is currently limited, staff review published research related to injury rates associated with e-scooters programs around the world on an ongoing basis. A recent report¹ by the OECD's International Transport Forum compared the safety of bicycles, e-bikes, and e-scooters in 15 countries in an urban context. The report concluded that "a road fatality is not significantly more likely when using a shared standing e-scooter rather than a bicycle" and that "the risk of an emergency department visit for an e-scooter rider is similar to that for cyclists". The following table provides a summary of the injury and fatality rates for both e-scooter riders and bicyclists provided in the OECD report:

¹ Safe Micromobility, Organisation for Economic Cooperation and Development / International Transport Forum (OECD / ITF), 2020

Mode	Injury Rate (Emergency Room Visits)		Fatality Rate	
E-scooter	87 – 251 per million trips	.01% - .03%	78 – 100 per billion trips	.00001% - .00001%
Bicycle	110 – 180 per million trips	.01% - .02%	21 - 257 per billion trips	.00000% - .00003%

Source: Safe Micromobility, Organisation for Economic Cooperation and Development / International Transport Forum (OECD / ITF), 2020

* Note: The e-scooter injury rate in the table above is similar to the injury rate shared by IH in Attachment #3

In regard to risks for pedestrians, the report found that “pedestrian fatalities are rare” and that “overall, riders themselves represent over 90% of fatalities involving e-scooters.” As far as pedestrian injuries are concerned, the report found that in e-scooter incidents “pedestrian injuries are rare or under-reported” and that pedestrians represent an average of 4 per cent of e-scooter related injuries.

Key safety recommendations from the report include:

- Allocate protected space for bikes and scooters and keep pedestrians safe
- To make micromobility safe, focus on motor vehicles (cars and trucks)
- Regulate low-speed e-scooters and e-bikes as bicycles
- Collect data on micromobility trips and crashes
- Proactively manage the safety performance of street networks
- Include micromobility in training for road users
- Tackle drunk driving and speeding across all vehicle types
- Eliminate incentives for micromobility riders to speed
- Improve micro-vehicle design
- Reduce wider risks associated with shared micromobility operations

Staff reviewed these recommendations and have included recommended actions later in this report. These findings are also similar for the sources shared by IH in Attachment #3. For injury incident data, staff propose to continue working with our IH partners to improve the collection and tracking of shared e-scooter related injuries. Staff would then monitor this data and make consistent revisions to how service is delivered to ensure injury rates do not escalate outside the typical ranges from published research.

Taking Cars off the Road

To monitor the extent to which e-scooters are taking cars off the road in Kelowna, rather than being ridden purely for entertainment, staff are able to pull from two data sources. The first is the micromobility dashboard that receives real-time data from the e-scooter companies. This dashboard enables staff to see where trips are being taken throughout the city and monitor key travel statistics, summarized below:

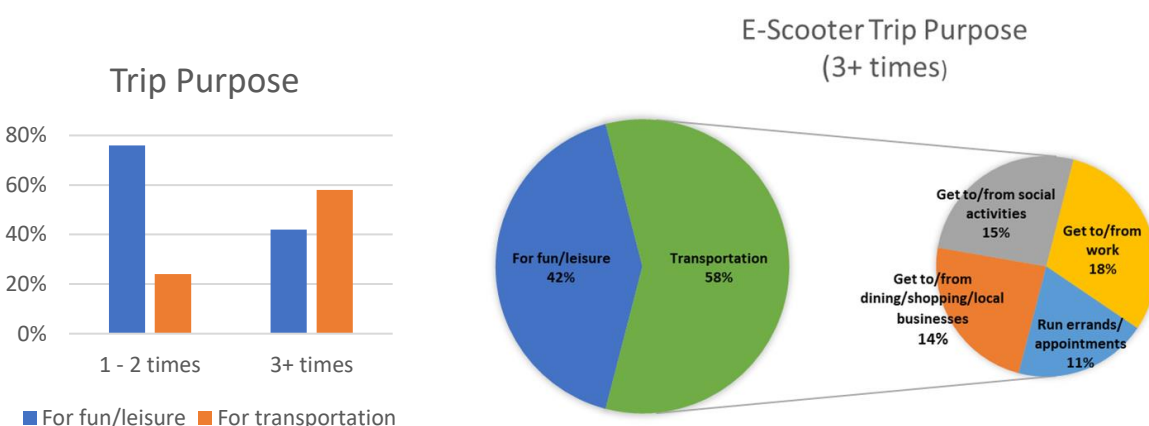
- **Total shared e-scooter trips in the first 45 days:** 77,000 (April 19th to June 2nd)
- **Average trips per day:** 1,700
- **Average trip distance:** 2 km
- **Average trip length:** 18 minutes
- **E-Scooter Mode Share within the Service Area:** Approx. 2%

From this data staff can report that the usage of shared e-scooters has been four times higher than the shared pedal-bike pilot in 2018. Within the main e-scooter service area (west of Spall, north of Mission Creek), shared e-scooters have an estimated 2 per cent mode share. For comparison, mode share in the

same area for transit was approximately 4 per cent, and for bikes was approximately 3 per cent in November 2018.

The second data source is a rider survey that the e-scooter companies conducted the week of June 7th to help staff better understand critical factors such as e-scooter trip purpose and how trips would have been made if e-scooters were not available. This is a standard transportation survey with questions that are typical for program evaluations. The survey was emailed by the service providers to their customers and the results shared with City staff. A total of 853 survey responses were received. As with all opt-in surveys, respondents are not drawn from a random sample and may not represent all e-scooter riders. Key survey results that are relevant to the discussion are summarized below.

The survey found that 72 per cent of respondents had never ridden an e-scooter prior to the program launch and that the majority of first- or second-time rides were for fun/leisure. This may be due to the need to try something new out first before you can rely on it for reliable transportation. However, for riders that reported riding three or more times, fun/leisure trips dropped to 42 per cent and transportation-related trips rose to 58 per cent. Transportation-related purposes included getting to work (18 per cent), meeting a friend/social activities (15 per cent), shopping (14 per cent) and running errands or getting to appointments (11 per cent).

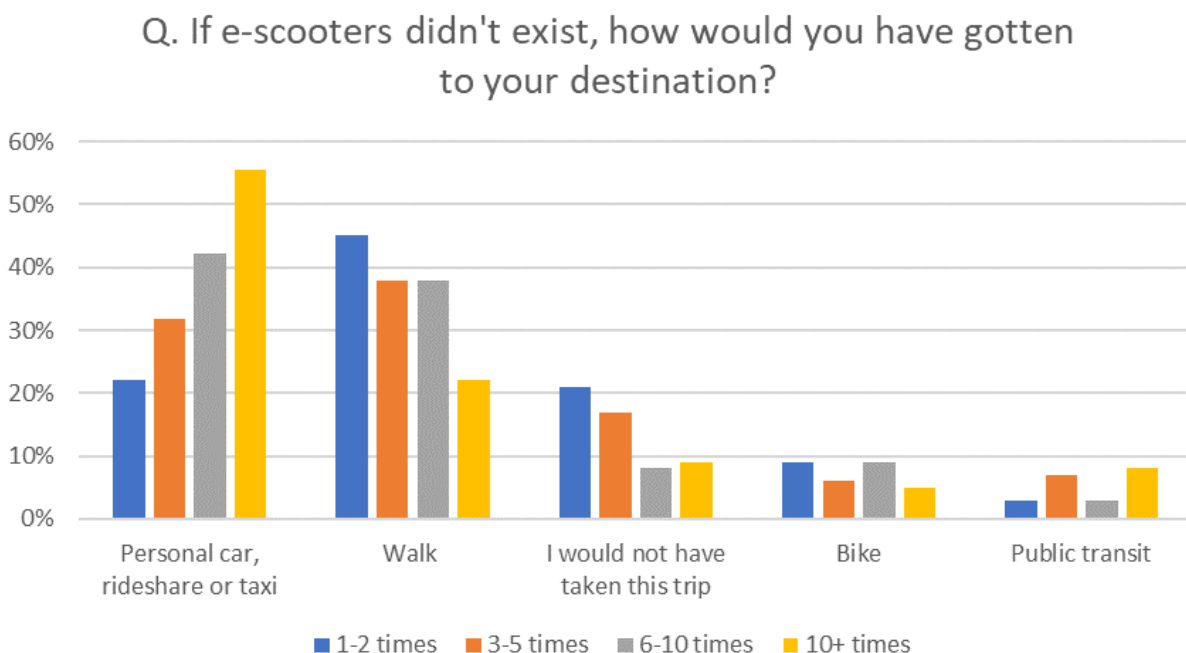


While trip purpose is important, in terms of the taking cars off the road, what really matters is how the trip would have been made if an e-scooter was not available. For example, a visitor that chooses not to rent a car in the busy summer months because e-scooters are available will also help take cars off the road, just like a resident that chooses to take an e-scooter into downtown (for any reason) rather than driving.

