

City of Kelowna

Regular Council Meeting

AGENDA



Monday, June 21, 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 - 13

PM Meeting - June 14, 2021

3. Reports

3.1. Indigenous Relations

14 - 29

To provide Council with an update on City actions to advance Truth and Reconciliation Calls to Action and to obtain support for a path forward.

4. Development Application Reports & Related Bylaws

4.1. Burnett St 2251 - Z21-0007 (BL12232) TA21-0006 (BL12233) - Jose Antonio Maciel

30 - 55

To rezone the property from the RU6 – Two Dwelling Housing zone to the HD2 – Hospital and Health Support Services zone; and to amend the Zoning Bylaw by allowing multiple dwelling housing as a principal use under the HD2 – Hospital and Health Support Services zone for a lot less than 900m² at 2251 Burnett Street. Both the rezoning and the site specific Text Amendment are proposed to facilitate a multiple dwelling housing development consisting of a 3 storey 6-plex.

4.2. Burnett St 2251 - BL12232 (Z21-0007) - Jose Antonio Maciel

56 - 56

To give Bylaw No. 12232 first reading in order to rezone the subject property from the RU6 – Two Dwelling Housing zone to the HD2 – Hospital and Health Support Services zone.

4.3.	Burnett St 2251 - BL12233 (TA21-0006) - Jose Antonio Maciel	57 - 57
	To give Bylaw No. 12233 first reading in order to amend the Zoning Bylaw by allowing multiple dwelling housing as a principal use under the HD2 – Hospital and Health Support Services zone for a lot less than 9000m ² for the subject property.	
4.4.	Highland Dr N 1653 - Z21-0017 (BL12236) - Shannon Elizabeth Day	58 - 72
	To rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to facilitate a 2-lot subdivision, and to waive the Public Hearing.	
4.5.	Highland Dr N 1653 - BL12236 (Z21-0017) - Shannon Elizabeth Day	73 - 73
	To give Bylaw No. 12236 first reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.	
4.6.	Supplemental Report - Shayler Crt 2890 - Z21-0023 (BL12214) - Erwin Victor Braun and Connie Teresa Braun	74 - 75
	To receive a summary of correspondence for Rezoning Bylaw No. 12214 and to give the bylaw further reading consideration.	
4.7.	Shayler Ct 2890 - BL12214 (Z21-0023) - Erwin Victor Braun and Connie Teresa Braun	76 - 76
	To give Bylaw No. 12214 second and third reading in order to rezone the subject property from the RR1 - Rural Residential 1 zone to the RR1c - Rural Residential 1 with Carriage House zone.	
4.8.	Supplemental Report - McCurdy Rd 320 - Z21-0025 (BL12215) - Erica Dawn McAvoy	77 - 78
	To receive a summary of correspondence for Rezoning Bylaw No. 12215 and to give the bylaw further reading consideration.	
4.9.	McCurdy Rd 320 - BL12215 (Z21-0025) - Erica Dawn McAvoy	79 - 79
	To give Bylaw No. 12215 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.	
4.10.	Supplemental Report - South Ridge Dr 5008 - Z21-0049 (BL12222) - Nonis Developments Ltd., Inc.No. BCo938873	80 - 81
	To receive a summary of correspondence for Rezoning Bylaw No. 12222 and to give the bylaw further reading consideration.	

4.11.	South Ridge Dr 5008 - BL12222 (Z21-0049) - Nonis Developments LTD., INC.NO BC0938873	82 - 82
	To give Bylaw No. 12222 second and third reading in order to rezone the subject from the C1 - Local Commercial zone to the C2 - Neighbourhood Commercial zone.	
4.12.	St Paul St 1310 - Z19-0024 (BL11822) - Rescind Rezoning Bylaw	83 - 84
	To rescind all three readings given to Rezoning Bylaw No. 11822 and direct staff to close the file.	
4.13.	St. Paul St 1310 - BL11822 (Z19-0024) - Vibona Enterprises LTD., Inc. No. BCo458875	85 - 85
	To rescind first, second and third readings given to Bylaw No. 11822.	
4.14.	Sexsmith Rd 3130 - Z18-0049 (BL11832) - Rescind Rezoning Bylaw	86 - 87
	To rescind all three readings given to Rezoning Bylaw No. 11832 and direct staff to close the file.	
4.15.	Sexsmith Rd 3130 - BL11832 (Z18-0049) - DL Capital Inc., Inc. No. BCo820774	88 - 88
	To rescind first, second and third readings given to Bylaw No. 11832.	
4.16.	Ponto Rd 290 - Z19-0063 (BL12021) - Rescind Rezoning Bylaw	89 - 90
	To rescind all three readings given to Rezoning Bylaw No. 12021 and direct staff to close the file.	
4.17.	Ponto Rd 290 - BL12021 (Z19-0063) - 1135072 B.C. Ltd, Inc. No. BC1135072	91 - 91
	To rescind first, second and third readings given to Bylaw No. 12021.	
4.18.	Pandosy St 2565 2579 - Z17-0113 (BL11562) - Rescind Rezoning Bylaw	92 - 93
	To rescind all three readings given to Rezoning Bylaw No. 11562 and direct staff to close the file.	
4.19.	Pandosy St 2565 2579 - BL11562 (Z17-0113) - 1018545 BC Ltd	94 - 94
	To rescind first, second and third readings given to Bylaw No. 11562.	
4.20.	Cedar Ave 414-420 - Z18-0021 (BL11644) - Rescind Rezoning Bylaw	95 - 96
	To rescind all three readings given to Rezoning Bylaw No. 11644 and direct staff to close the file.	
4.21.	Cedar Ave 414-420 - Z18-0021 (BL11644) - Albert Weisstock	97 - 97
	To rescind first, second and third readings given to Bylaw No. 11644.	

4.22.	Supplemental Report - Sadler Rd 145 and Hwy 33 E 180 and 190 Z18-0117	98 - 99
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To rescind second and third readings given to Bylaw No. 11957 for staff to bring forward new information on the rezoning application.

4.23.	Sadler Rd 145, Hwy 33 E 180 & 190, BL11957 (Z18-0117) - Studio 33 Properties Ltd., Inc No.BC1137489	100 - 100
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To rescind second and third readings given to Bylaw No. 11957.

5. Non-Development Reports & Related Bylaws

5.1.	Building and Development Statistics Q1	101 - 114
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To update Council on Building and Development Statistics for the first quarter of 2021.

5.2.	Transit 2021-2022 Annual Operating Agreement	115 - 138
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To receive Council approval for and execution of the transit 2021/2022 Annual Operating Agreement.