Research² shows that typically 45 per cent of e-scooter trips replace driving trips. The Kelowna rider survey showed that more frequent e-scooter users are more likely to replace a driving trip. Among survey respondents that rode an e-scooter at least three or more times in the first six weeks of the program, an average of 40 per cent of e-scooter trips replaced driving trips. Among riders who rode an e-scooter 10 or more times, 56 per cent replaced driving trips.

² NABSA State of the Industry Report 2019; <https://nabsa.net/about/industry/>

These data points indicate a general pattern where people are trying out e-scooters initially as something new, and then those that continue to ride start to use them for more utilitarian transportation trips that take cars off the road.



Based on these data from the first six weeks, it is estimated the e-scooter program would take approximately 274,000 km of vehicle travel off our road network each year. This would equate to approximately 50 tonnes of direct vehicle emissions annually. These estimates are based on the current usage and could increase if the observed trend towards more utilitarian travel continues.

Cost-Effectiveness

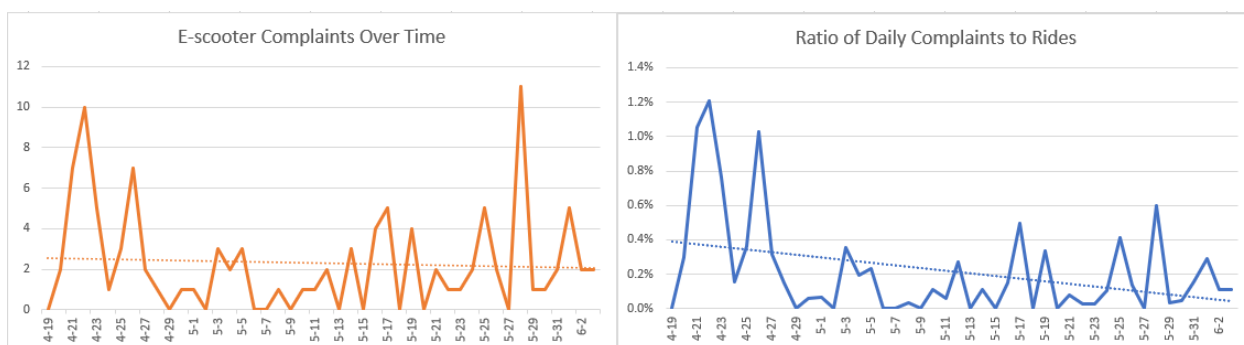
The City's costs to run the e-scooter program are primarily limited to staff time, with some additional costs related to the data dashboard and upcoming educational efforts. These have been accommodated within existing program budgets for 2021. The e-scooter companies are responsible for all the capital and operating costs associated with providing the service, including the staff time involved in e-scooter retrieval and deployment, e-scooter sanitization, rider training and street teams. E-scooter companies can also be fined by the City for failing to comply with the terms of their micromobility permit. These fines are being used to fund materials related to the new sidewalk decals and preferred parking areas.

When considering that shared e-scooters have approached a mode share similar to biking and transit within the core area of the city in just 45 days, and associated VKT and greenhouse emissions reduction potential of the program (at very little cost to the City), the program can be seen as providing a high value to taxpayers. Of course, injury data is currently limited, so future program assessments will need to factor this information in when it becomes available.

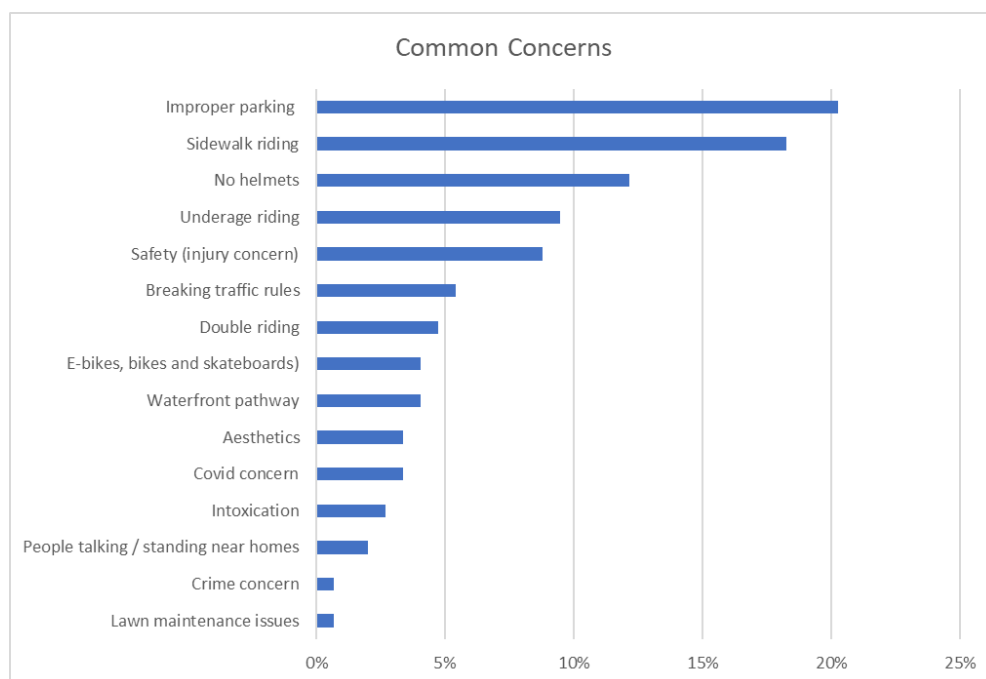
The remaining portion of this report provides a summary of public feedback received since program launch. Actions currently underway and recommended to address these concerns are provided at the end of the report.

Summary of Public Feedback and Common Concerns:

Since the launch of the e-scooter program, staff have been tracking the number of contacts from the public regarding e-scooters. Between April 19th and June 3rd there were 106 total complaints that came in either as a service request, contact to city staff, or contact to Council. The charts below show both the absolute number of complaints and the complaints received as a ratio of total shared e-scooter rides over the same time period. E-scooter complaints are typically related to improper riding or parking, so understanding complaints as a ratio to rides can be helpful.



Common concerns that the public reached out to staff with are summarized in the chart below:



Staff have also been coordinating closely with our enforcement partners (RCMP and Bylaw Services) to understand key concerns and issues related to e-scooter safety and rider compliance. RCMP and Bylaw Services are taking a proactive, education-based approach (i.e., issuing verbal warnings with selective enforcement), as resources allow. Since the program launch, RCMP and Bylaw issued approximately 260 warnings and responded to less than 30 e-scooter related complaints. The most common issues observed and reported include failure to wear a helmet, sidewalk riding, underage riding, and impaired riding.

Recommended Actions: The following section provides an overview of actions currently underway in response to the public feedback received, as well as additional recommended actions for immediate implementation. Staff are working to be responsive to concerns and have already made approximately 55 amendments to how shared e-scooter service is delivered over the first 45 days of the program, as a direct result of public feedback. Actions underway and new recommended actions are demarcated below and organized according to common concern / theme:

Impaired Riding

Research³ indicates that one third of e-scooter related injuries could be associated with alcohol consumption. The following actions are being implemented to reduce the likelihood of impaired riding:

- **Intoxicated Riding Test and Pledge** [*underway*]: The City has required an intoxicated riding pledge or cognitive test when attempting to unlock an e- scooter in the late evening. Operators without this feature are not permitted to operate between 8pm and 4am. Three of the four e-scooter companies now have this feature in place. No late-night e-scooter rides happen without the rider first reviewing the dangers of intoxicated riding and pledging to ride sober or completing a cognitive test.
- **Late-Night Riding Restrictions** [*underway*]: In addition to the above, the City has also banned e-scooter riding in the downtown area (Sutherland to Recreation, Richter to the lake) between the hours of 10:30 pm and 4 am on weekends. On June 3rd this was extended to include weekday nights as well.

Sidewalk Riding

- **Walk your Wheels Sidewalk Stickers** [*underway*]: Pedestrians and people with diverse abilities need to feel safe on our sidewalks. To help discourage sidewalk riding, new sidewalk decals have recently been placed on the curb letdowns near our busiest sidewalks reminding people that "Sidewalks are for Pedestrians" and to "Walk Your Wheels."
- **Sidewalk Riding Detection** [*new action*]: To help reduce sidewalk riding, new technologies that utilize vibration sensors are now available that enable e-scooters to detect when they are being ridden on the sidewalk. While these technologies are still being tested and refined, this action may help deter sidewalk riding. When sidewalk riding is detected, e-scooter companies could issue warnings or fines to the customer account for violating the terms of the rental contract. Staff will work with the e-scooter companies to implement this new technology, when available.

Safe Riding

- **Street Teams** [*underway*]: As of June 1st, every e-scooter company is now required to have company staff Street Teams in the field for a total of 100+ hours per week to educate riders as well as deliver fines and warnings for unsafe riding behaviours.
- **Service-Provider Enforcement Process** [*underway*]: Any member of the public can submit a photo of improper riding or an improperly parked e-scooter with a time and location to the e-scooter companies. The e-scooter companies will review and issue a warning and/or fine to the customer account, as appropriate.

³ https://austintexas.gov/sites/default/files/files/Health/Web_Dockless_Electric_Scooter-Related_Injury_Study_final_version_EDSU_5.14.19.pdf

- **E-Scooter Safety Education Campaign** [*underway*]: Staff are currently working to engage a marketing firm to help boost the reach of our safety messaging and reach a broader audience, including riders of privately-owned e-scooters. It is anticipated that more in-community messaging would be launched over the months of July and August.
- **Low Speed First Ride** [*new action*]: Just like other vehicles, less experienced riders are more likely to have an injury. E-scooter safety research highlights that 29 per cent of e-scooter injuries occur during first rides. Staff will require that e-scooter companies limit first-time e-scooter rides to half speed to lower the likelihood of injury.
- **Rider Training Events** [*new action*]: Staff will require each e-scooter company to host rider training events twice a month. These free events would help provide a safe environment for new riders to take their first ride with instructions about how to ride, receive a helmet fit check, run a course, learn to signal, and get comfortable riding an e-scooter.

Improper Parking

To discourage e-scooter riders from blocking sidewalks when parking, riders must take a photo of how they parked to end their trip. Warnings and fines are issued if they leave the scooter parked improperly. GPS and tip sensors alert operators when e-scooters fall over or get moved out of place. Current response times related to improper parking are under one hour. Any concerned resident can also call the City or the service provider to have an e-scooter moved. They can also move the errant e-scooter out of the path of travel themselves if they feel comfortable and are able to do so.

- **Parking Audits** [*underway*]: City staff have been conducting parking audits on an ongoing basis since the program launched. The results show five times fewer improperly parked e-scooters over the first month of the program.

Date	Improper parking rate
27-Apr	15%
29-Apr	13%
05-May	8%
13-May	3%

- **Preferred Parking Areas** [*underway*]: City staff have recently implemented over 30 preferred parking areas in our busiest locations, with 50 more in development. E-scooter companies are required to deploy scooters in these locations to improve orderliness in popular locations.
- **Downtown Deployment Cap** [*underway*]: Limits on the percentage of e-scooters deployed into the downtown will avoid e-scooter crowding. Starting on June 8th, operators can only deploy 35 per cent of their vehicles Downtown each day. This also encourages operator to serve new neighbourhoods and extend service more consistently across the City.
- **Faster Response Times** [*new action*]: To help keep e-scooters from blocking sidewalks, staff will require tighter timelines for e-scooter companies to relocate improperly parked scooters (1 hour between 4am-midnight, 4 hours between midnight-4am). This will help make response timelines enforceable.
- **Parking Compliance – Fines for E-scooter Companies** [*new action*]: To help further motivate e-scooter companies to ensure e-scooters do not block sidewalks, staff will continue to conduct

parking audits and issue fines to the e-scooter companies that correspond with the number of improperly parked e-scooters that belong to each company.

Helmet Law Compliance

The industry has moved away from providing shared helmets directly with e-scooters due to safety considerations (damaged helmets may not be visible) as well as public health considerations. However, the following actions are underway to help support compliance with the helmet law:

- **Free Helmets** [underway]: E-scooter companies are delivering free helmets to riders directly in the community via the company staff Street Teams, and free helmets are also available at the Visitor Center (while supplies last) or can be ordered through the app to receive by mail. E-scooter companies have given away hundreds of free helmets since program launch. It is estimated that 1 helmet will be given away for every 100 people living in Kelowna each year because of the program.
- **Helmet Selfie** [new action]: This feature uses computer vision to provide credits or discounts to riders who take a picture of themselves wearing a helmet before or after their ride. One operator in Kelowna already has this feature enabled and others are looking to have this implemented by the end of the month. Staff will work with the service providers to require the helmet selfie feature.

Pedestrian Safety on Shared Pathways

- **Low-speed Zones** [underway]: E-scooters have been speed restricted to 13 km/h along the waterfront and City Park. This is slower than the average speed of a bicycle.
- **Share the Path Education** [underway]: In the coming months, e-scooter program and safety messages will be woven into all public communications about multi-use pathway safety and the importance of sharing the path, which is done annually in anticipation of tourism and higher volumes of pathway users.

Permitting Process, Conditions and Limitations: Under the Bikeshare (Micromobility) Permit Program, Council has the option to amend conditions or cancel the program at any time. To help manage the program, staff recommend not issuing any further permits for shared e-scooters in 2021.

Conclusion:

The first six weeks of the e-scooter program have seen both challenges and wins. While the high levels of ridership indicate demand for this type of service, it has also meant a big change for Kelowna in a short amount of time. Over 20,000 e-scooter customer accounts have been created, the majority of whom are new riders trying the service for the first time and learning the rules of the road. Given this level of uptake, the public feedback and concerns summarized in this report are certainly understandable. In response to the concerns, staff have already implemented approximately 55 amendments to how shared e-scooter service is delivered, over the first 45 days of the program. While staff anticipate safe and legally compliant riding behaviors to improve as people become more familiar with e-scooters and the relevant laws, the reality is it may take some time.

Preliminary findings from the data after just six weeks of implementation indicate there is strong potential for the shared e-scooter program to be a cost-effective way to help take cars off the road, reduce greenhouse gas emissions, and help people get around. However, a more robust survey of riders after a longer period of time would help provide a more comprehensive picture. Additionally, while data

related to e-scooter injury rates was not yet available at the time of this report, both Canadian and international evidence suggest they are similar to bicycles.

To address existing concerns, staff recommend continuing with the actions underway described in this report, as well as implementing the new actions identified. Staff also recommend continuing to work with Interior Health to track e-scooter related injuries, monitoring public feedback, and exploring ways to improve the e-scooter program. A full program evaluation could be undertaken in the fall.



Challenges and Wins for Kelowna's Shared E-Scooter Program

June 14th

Council Resolution

THAT Council direct staff to provide an information report on the scooter program; its challenges and wins over the first month of operation and details regarding the permitting process, conditions and limitations.

Program Objectives

► Advance Council Priorities

- Emerging technologies are making it easier to get around
- Greenhouse gas emissions are decreasing, and
- Travel times are optimized

► Support the 2040 OCP and TMP

- Move more people through existing road space
- Connect our growing urban centres
- Low-carbon, cost-effective transportation option

Key Performance Metrics

- ▶ Safety and Injuries
- ▶ Helping take cars off the road
- ▶ Cost-effective





Safety and Injuries



Safe Riding Requirements

The provincial Motor Vehicle Act and Kelowna Traffic Bylaw require e-scooter riders to:

- ▶ Letter from Interior Health (Attachment #3)
- ▶ Ride in the street, bicycle lanes or multi-use paths
- ▶ Be sober (intoxicated riding is a serious offence)
- ▶ Not block sidewalks when parking
- ▶ Wear a helmet
- ▶ Riders must be 16 years or older (18+ for some shared scooters)
- ▶ One person per scooter
- ▶ Follow the rules of the road

E-Scooter Injuries

- ▶ Letter from Interior Health (Attachment #3)
- ▶ Broader role e-scooters play in supporting vibrant, healthy communities
- ▶ Quantitative local injury data not yet available
- ▶ City and IH partnership:
 - ▶ Support healthy communities
 - ▶ Collect and monitor shared e-scooter injury data
 - ▶ Strategies to mitigate health impacts



June 8, 2020

City of Kelowna
Integrated Transportation Department
1435 Water St
Kelowna, BC V1Y 1J4

Attention: Matt Worona

RE: E-scooters and Health Evidence

On behalf of Interior Health, we are pleased to provide this letter to the City of Kelowna as a response to a request for additional information about the health evidence and impacts to health services from the shared e-scooter program. As you know, the health of individuals and populations is influenced by a variety of factors including the social and physical environments. As such, Interior Health is committed to collaborating with the City of Kelowna and other stakeholders to support public policies that contribute to healthy communities.

Active transportation increases physical and mental health of individuals and improves the environment by reducing air pollution. From an equity perspective, alternative transportation options that are less costly than car ownership and enhance city accessibility for a larger number of members in our community. While the benefits of active transportation such as bicycles, carpooling and public transit are well documented, shared e-scooters programs are relatively new and evidence is emerging from cities where programs were implemented.