5.3.	Reaching Home – Designated Communities Intermediary Funding Agreement	139 - 143
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To approve receipt and granting of the Reaching Home, Designated Communities funds to the Central Okanagan Journey Home Society for development and implementation of a coordinated access system to address homelessness in Kelowna.

6. Bylaws for Adoption (Non-Development Related)

6.1.	Neptune Rd 1260 - BL12196 - Rental Housing Agreement Bylaw	144 - 151
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To adopt Bylaw No. 12196.

7. Mayor and Councillor Items

8. Termination



City of Kelowna Regular Council Meeting Minutes

Date: Monday, June 14, 2021
 Location: Council Chamber
 City Hall, 1435 Water Street

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

Members participating remotely Councillors Charlie Hodge, Ryan Donn and Mohini Singh

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith*; Community Planning & Development Manager, Dean Strachan*; Planner, Tyler Caswell*; Urban Planning Manager, Jocelyn Black*; Policy & Planning Department Manager, Danielle Noble-Brandt*; Planner, Arlene Janousek*; Divisional Director, Infrastructure, John Vos*; Transportation Planner, Cameron Noonan*, Mobility Specialist, Matt Worona*

Staff participating remotely Strategic Transportation Planning Manager, Mariah VanZerr*, 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

2. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Singh

Ro566/o6/14 THAT the Minutes of the Regular Meetings of May 31, 2021 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

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

Staff:

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

Moved By Councillor Given/Seconded By Councillor Stack

Ro567/06/14 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.

Carried

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

Moved By Councillor Wooldridge/Seconded By Councillor Given

Ro568/06/14 THAT Bylaw No. 12165 be read a first time.

Carried

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

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Singh/Seconded By Councillor Given

Ro569/06/14 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.

Carried

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

Moved By Councillor Given/Seconded By Councillor Wooldridge

Ro570/06/14 THAT Bylaw No. 12224 be read a first time.

Carried

3.5 Boyd Rd 2820, 2830, 2843 - BL12225 (Z20-0052) - Brian Pahl and Linda Pahl

Moved By Councillor Wooldridge/Seconded By Councillor Given

R0571/06/14 THAT Bylaw No. 12225 be read a first time.

Carried

3.6 Crosby Rd 1818 - Z21-0029 (BL12226) - 1244855 BC Ltd

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0572/06/14 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.

Carried

3.7 Crosby Rd 1818 - BL12226 (Z21-0029) - 1244855 BC Ltd

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0573/06/14 THAT Bylaw No. 12226 be read a first time.

Carried

3.8 Manhattan Dr 955 - OCP21-0007 (BL12227) Z21-0018 (BL12228) - MCMI Developments Ltd., Inc. No. BC1239530

Staff:

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

Moved By Councillor Singh/Seconded By Councillor Given

R0574/06/14 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.

Carried

3.9 Manhattan Dr 955 - BL12227 (OCP21-0007) - MCMI Developments Ltd., Inc. No. BC1239530

Moved By Councillor Wooldridge/Seconded By Councillor Given

R0575/06/14 THAT Bylaw No. 12227 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

3.10 Manhattan Dr 955 - BL12228 (Z21-0018) - MCMI Developments Ltd., Inc. No. BC1239530

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0576/06/14 THAT Bylaw No. 12228 be read a first time.

Carried

3.11 Bryden Rd 155 - Z21-0020 (BL12231) - Kelowna Christian Center Society, Inc. No. S0017232

Staff:

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

Moved By Councillor Wooldridge/Seconded By Councillor Donn

R0577/06/14 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.

Carried

- 3.12 Bryden Rd 155 - BL12231 (Z21-0020) - Kelowna Christian Center Society, Inc. No. S0017232**

Moved By Councillor Wooldridge/Seconded By Councillor Given

R0578/06/14 THAT Bylaw No. 12231 be read a first time.

Carried

- 3.13 Supplemental Report - Burne Ave 360 - Z20-0106 (BL12139) - 1221900 BC LTD., Inc. No. BC1221900**

Moved By Councillor Wooldridge/Seconded By Councillor Stack

R0579/06/14 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.

Carried

- 3.14 Burne Ave 360 - BL12139 (Z20-0106) - 1221900 BC LTD., Inc. No. BC1221900**

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0580/06/14 THAT Bylaw No. 12139 be read a second and third time.

Carried

- 3.15 Supplemental Report - Francis Ave 410 - Z20-0037 (BL12146) - 1256484 B.C. Ltd., Inc. No. BC1256484**

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

R0581/06/14 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.

Carried

- 3.16 Francis Ave 410 - BL12146 (Z20-0037) - 1256484 B.C. Ltd., Inc. No. BC1256484**

Moved By Councillor DeHart/Seconded By Councillor Sieben

R0582/06/14 THAT Bylaw No. 12146 be read a second and third time.

Carried

- 3.17 Supplemental Report - Mountainview St 1226 - Z20-0090 (BL12213) - James Norman Tangjerd and Norlyn Shirley Tangjerd**

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R0583/06/14 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.

Carried

3.18 Mountainview St 1226 - BL12213 (Z20-0090) - James Norman Tangjerd and Norlyn Shirley Tangjerd

Moved By Councillor Sieben/Seconded By Councillor DeHart

Ro584/06/14 THAT Bylaw No. 12213 be read a second and third time and be adopted.

Carried

3.19 Supplemental Report - Snowsell St N 156 - Z21-0012 (BL12141) - Subhash Chander Bajaj and Kamlesh Rani Bajaj

City Clerk:

- Confirmed the correspondence of opposition and accompanying petition did not reference any concerns with the land use and that the recommendation is to forward the bylaws for additional readings.

Staff:

- Confirmed a development variance permit will come before Council should the bylaw be adopted.

Moved By Councillor Sieben/Seconded By Councillor Donn

Ro585/06/14 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.

Carried

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

Moved By Councillor DeHart/Seconded By Councillor Stack

Ro586/06/14 THAT Bylaw No. 12141 be read a second and third time.

Carried

4. Bylaws for Adoption (Development Related)

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

Moved By Councillor Stack/Seconded By Councillor DeHart

Ro587/06/14 THAT Bylaw No. 11968 be adopted.

Carried

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

Moved By Councillor DeHart/Seconded By Councillor Stack

Ro588/06/14 THAT Bylaw No. 12134 be adopted.

Carried

4.3 Multiple Addresses - BL12144 (TA20-0023) - Multiple Owners

Moved By Councillor DeHart/Seconded By Councillor Stack

R0589/06/14 THAT Bylaw No. 12144 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Rental Housing Agreement Bylaw - Neptune Rd 1260

Councillor Stack declared a perceived conflict of interest as the organization he works for applies for rental housing agreements and rental housing tax exemptions from time to time and departed the meeting at 2:06 p.m.

Staff:

- Provided background information to the rental housing project subject to the Rental Housing Agreement.

Moved By Councillor Given/Seconded By Councillor Donn

R0590/06/14 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.

Carried

5.2 Neptune Rd 1260 - BL12196 - Rental Housing Agreement Bylaw

Moved By Councillor DeHart/Seconded By Councillor Sieben

R0591/06/14 THAT Bylaw No. 12196 be read a first, second and third time.

Carried

5.3 Rental Housing Tax Exemption Agreements – Spring 2021

Staff:

- Provided background information to the rental housing projects subject to the Rental Housing Agreement.

Moved By Councillor Sieben/Seconded By Councillor Hodge

R0592/06/14 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.

Carried

Councillor Stack returned to the meeting at 2:10 p.m.

5.4 Review and Options for Shared Scooters in Kelowna

Staff:

- Displayed a PowerPoint Presentation providing an update on the e-Scooter Program and options moving forward and responded to questions from Council

Moved By Councillor Hodge/Seconded By Councillor Given

R0593/06/14 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.

Carried

Moved By Councillor Stack/Seconded By Councillor Sieben

R0594/06/14 THAT Council direct staff to consider additional program restrictions aimed to achieve better rider compliance and improve public safety; including but not limiting the number of units provided, the location of unit drop off and additional restricted riding areas and report back to Council;

AND THAT Council direct staff to report back with the steps associated with cancelling the E-Scooter Permit Program, should that be the desire of Council.

Carried

Moved By Councillor Hodge/Seconded By Councillor Singh

R0595/06/14 THAT Council direct staff to invite the E-scooter permit holders to address Council.

Defeated

Mayor Basran, Councillors, DeHart, Donn, Given, Singh, Sieben, Stack and Wooldridge - Opposed

6. Mayor and Councillor Items

Councillor Given:

- Reminder to citizens that Homeowner Grants now need to be applied for through the Province.

Councillor Wooldridge:

- Spoke to National Indigenous Peoples Day on Monday, June 21st.

Councillor Sieben:

- Spoke to BC's Restart Plan being in Phase 2 of re-opening.

Councillor Stack:

- Thanked Kelowna citizens who have gotten vaccinated and acting in compliance with Provincial Health Orders.

7. Termination

This meeting was declared terminated at 4:51 p.m.

Mayor Basran

/acm



City Clerk

DRAFT

Report to Council



Date: June 21, 2021
To: Council
From: City Manager
Subject: Indigenous Relations
Department: Office of the City Manager

Recommendation:

THAT Council receive, for information, the report from the City Manager, dated June 21st, 2021, regarding past, current, and future activities related to Truth and Reconciliation;

AND THAT Council direct staff to allocate resources towards development of a cultural relations program, in part, to advance and build upon the current and past City efforts related to Indigenous relations, as an important step towards meaningful Truth and Reconciliation;

AND THAT Council direct staff to participate in any regional efforts with other local governments, institutions and First Nations, towards implementation of the Truth and Reconciliation recommendations applicable to Local Government;

AND THAT Council support an increase in staff training and enhanced Council orientation, related to aboriginal history and Truth and Reconciliation;

AND FURTHER THAT Council direct staff to report annually on progress to implement Calls to Action associated with the Truth and Reconciliation recommendations that are applicable to Local Government.

Purpose:

To provide Council with an update on City actions to advance Truth and Reconciliation Calls to Action and to obtain support for a path forward.

Background:

The Truth and Reconciliation Commission of Canada released its Calls to Action report in 2015. The report includes 94 Calls to Action that speak to all sectors of Canadian society to redress the legacy of residential schools and advance the process of Canadian reconciliation.

On Thursday May 27, 2021, the Tk'emlúps te Secwépemc First Nation announced the discovery of a series of unmarked burial sites containing the remains of 215 children at the former Kamloops Indian Residential School. The remains are believed to be undocumented deaths. While this shameful part of our history is well documented and has been known for many years, the discovery has reemphasized the importance and need to advance reconciliation with Indigenous people across Canada.

Flags at City facilities were lowered to half-mast between May 31 and June 10 to honour the 215 children found buried on the site of the former residential school in Kamloops by keeping flags lowered for one hour for each lost innocent life. While symbols of remorse are important, staff recognizes the need to continue to follow through with positive and concrete actions.

Previous Council Resolution

Resolution	Date
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.	May 31, 2021

The Truth and Reconciliation Commission Calls to Action are directed to all sectors of Canadian society to redress the legacy of residential schools and advance the process of Canadian reconciliation. While there are only 12 Calls to Action addressed to all levels of government, there are others which may be interpreted as applicable to the City through our direct and indirect involvement with other systems and partners. Some of these Calls to Action include actions which are not within the scope of municipal government but are within the scope of agencies with which the City has working, contractual or funding relationships, including; healthcare, law enforcement, arts and culture, sport and education. The next steps proposed in this report to Council are intended to help give staff the guidance and competencies they need to influence and collaborate with our partners as they navigate responding to the Calls to Action within their own organizations and systems.

Appendix 'A' outlines the various initiatives that have been completed or are underway to help advance Truth and Reconciliation Calls to Action. It is by no means comprehensive and it is acknowledged that current work falls short of what we can and should be doing as a City. The information is provided as a means of giving Council a sense of some of the joint efforts that are occurring and the positive steps taken in recent years.

Discussion:

The Imagine Kelowna community vision, which guides our work, states our collaboration goal of engaging with the Okanagan's traditional past and heritage as foundations for building a fair and equitable community. We will do this by honoring our rich heritage, while also following the lead of our local Indigenous communities towards a path of reconciliation. In addition to being a collaborative community, Imagine Kelowna sets out a strong commitment to being a responsible community that protects our natural resources which is also an important element of reconciliation.

Since the community visioning exercise in 2018, there has been some level of enhanced communication with and involvement by local First Nations on specific projects and initiatives, however, policy improvements and changes in formal practices have not been enshrined in documents that guide our interactions, consultation or information sharing with Indigenous partners.

Council identified the need to be a Social and Inclusive community as a top priority in the 2019-2022 Council Priority document. Within this category, things such as, utilizing territorial acknowledgements and creating a community for all are highlighted.