Evaluation of shared e-scooter programs in the US and Australia estimated that between 20 to 28 injuries per 100,000 trips required medical attention. Ninety percent of injuries affected riders, and about 70 percent of injuries were either fractures or head injuries. The rate of head injuries more than double the rate experienced by cyclists. Individuals in their teens and twenties and first time riders were overrepresented, and a large proportion of injuries involved alcohol intoxication and not wearing a helmet. According to data from Alberta Health Services, one person was seriously injured and admitted to hospital per 100,000 e-scooter rides. They estimated a much higher number of injuries that didn't result in hospital admissions, at a rate of one per 1,500 rides.

In alignment with experience in other jurisdictions, clinicians at Kelowna General Hospital have also reported that they have observed a rise in injuries among users of the shared e-scooter program. This prompted the City of Kelowna to request health information related to the program. As a result, Interior Health is currently exploring the feasibility of utilizing administrative data sources to assess the impact of the shared e-scooter program on health services. This retrospective analysis, however, will require manual chart reviews and may take several weeks before the results can be shared with the City of Kelowna. Prospectively, Interior Health is working towards determining opportunities to collect, analyze and disseminate health information related to the shared e-scooter program.

Community Health and Services Centre
505 Doyle Ave
Kelowna BC V1Y 6V8
Web: www.interiorhealth.ca

Safety Research

Mode	Injury Rate (Emergency Room Visits)		Fatality Rate	
E-scooter	87 – 251 per million trips	.01% - .03%	78 – 100 per billion trips	.00001% - .00001%
Bicycle	110 – 180 per million trips	.01% - .02%	21 - 257 per billion trips	.00000% - .00003%

Source: Safe Micromobility, Organisation for Economic Cooperation and Development / International Transport Forum (OECD / ITF), 2020

“The risk of an emergency department visit for an e-scooter rider is similar to that for cyclists.”

-“Safe Micromobility” from the OECD’s International Transport Forum

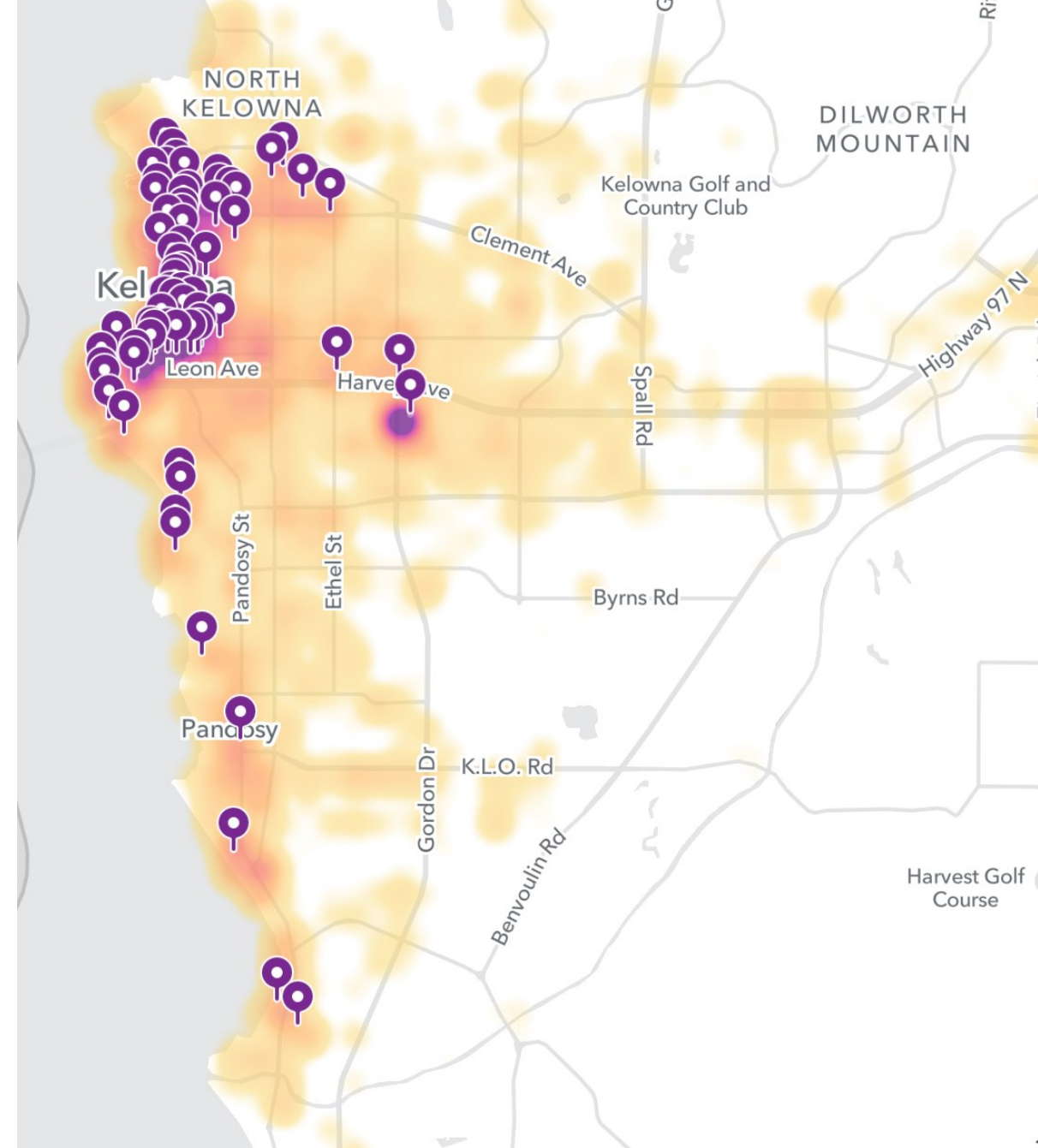


Taking Cars Off The Road



Micromobility Dashboard

- ▶ Total shared e-scooter trips: 77,000
- ▶ Average trips per day: 1,700
- ▶ Average trip distance: 2 km
- ▶ Average trip length: 18 minutes
- ▶ E-Scooter Mode Share within the Service Area: Approx. 2%



Rider Survey

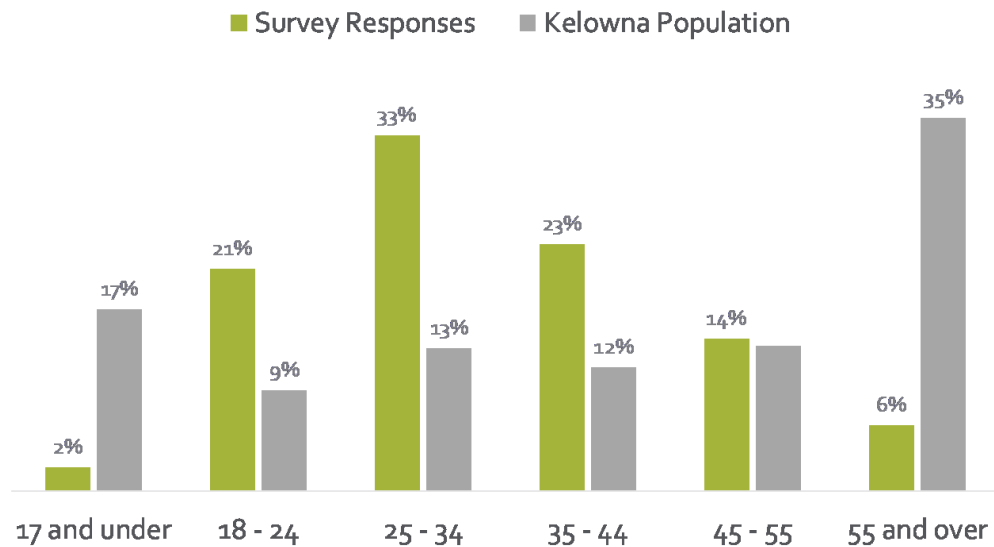
- ▶ Standard transportation survey
- ▶ Delivered by e-scooter companies directly to riders
- ▶ Week of June 7th
- ▶ 850 survey responses

"I am unable to walk, so this helps me get around town."

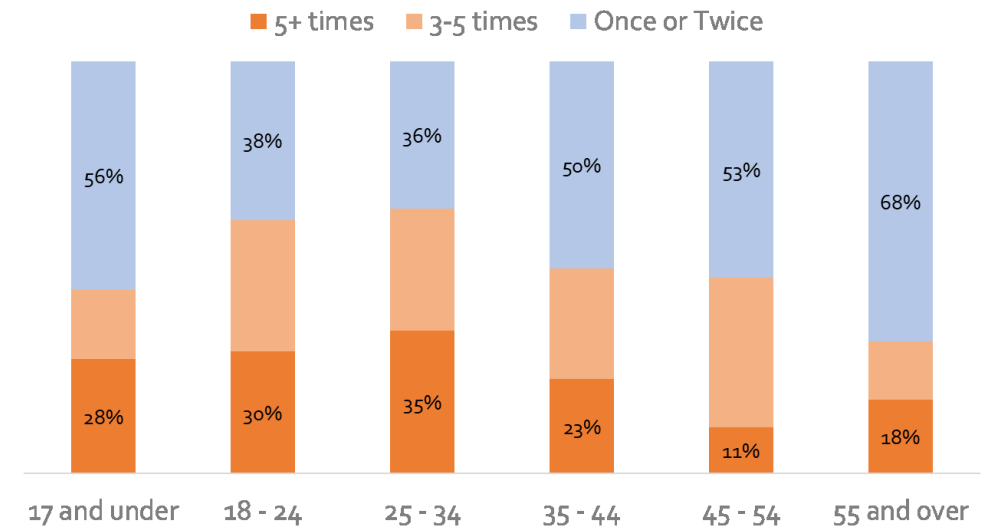
"Our feet were sore after hiking Knox Mtn & we wanted to get downtown for ice cream!"