Education and awareness is integral to advancing truth and reconciliation calls to action. In 2017/2018, the City collaborated with Syilx/Okanagan educators to develop educational workshops based on traditional En'owkinwixw learning circles. Approximately 70 staff attended these workshops. In addition, resources have been made available for all City staff on territorial acknowledgements, providing information on the Syilx traditional territories and member First Nations bands, as well as a reference to other policy initiatives and programs that other municipalities are advancing to improve their Indigenous relationships. The emphasis since the workshops has been on self-study and personal responsibility for learning the history of Indigenous peoples in Canada and the Truth and Reconciliation Commissions' Calls to Action. As a result, staff have been engaging more with First Nations governments and Indigenous serving agencies at a project level in a variety of ways, both formal and informal.

However, staff feel there is a need and an opportunity to move the City beyond self-directed learning at the employee level to building broader organizational competency in Indigenous relations and cultural awareness. Moving forward, things such as Council onboarding programs, staff training, and orientation programs should also include an Indigenous component to ensure the commitment to Truth and Reconciliation is strongly recognized.

Staff also recommend participating in any regional efforts towards Truth and Reconciliation Calls to Action implementation, with Westbank First Nations and Okanagan Indian Band. While it is recognized that each municipality may have individual opportunities to advance their own initiatives, relationships, and education, there may be some benefits to regional conversations with, other local governments, the health authority, post-secondary institutions, and industry. The City of Kelowna will also provide clear direction and support to all employees regarding expectations related to truth and reconciliation; ensuring Indigenous perspectives are considered in various aspects of our business.

Conclusion:

While the City has made some progress towards the Truth and Reconciliation Calls for Action, it's clear that more should be done. The above recommendations will support reconciliation efforts across all City departments within our community and region.

Internal Circulation:

Active Living and Culture
Corporate Strategic Services
Office of the City Clerk
Partnerships and Investments

Submitted by:

D. Gilchrist, City Manager

Advancing Truth and Reconciliation

City of Kelowna Report to Council

Calls to Action Directed at Government – Honoring the Truth, Reconciling for the Future

The Truth and Reconciliation Commissions' Calls to Action are directed to all sectors of Canadian society to redress the legacy of residential schools and advance the process of Canadian reconciliation. While there are only 12 Calls to Action addressed to all levels of government, there are others which may be interpreted as applicable to the City through our direct and indirect involvement with other systems and partners. Some of these Calls to Action include actions which are not within the scope of municipal government but are within the scope of agencies with which the City has working, contractual or funding relationships, including; healthcare, law enforcement, arts and culture, sport and education. The next steps proposed in this report to Council are intended to help give staff the guidance and competencies they need to influence and collaborate with our partners as they navigate responding to the Calls to Action within their own organizations and systems.

The extent to which agencies in the noted sectors are responding to the Calls to Action within their own operations is information that would assist in building a more complete picture of how the community as a whole is taking action toward Reconciliation. Accordingly, there may be value in being more coordinated, community-wide, and reporting on our collective progress toward Reconciliation. Further, the Calls to Action highlight measures which may result in measurable benefits to Indigenous people, something which goes beyond the City's current activities related to consultation, information sharing and engagement with local First Nations. The City should be aware of, and support where possible, initiatives underway in other agencies, to help advance Reconciliation.

The majority of the activities undertaken by staff to-date align with Calls to Action #22, #43 and #57, however a summary of the calls to all government and calls to other systems and sectors with which the City has a peripheral relationship are included in Appendix A.

Appendix A

Inventory of Projects and Initiatives To-Date

Projects listed in this table were not necessarily planned with the intention to respond to a Call to Action explicitly, however efforts have been made to provide Council with an indication of where there is alignment between a Call to Action and project activity. If a project does not have a Call to Action associated with it, there was still the intent for respectful and appropriate engagement of Indigenous people, and/or building awareness of the need to take action on Reconciliation.

TRC Article 3 We call upon all levels of government to fully implement Jordan's Principle.	
Project	Scope of Activity
Community Safety Plan	<p>The Community Safety Plan is being developed through a system-leaders Steering Committee, as well as engagement with Indigenous-serving community-based organizations as part of focus groups to develop key elements of the plan.</p> <p>First Nations Health Authority (FNHA) is part of the project Steering Committee. FNHA has provided community-level health data, as part of the development of the Community Profile.</p> <p>The Truth and Reconciliation Calls to Action which most closely aligns to the work being undertaken are Call #3 and #43.</p>
Central Okanagan Poverty and Wellness Strategy	<p>The goal of this project is to provide a coordinated, shared community framework around poverty reduction in the Central Okanagan, while building capacity within and across the region for collaborative action. Creating a culture of inclusion and reconciliation is embedded in the community engagement approach and strategy development. An engagement framework is being developed by an Indigenous-owned and operated planning firm with extensive local knowledge.</p> <p>The Truth and Reconciliation Calls to Action which most closely aligns to the work being undertaken are Call #3 and #43.</p>

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<p>TRC Article 22 We call upon those who can effect change within the Canadian health-care system to recognize the value of Aboriginal healing practices and use them in the treatment of Aboriginal patients in collaboration with Aboriginal healers and Elders where requested by Aboriginal patients</p>	
Project	Scope of Activity
PEOPLE / Peer Navigators and Capacity Building Project	<p>Funded through Health Canada, the goal of the PEOPLE Peer Navigators and Capacity Building Project is to develop and implement a peer navigators' program designed to support the training of people with living and lived experience of current or past substance use to participate in the delivery of services provided by local social serving organizations. The aim is to increase the participation of people with lived experience into supporting peers in their navigation of services.</p> <p>The project is designed to support Indigenous led introduction of peer-to-peer Indigenous cultural teachings to support healing and wellness as part of service delivery.</p> <p>The Truth and Reconciliation Calls to Action which most closely aligns to the work being undertaken are Call #22 and #43.</p>
Complex Needs Advocacy	<p>The Complex Needs Advocacy Paper is focused on meeting the complex housing and health support needs of our region's most housing-vulnerable. Data on the need for this housing indicates that provincially one-third of individuals with complex needs are Indigenous. The project team has worked with the Ki-Low-Na Friendship Society and Okanagan Indian Band, in an effort to ensure Indigenous perspectives are incorporated into the overall systems approach.</p> <p>The Truth and Reconciliation Calls to Action which most closely aligns to the work being undertaken are Call #22 and #40.</p>

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TRC Article 23 We call upon all levels of government to: <ul style="list-style-type: none"> i. Increase the number of Aboriginal professionals working in the health-care field. ii. Ensure the retention of Aboriginal health-care providers in Aboriginal communities. iii. Provide cultural competency training for all healthcare professionals. 	
Project	Scope of Activity
Community Shelter Plan and Shelter Considerations	<p>The Community Shelter Plan is under development to provide a system-wide approach for shelter services in the City. Future shelters in the City are structured as “navigation sites” to best meet the needs of the individuals they serve, to promote social equity and address inclusion barriers that prevent certain populations from accessing shelter services.</p> <p>The Truth and Reconciliation Call to Action which most closely aligns to the work being undertaken is Call #23.</p>
TRC Article 40 We call on all levels of government, in collaboration with Aboriginal people, to create adequately funded and accessible Aboriginal-specific victim programs and services with appropriate evaluation mechanisms.	
Project	Scope of Activity
Complex Needs Advocacy	<p>The Complex Needs Advocacy Paper is focused on meeting the complex housing and health support needs of our region’s most housing-vulnerable. Data on the need for this housing indicates that provincially one-third of individuals with complex needs are Indigenous. The project team has worked with the Ki-Low-Na Friendship Society and Okanagan Indian Band, in an effort to ensure Indigenous perspectives are incorporated into the overall systems approach.</p> <p>The Truth and Reconciliation Calls to Action which most closely aligns to the work being undertaken are Call #22 and #40.</p>
TRC Article 43 We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for Reconciliation.	
Project	Scope of Activity
Journey Home Strategy	<p>The Journey Home Strategy is grounded in the foundational concepts of Innovation, Reconciliation, and Lived Experience that are woven and embedded in every aspect of the strategy and are critical to its successful implementation.</p>

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Quarterly Referral Meetings and Agreement with Westbank First Nation	In order to improve coordination of City of Kelowna referrals to Westbank First Nation relating to provincially regulated capital projects, quarterly referral meetings are scheduled, and the City of Kelowna and Westbank First Nation have entered into an agreement (until 2023) that the City currently provides payment to Westbank First Nation to compensate for the time spent in reviewing City of Kelowna project referrals.
City Park Master Plan	<p>Collaboration with the Coordinator of the Sn̓c̓owips Heritage Museum has provided artistic and cultural direction for the design of a new destination playground in City Park based on the Four Food Chiefs of Syilx culture, as well as other celebration and gathering spaces in the park.</p> <p>The Truth and Reconciliation Calls to Action which most closely aligns to this work are Call #43 and #57.</p>
Imagine Kelowna	<p>Our community vision was established through the engagement of over 4,000 residents and is a guiding direction for the City as to the future our residents would like to see. Dialogue with local Indigenous community representatives was key to the engagement process.</p> <p>The Truth and Reconciliation Calls to Action which most closely aligns to this work are Call #43 and #57.</p>
Regional Transportation Plan (RTP) and Regional Programs	As a partner in the former STPCO, Westbank First Nation was engaged throughout the development of the Regional Transportation Plan and in the delivery of regional mobility and sustainable transportation programs.
Mill Creek Flood Protection Project	This multi-year flood protection project involves extensive in-stream works. The City has contracted the Okanagan Nation Alliance (ONA) to conduct long-term flow measurement, along with in-depth fish-passage and riparian studies and reporting. This work has led to the development of mutually accepted project design criteria and a draft policy for a balanced and holistic flood protection approach.
Cultural Plan	As part of the development of the 2020-2025 Cultural Plan, a supplementary report was commissioned by the City and delivered by a Syilx consultant, titled 'Weaving Our Collective Threads: Offering a Pathway for Syilx Creativity Within the City of Kelowna.' The report provides a Syilx-framed approach to cultural development and calls on the City of Kelowna to consider principles and opportunities to take action. The Cultural Plan itself includes a Territory Acknowledgement.

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Kelowna Museums Society: Policies, Practices, Exhibitions and Programming	<p>On May 18, 2021 Kelowna Museums was the first in BC to sign a Repatriation Pledge.</p> <p>From the Museum: <i>'We have been engaged in repatriation for many years. A previous generation of staff took on the duty of care when police uncovered ancestral remains and selected the museum as the most suitable repository. Staff cared for these remains with respect and tenderness and released them to the local host nation when the time came. In recent years we have invited representatives from the local host nation, as well as Indigenous scholars, to view and document our collection. Although no funerary objects have been identified, other cultural material has been transferred and there could be more in the future. This demonstrates friendship and supports our continued efforts to do good work together.'</i></p> <p>The Truth and Reconciliation Calls to Action which most closely aligns with the work undertaken are Call #43 and #67.</p>
Rotary Centre for the Arts: Programs featuring Indigenous artists and themes	In the past 7 months, the Rotary Centre for the Arts showcased numerous performances, art talks, and art exhibitions from local and national Indigenous people.
Kelowna Art Gallery: exhibitions featuring Indigenous artists and curators	The Kelowna Art Gallery creates opportunities for Indigenous artists and curators to exhibit their work and share Indigenous voices and perspectives with the broader community.
Cultural District Kiosk Update	Updates of 9 panels of the Cultural District Kiosks have been installed to share more accurate and contextual history of the area. Information for the panels was compiled with the assistance of Kelowna Museums and Westbank First Nation.
Public Art	Through a commission by Westbank First Nation, artist Crystal Przybille created a monument to Chief Sw'kn'cut to acknowledge the role this historic figure played in promoting cooperation and communication between the Syilx people and early European settlers. The monument is now situated in a prominent location along the Kelowna waterfront.
Airport Public Art	Airport staff have worked with the Westbank First Nation to develop a recently unveiled culture and history display in the Departures Room and local Indigenous artists are also a feature within the rotating main art wall at the airport on a regular basis.
New Sewer Installation	The City has engaged with Westbank First Nation for a proposed sewer project in urbanized areas of the City, including archaeological monitoring, study and resource commitments.