Survey Respondents

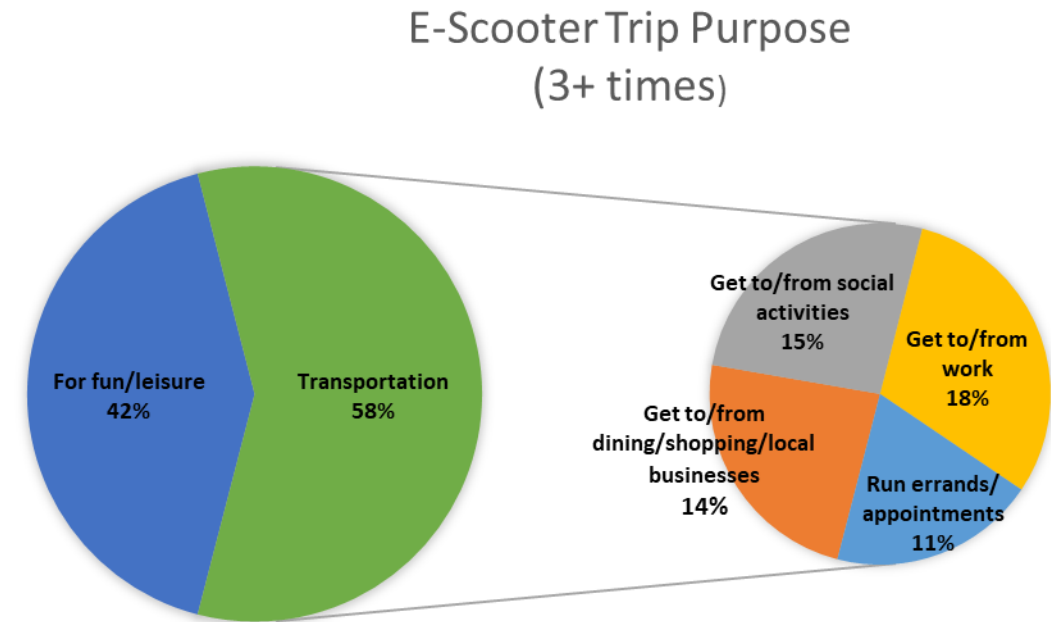
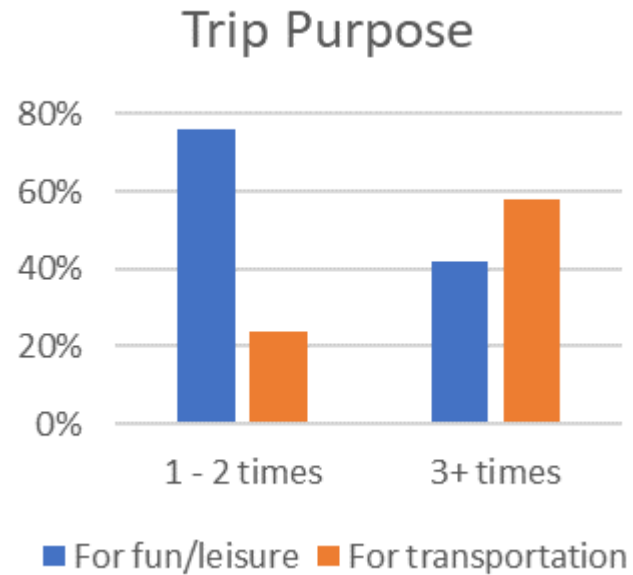
Age Distribution