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Bernard Avenue Revitalization	<p>Street features are rooted in Kelowna's heritage and natural landscapes, and local Indigenous culture. Nsyilxcən language is used on 50 in-laid polished pavers describing local flora and fauna. A gateway feature welcomes visitors and marks the transition from residential to commercial through eight uniquely programmed light poles with double-sided banners designed by Westbank First Nation artist Janine Lott, and metal plates inscribed with the word "welcome" in English and Nsyilxcən languages.</p> <p>The Truth and Reconciliation Calls to Action which most closely align with the work undertaken are Call #43 and #83.</p>
Drinking Water for Vulnerable Populations	<p>Due to the current COVID-19 pandemic and overdose crisis, lack of drinking water access for vulnerable populations has been exposed and exacerbated within the community. The City, industry partners and the Ki-Low-Na Friendship Society's Outreach Team worked together to achieve a number of year-round accessible water fountains.</p> <p>The Truth and Reconciliation Calls to Action which most closely align with the work undertaken are Call #20 and #43.</p>
Principles of Conduct Guidelines	<p>A project to revise our principles of conduct is currently underway. This will include a segment on Indigenous cultural awareness as part of implementation training for staff.</p> <p>The Truth and Reconciliation Calls to Action which most closely align to the work being undertaken are Call #43 and #57.</p>
Diversity and Inclusion Strategy	<p>This strategy is a key initiative of the City's five-year HR Plan, which will help achieve the goal of increasing the representation of diverse genders, abilities, and cultures in the City's workforce.</p>
Sustainable Purchasing Policy	<p>Informally and with growing recognition, project staff have been prioritizing hiring Indigenous consultants or working with Indigenous-owned firms for projects where engagement with Indigenous peoples is a central focus (e.g. 2040 OCP, recommendations from City staff made to the RCDO COPAW Strategy).</p>

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TRC Article 57 We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.	
Project	Scope of Activity
2040 OCP	<p>The City is applying a localized Indigenous lens to the OCP, while specifically focusing on arts, heritage, and culture aspects. The proposed framework to achieve this objective involved three key areas of focus in developing the OCP:</p> <ul style="list-style-type: none"> • Engagement with Local Indigenous Organizations (including ONA) • New Policy Development • History-Enrichment
Reconciliation Education Workshops and Staff Training	The City of Kelowna collaborated with the En'owkin Centre, the Institute for Community Engaged Research (ICER) and UBC Okanagan to deliver three learning workshops led by Syilx facilitators, attended by 70 staff and managers in 2017 and 2018.
Territory Acknowledgement Guidelines and Protocols	Staff developed Territory Acknowledgement Guidelines and protocols, with review by the Westbank First Nation Governance Committee and the Okanagan Nation Alliance followed by implementation of Territory Acknowledgement practices by Council and staff.
Reconciliation Learning Resources	Foundational learning resources for staff are posted on InSites and include links to reports from the Truth & Reconciliation Commission, resources regarding Indigenous history, language and terminology, and examples of reconciliation initiatives in other municipalities.
Ki-Lawna Meeting Room	The City engaged with Westbank First Nation in the naming of the Ki-Lawna meeting room in City Hall. A smudging ceremony was led by a Westbank First Nation Elder with participation from Mayor and Council.
Reading Circles: Truth and Reconciliation Report / 94 Calls to Action	Through partnerships between community organizations including the Okanagan Regional Library, Amnesty International, Sunshine Rotary Club, and First United Church, a group of approximately 75 City staff and community members have been reading through the Executive Summary of the Truth and Reconciliation Commission Report and 94 Calls to Action, with opportunities for discussion and reflection.

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Peer Navigator Program – Organizational Training Plan	As one of the three local organizations chosen to pilot the PEOPLE: Peer Navigator Capacity Building Project, the staff at the Parkinson Recreation Centre have participated in the Peer Navigator Program’s Organizational Training designed to prepare the City to host Peer Navigators. Reconcili-ACTION: Build Meaningful Relations with Indigenous Peoples is a series of innovative workshops based on stories and creative activities to help staff unpack implicit bias, privilege, and microaggressions. The training guides staff through a foundation of Indigenous skills in seeing different perspectives, equity, accountability, and inclusion.
TRC Article 83 We call upon the Canada Council for the Arts to establish, as a funding priority, a strategy for Indigenous and non-Indigenous artists to undertake collaborative projects and produce works that contribute to the reconciliation process	
Project	Scope of Activity
Bernard Avenue Revitalization	<p>Street features are rooted in Kelowna’s heritage and natural landscapes, and local Indigenous culture. Nsyilxcən language is used on 50 in-laid polished pavers describing local flora and fauna. A gateway feature welcomes visitors and marks the transition from residential to commercial through eight uniquely programmed light poles with double-sided banners designed by Westbank First Nation artist Janine Lott, and metal plates inscribed with the word “welcome” in English and Nsyilxcən languages.</p> <p>The Truth and Reconciliation Calls to Action which most closely align with the work undertaken are Call #43 and #83.</p>
No Specific Call to Action: Other notable Municipal efforts & partnership with key community stakeholders.	
Project	Scope of Activity
2040 Transportation Master Plan (TMP)	The 2040 TMP is incorporating Indigenous community feedback gathered through the 2040 OCP and other processes, to help consolidate the number of touchpoints and requests of Indigenous partners.
Okanagan Gateway Transportation Study (OGTS)	The Okanagan Gateway Transportation Study (OGTS) was a partnership between the City of Kelowna, MoTI, UBCO, and YLW to look at existing and future transportation issues in the Gateway Area. In addition to engagement activities undertaken through the RTP process, meetings were held with Westbank First Nation and Okanagan Indian Band to review and discuss key interests in the project area.

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Airport Master Plan 2045	Input from the Okanagan Indian Band and Westbank First Nation was sought as part of refining the Airport Master plan.
Airport Advisory Committee	Westbank First Nation is represented on the YLW Airport Advisory Committee.
Bertram Overpass Project	Collaboration is occurring with Westbank First Nation to provide archaeological review and contribute land and cultural knowledge to the site planning and design.
Pandosy Waterfront Park	Westbank First Nation is engaged with the project team in assessing items of cultural significance on the future Pandosy Waterfront Park site, in alignment with the Heritage Conservation Act.
Bellevue Creek & Gopher Creek & Ok Waterfront Linear Park Trails	Collaboration has occurred with Westbank First Nation to provide archaeological monitoring during construction.
Rutland to Okanagan Rail Trail Active Transportation Corridor	Westbank First Nation is leading the archaeological investigations. Westbank First Nation and Okanagan Indian Band have both provided letters of support for the project as part of City grant applications.
YLW 2008 Runway Extension	Collaboration occurred with local First Nations representatives in the planning for this project, including a First Nations archeological assessment of the airport.
South Perimeter Road	The City is supporting the process of working with First Nations to investigate a number of sites of archaeological significance that were discovered.
Indigenous Hiring and Recruitment	The City regularly participates in local Indigenous career fairs in the community, specific to students seeking advice on career options. City staff also attend the Indigenous Trades conference in Kelowna to learn more about creating opportunities for trades training for Indigenous students. YLW has also provided several on-site field trips for Indigenous people wishing to explore aviation sector job opportunities, coordinated by Seabird Island.
Digital Assets	In 2020, City staff completed an audit of Corporate digital assets (photography and videography) and developed parameters to increase diverse representation of subjects in city photography and videography.
Okanagan Rail Trail acquisition & Visual Identity	In 2019 a specific logo and brand identity for the Okanagan Rail Trail was established through a collaborative process in which

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	<p>OKIB was included. Pictographs in the logo and language in the visual identity guide reflect the integration of their contributions to establishing the identity of this multi-jurisdictional trail, including the First Nations history and use of nsyilxcen in the context of this project.</p> <p>Municipal partners in the committee have also supported OKIB and advocated for the return to reserve process through the federal government currently underway for the portion of the trail on the Duck Lake reserve.</p>
Rutland to Okanagan Rail Trail Active Transportation Corridor	<p>Since last fall, City staff have communicated with Westbank First Nation and Okanagan Indian Band and hosted a virtual meeting to discuss the project in detail. Westbank First Nation is leading the archaeological investigations. Westbank First Nation identified the need for an Archeological Investigation Assessment, and pending permit approval, will work with a consulting team to complete this work and report the results to the Province. Westbank First Nation and Okanagan Indian Band have both provided letters of support for the project as part of City grant applications.</p>

Relevant calls to action where the City of Kelowna may have a peripheral influence, be involved in future initiatives or where there may be the ability to support the efforts of others include the following:

TRC Article 17 We call upon all levels of government to enable residential school Survivors and their families to reclaim names changed by the residential school system by waiving administrative costs for a period of five years for the name-change process and the revision of official identity documents, such as birth certificates, passports, driver's licenses, health cards, status cards, and social insurance numbers.

TRC Article 47 We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and terra nullius, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.

TRC Article 55 We call upon all levels of government to provide annual reports or any current data requested by the National Council for Reconciliation so that it can report on the progress towards reconciliation. The reports or data would include, but not be limited to:

- i. The number of Aboriginal children—including Métis and Inuit children—in care, compared with non-Aboriginal children, the reasons for apprehension, and the total spending on preventive and care services by child-welfare agencies.
- ii. Comparative funding for the education of First Nations children on and off reserves.

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- iii. The educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.
- iv. Progress on closing the gaps between Aboriginal and non-Aboriginal communities in a number of health indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.
- v. Progress on eliminating the overrepresentation of Aboriginal children in youth custody over the next decade.
- vi. Progress on reducing the rate of criminal victimization of Aboriginal people, including data related to homicide and family violence victimization and other crimes.
- vii. Progress on reducing the overrepresentation of Aboriginal people in the justice and correctional systems.

TRC Article 75 We call upon the federal government to work with provincial, territorial, and municipal governments, churches, Aboriginal communities, former residential school students, and current landowners to develop and implement strategies and procedures for the ongoing identification, documentation, maintenance, commemoration, and protection of residential school cemeteries or other sites at which residential school children were buried. This is to include the provision of appropriate memorial ceremonies and commemorative markers to honour the deceased children.

TRC Article 77 We call upon provincial, territorial, municipal, and community archives to work collaboratively with the National Centre for Truth and Reconciliation to identify and collect copies of all records relevant to the history and legacy of the residential school system, and to provide these to the National Centre for Truth and Reconciliation.

TRC Article 87 We call upon all levels of government, in collaboration with Aboriginal peoples, sports halls of fame, and other relevant organizations, to provide public education that tells the national story of Aboriginal athletes in history.

TRC Article 88 We call upon all levels of government to take action to ensure long-term Aboriginal athlete development and growth, and continued support for the North American Indigenous Games, including funding to host the games and for provincial and territorial team preparation and travel.

REPORT TO COUNCIL



Date: June 21, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z21-0007 & TA21-0006

Owner: Jose Antonio Maciel

Address: 2251 Burnett Street

Applicant: Joe Maciel

Subject: Rezoning and Text Amendment Application (Site Specific)

Existing OCP Designation: HLTH – Health District

Existing Zone: RU6 – Two Dwelling Housing

Proposed Zone: HD2 – Hospital and Health Support Services

1.0 Recommendation

THAT Rezoning Application No. Z21-0007 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 16 District Lot 136 ODYD Plan 11811, located at 2251 Burnett Street, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the HD2 – Hospital and Health Support Services zone, be considered by Council;

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

AND THAT Zoning Bylaw Text Amendment Application No. TA21-0006 to amend City of Kelowna Zoning Bylaw No. 8000 for Lot 16 District Lot 136 ODYD Plan 11811, located at 2251 Burnett Street, as outlined in the Report from the Development Planning Department dated June 21, 2021 be considered by Council;

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

AND THAT final adoption of the 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 21, 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 property from the RU6 – Two Dwelling Housing zone to the HD2 – Hospital and Health Support Services zone; and to amend the Zoning Bylaw by allowing multiple dwelling housing as a principal use under the HD2 – Hospital and Health Support Services zone for a lot less than 900m² for Lot 16 District Lot 136 ODYD Plan 11811, known municipally as 2251 Burnett Street. Both the rezoning and the site specific Text Amendment are proposed to facilitate a multiple dwelling housing development consisting of a 3 storey 6-plex.

3.0 Development Planning

Development Planning supports rezoning the lot to HD2 – Hospital and Health Support Services; and also supports the site specific Text Amendment to allow multiple dwelling housing as a principal use under the HD2 – Hospital and Health Support Services zone for a lot less than 900m² for the property at 2251 Burnett St.

To begin with, the property is located in the City's Hospital Area, and has a future land use designation of HLTH – Hospital and Health Support Services which does support the proposed HD2 zone.

The future land use and zone were developed under the understanding that the area in and around the Kelowna General Hospital (KGH) and associated institutions presents special circumstances that call for a tailored land use approach. In recognition of this, the Zoning Bylaw describes the purpose of the HD2 zone in the following way: "to provide for the conversion and new development of buildings that provide services to the medical community associated with the Kelowna General Hospital, Interior Health Authority, and UBC Medical Programs including staff, clients, patients and their families. This zone" the Zoning Bylaw continues, "will provide for a range of institutional, medical-related commercial and complimentary residential uses within the Official Community Plan Health District future land use designation" (Zoning Bylaw s. 17.2.1).

In recognition that increased residential densities are appropriate in certain areas of the Hospital Area (as noted in the quote above), the HD2 zone allows for multiple dwelling housing as a principal use; however, this use is only permitted on lots greater than 900m² (s. 17.2.1.a). In this case, the lot is 816m². As such, a site-specific Text Amendment is required to allow for multiple dwelling housing as a principal use on the lot.