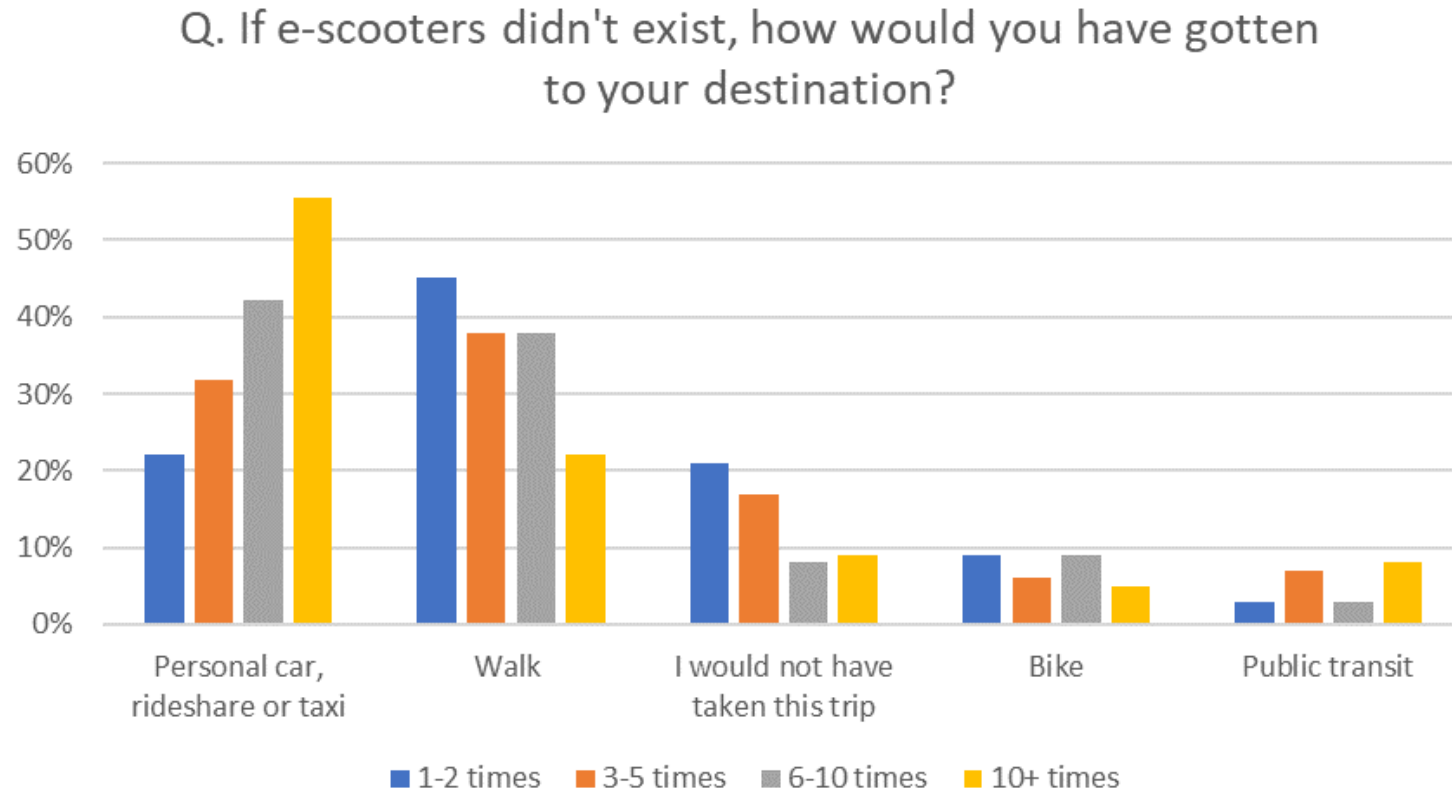
Frequency of Use by Age



Trip Purpose

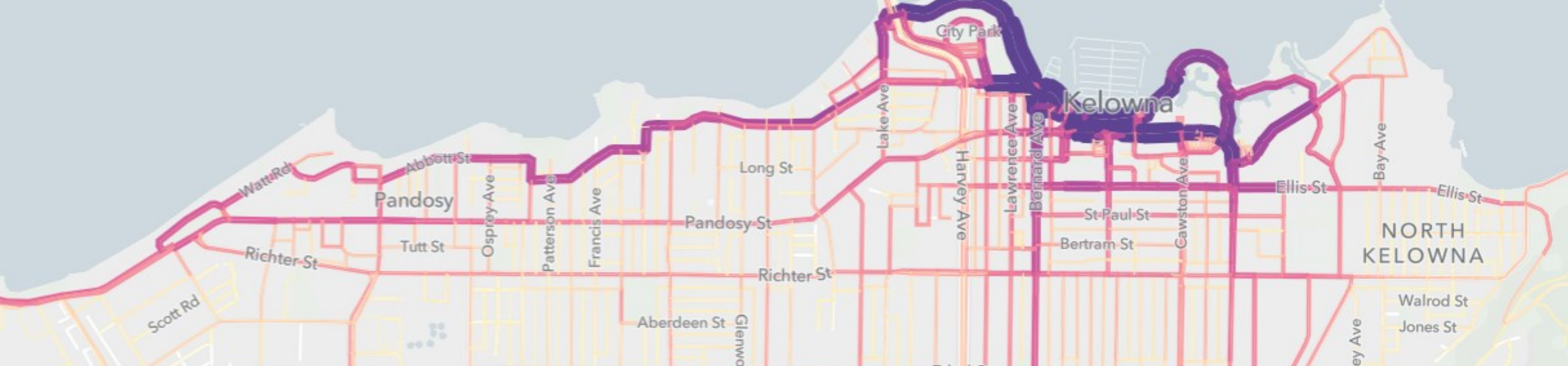


Travel Mode Replaced

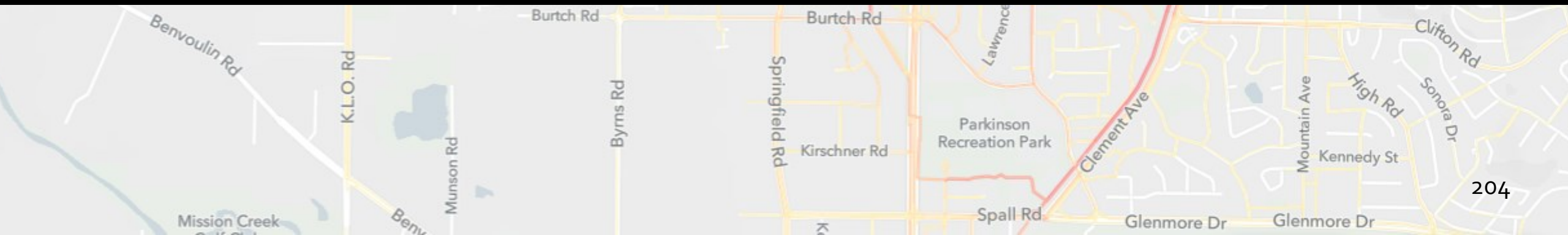


Taking Cars off the Road

- ▶ An average of 40% of trips replaced driving
- ▶ Annual program projections:
 - ▶ Prevent approx. 274,000 km of vehicle travel
 - ▶ Prevent approx. 50 tonnes of direct vehicle emissions
- ▶ Could increase if trend towards more utilitarian travel continues



Cost-Effectiveness

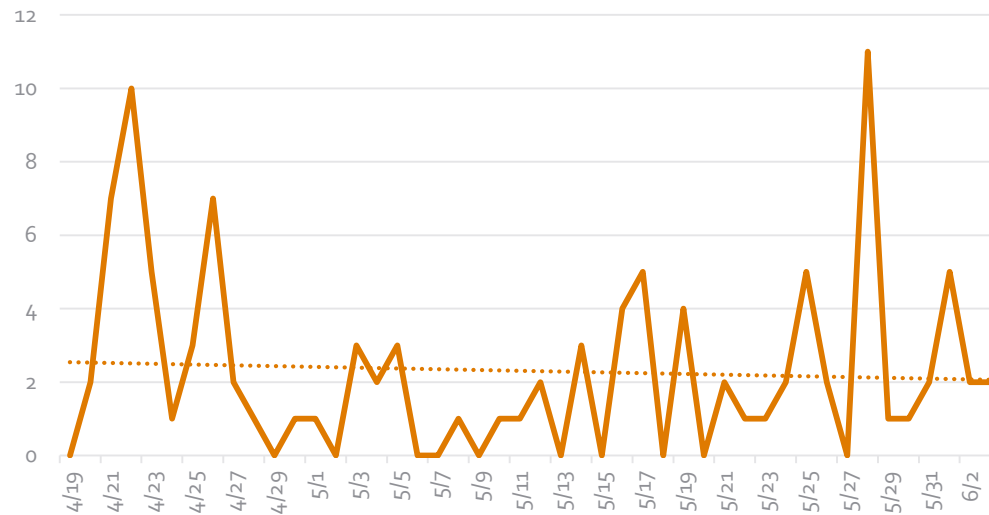


Value for Money

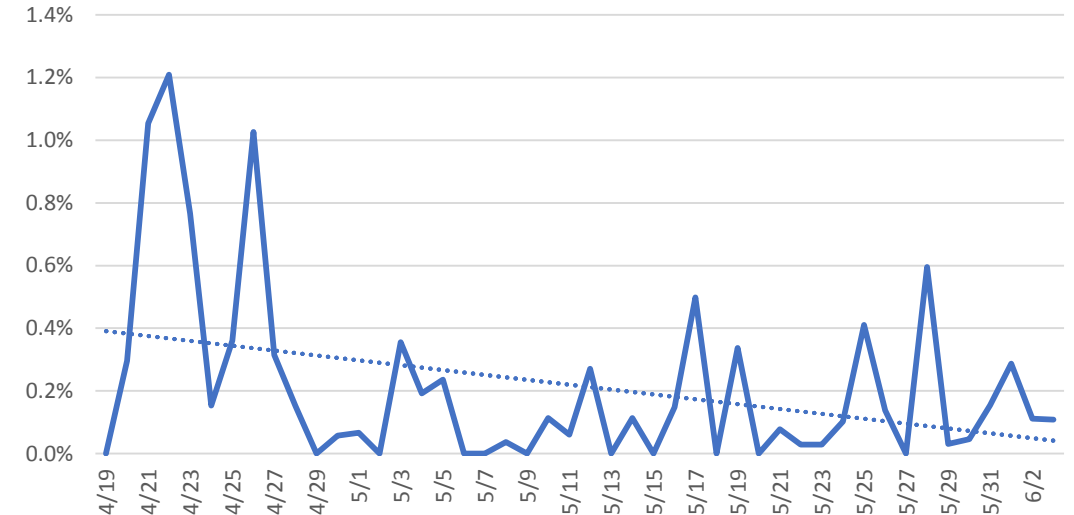
- ▶ Mode share has approached a rate similar to bikes in just 45 days
- ▶ Program has potential to help people get around, reduce vehicle travel and reduce greenhouse gas emissions, at very little cost to the City

Summary of Public Feedback

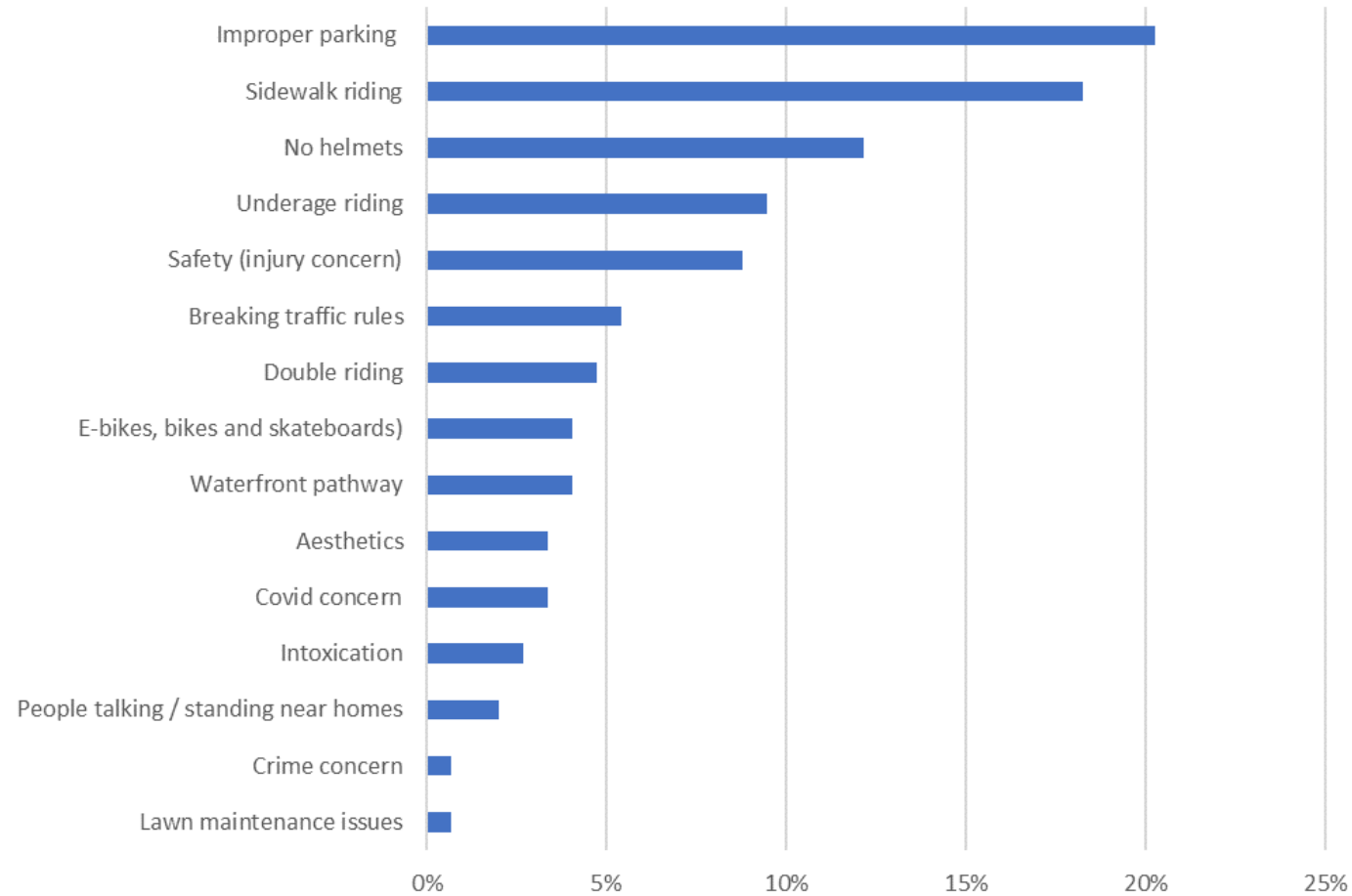
E-scooter Complaints Over Time

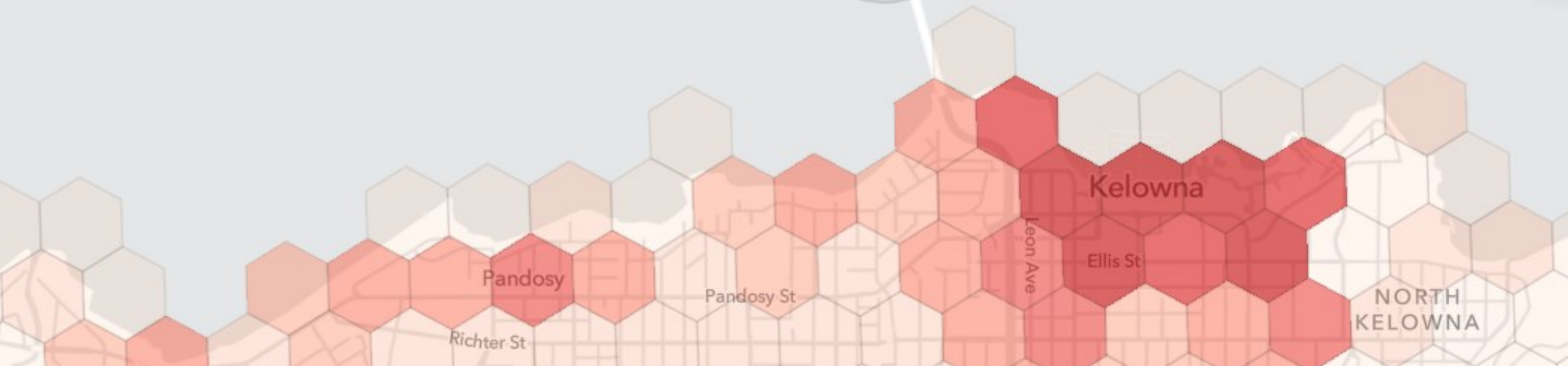


Ratio of Daily Complaints to Rides Over Time

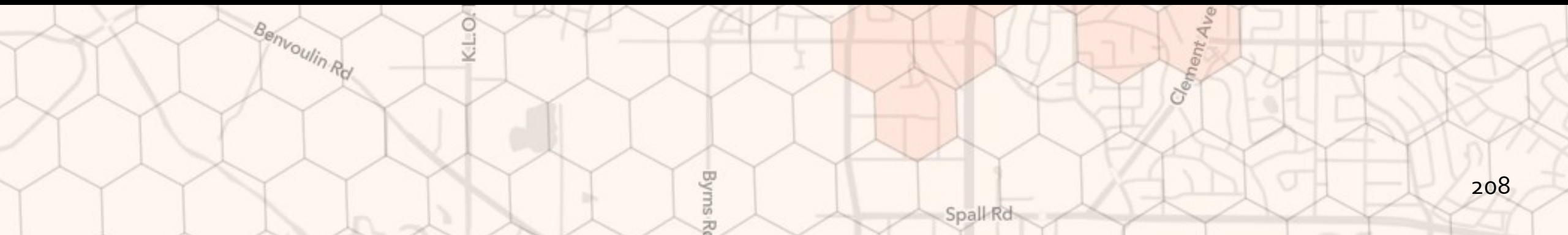


Common Concerns





Recommended Actions



Recommended Actions


► General

- Not issue any further shared e-scooter permits in 2021 (*new action*)

► Impaired Riding

- Late-Night Riding Restrictions (*underway*)
- Intoxicated Riding Test and Pledge (*underway*)

× BIRD KELOWNA



Are you safe to ride?
Drinking and riding is dangerous and illegal.
Never operate a vehicle if you're impaired.

Sober Riding Pledge
I pledge that I am sober and not under the
influence of anything that may render me
incapable of operating this vehicle in a safe and
reasonable manner

● ● ●

I AGREE

Recommended Actions

- ▶ Sidewalk Riding
 - ▶ Walk your Wheels Sidewalk Stickers (*underway*)
 - ▶ Sidewalk Riding Detection (*new action*)



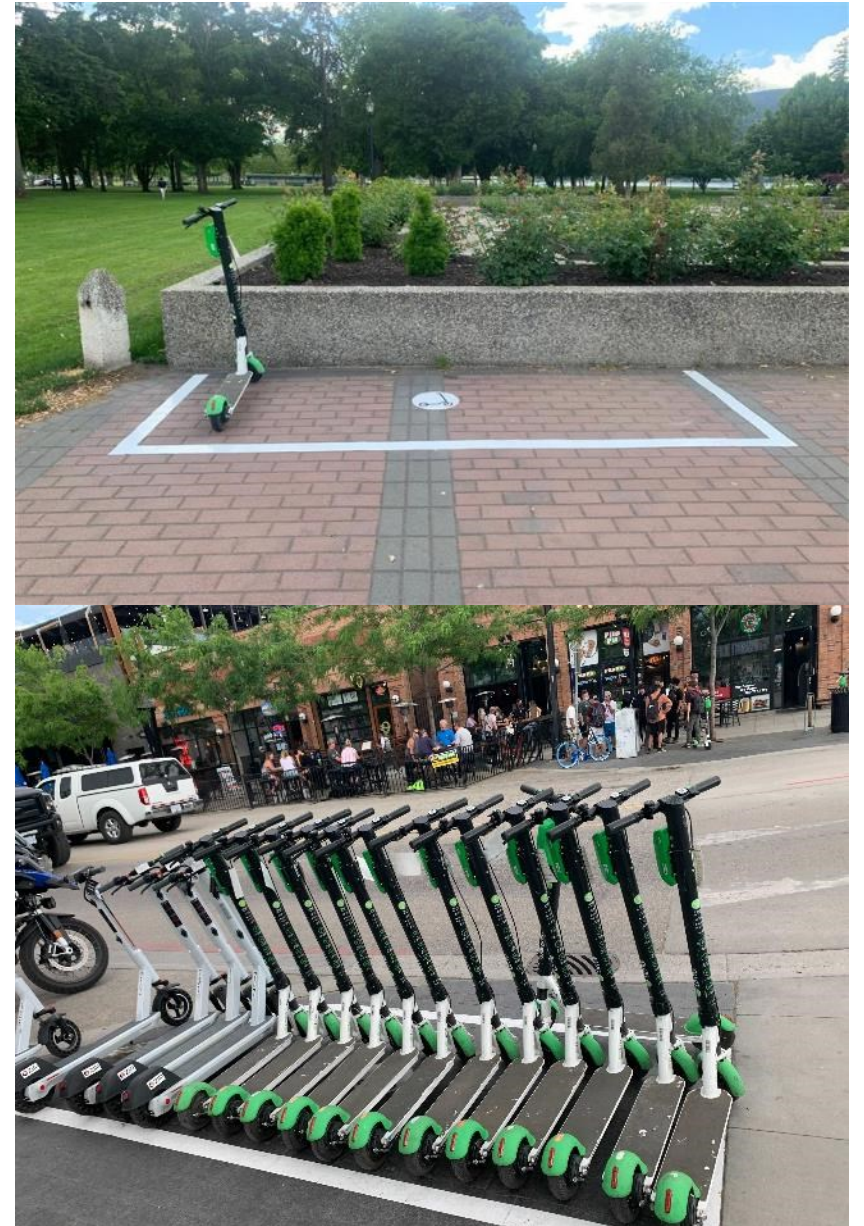
Recommended Actions

- ▶ Safe Riding
 - ▶ Street Teams (*underway*)
 - ▶ Service-Provider Enforcement Process (*underway*)
 - ▶ E-Scooter Safety Education Campaign (*underway*)
 - ▶ Low Speed First Ride (*new action*)
 - ▶ Rider Training Events (*new action*)



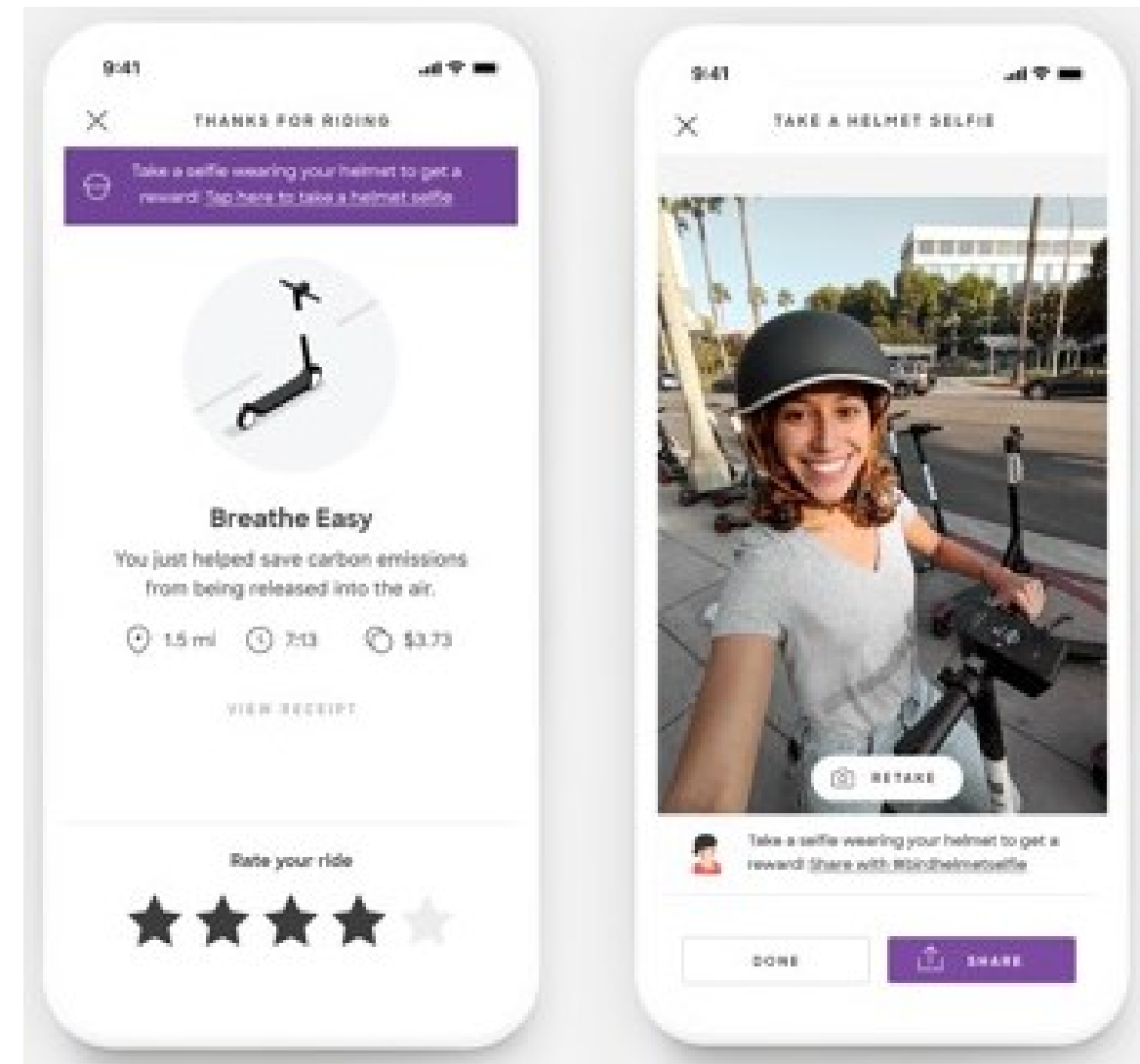
Recommended Actions

- ▶ Improper Parking
 - ▶ Parking Audits (*underway*)
 - ▶ Preferred Parking Areas (*underway*)
 - ▶ Downtown Deployment Cap (*underway*)
 - ▶ Faster Response Times (*new*)
 - ▶ Parking Compliance – Fines for E-scooter Companies (*new*)



Recommended Actions

- ▶ Helmet Law Compliance
 - ▶ Free Helmets (*underway*)
 - ▶ Helmet Selfie (*new*)
- ▶ Pedestrian Safety on Shared Pathways
 - ▶ Low-speed zones (*underway*)
 - ▶ Share the Path Education (*underway*)



Conclusion

- ▶ Big change for Kelowna in a very short timeframe
- ▶ Research indicates e-scooter injury rates are similar to bicycles
- ▶ Strong potential as a cost-effective way to help people get around, take cars off the road, and lower emissions
- ▶ New actions anticipated to accelerate compliance among users





Questions?

For more information, visit kelowna.ca.

June 8, 2020

City of Kelowna
Integrated Transportation Department
1435 Water St
Kelowna, BC V1Y 1J4

Attention: Matt Worona

RE: E-scooters and Health Evidence

On behalf of Interior Health, we are pleased to provide this letter to the City of Kelowna as a response to a request for additional information about the health evidence and impacts to health services from the **shared e-scooter program**. As you know, the health of individuals and populations is influenced by a variety of factors including the social and physical environments. As such, Interior Health is committed to collaborating with the City of Kelowna and other stakeholders to support public policies that contribute to healthy communities.

Active transportation increases physical and mental health of individuals and improves the environment by reducing air pollution. From an equity perspective, alternative transportation options that are less costly than car ownership and enhance city accessibility for a larger number of members in our community. While the benefits of active transportation such as bicycles, carpooling and public transit are well documented, **shared e-scooters programs** are relatively new and evidence is emerging from cities where programs were implemented.

Evaluation of **shared e-scooter programs** in the US and Australia estimated that between 20 to 28 injuries per 100,000 trips required medical attention. Ninety percent of injuries affected riders, and about 70 percent of injuries were either fractures or head injuries. The rate of head injuries more than double the rate experienced by cyclists. Individuals in their teens and twenties and first time riders were overrepresented, and a large proportion of injuries involved alcohol intoxication and not wearing a helmet. According to data from Alberta Health Services, one person was seriously injured and admitted to hospital per 100,000 e-scooter rides. They estimated a much higher number of injuries that didn't result in hospital admissions, at a rate of one per 1,500 rides.

In alignment with experience in other jurisdictions, clinicians at Kelowna General Hospital have also reported that they have observed a rise in injuries among users of the **shared e-scooter program**. This prompted the City of Kelowna to request health information related to the program. As a result, Interior Health is currently exploring the feasibility of utilizing administrative data sources to assess the impact of the **shared e-scooter program** on health services. This retrospective analysis, however, will require manual chart reviews and may take several weeks before the results can be shared with the City of Kelowna. Prospectively, Interior Health is working towards determining opportunities to collect, analyze and disseminate health information related to the **shared e-scooter program**.

Implementation of shared e-scooter and other programs involving rapidly expanding technology in short-distance transportation requires us to consider health data to understand associated effects on public health. The City of Kelowna has a standing partnership with Interior Health in which both agencies collaborate to support healthy environments for community members. Safety strategies to mitigate harms require collaboration with additional stakeholders who have a role in either enforcing, monitoring or responding to issues that arise due to the use of the **shared e-scooter program**. Examples of strategies to mitigate health impacts that were implemented in other jurisdictions include providing safety education, enforcement for disallowed or illegal behaviour, restricting the locations where e-scooters are permitted to ride and park, and built-in e-scooter safety features such as lights, suspension and noise, as well as speed restrictions.

In summary, a **shared e-scooter program** offers a novel, convenient, and fun way to get around and contributes to a vibrant community by expanding recreation options. These are important benefits that can be maximized by balancing prevention and mitigation strategies of any associated risks. We appreciate the efforts of the City of Kelowna in seeking to understand health impacts to implement appropriate regulatory responses to the **shared e-scooter program**.

Please do not hesitate to reach out with questions or concerns.

Sincerely,



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Medical Health Officer



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