The HD2 zone is an outlier among the City's zones for having different principal uses based on lot size. Related to this, it is true that the City's zones do have subdivision regulations that specify minimum lot size. However, it is still possible to rezone to these zones without meeting the minimum lot size—provided, that is, the applicant can demonstrate, to Staff's satisfaction, that a development under the zone's regulations can be successfully accomplished on the lot. In this case, the applicant has demonstrated, to the satisfaction of Staff, that a development can be successfully accomplished under the regulations for the HD2 zone for lots greater than 900m².

In addition, considerations raised out of the City's Hospital Area Plan also pertain here. In the Hospital Area Plan carried out by Staff between 2018-2019, a review of the HD2 zone was conducted. As a result of this review a number of amendments to the HD2 zone were recommended. One of the recommended amendments was to eliminate the minimum lot size required to develop certain uses. Specifically, the Report recommended "removing the connection between lot area and permitted uses to make it more consistent with other zones". Planning Staff have not since had an opportunity to make the recommended changes to

the HD2 zone (which were endorsed by Council on February 11, 2019); however, the site specific Text Amendment in question would, in effect, make this change for this particular lot.

4.0 Proposal

4.1 Project Description

The applicant proposes to rezone the property to HD2 – Hospital and Health Services. In addition, the applicant proposes a site specific Text Amendment to allow multiple dwelling housing as a principal use under the HD2 – Hospital and Health Support Services zone for a lot less than 9000m² for the property at 2251 Burnett St.

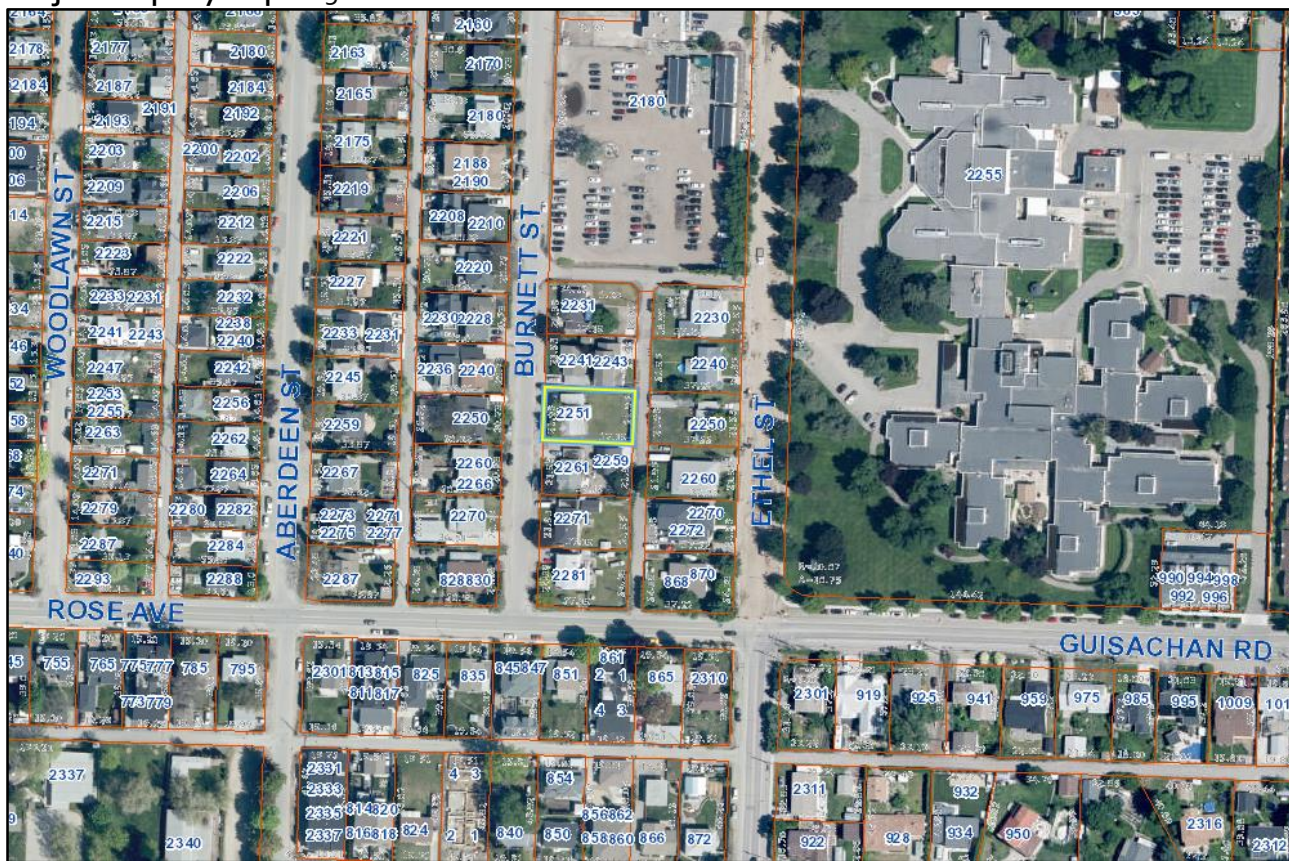
The rezoning and Text Amendment are needed to facilitate a multiple dwelling housing development consisting of a 3 storey 6-plex.

4.2 Site Context

The lot is in the Central City Sector in an area near the Kelowna General Hospital (KGH) known as the Hospital Area. The nearest major intersection is Ethel St. and Rose Ave. The property is also within a short distance of the Cottonwoods Care Centre as well as Cameron Park. The properties immediately to the west were recently rezoned to RU7 – Infill Housing through a Staff-initiated rezoning.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Semi-detached housing
East	RU6 – Two Dwelling Housing	Single family housing
South	RU6 – Two Dwelling Housing	Semi-detached housing
West	RU7 – Infill Housing	Semi-detached housing

Subject Property Map: 2251 Burnett St.**5.0 Current Development Policies****5.1 Kelowna Official Community Plan (OCP)****Chapter 5: Development Process***Objective 5.3 Focus development to designated growth areas*

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

Chapter 14: Future Land Use*Future Land Use Definitions***Health District (HLTH)**

To integrate uses in support of the regional KGH campus both physically and functionally with the surrounding communities and to provide a moderating transition in scale from a major institutional centre to adjacent established residential areas that incorporate heritage components, where included in the Heritage Conservation Area boundary. This designation is to encompass development that supports the operations of the Kelowna General Hospital or other health administration, health education, patient services or care facility operation.

Other uses may include multiple unit residential uses consistent with the RM₃, RM₄ or RM₅ zones of the Zoning Bylaw. Limited health and service related commercial uses as defined by the Zoning Bylaw may be supported.

6.0 Technical Comments

6.1 Development Engineering Department

- See Schedule A

7.0 Application Chronology

Date of Application Accepted: January 26, 2021

Date Public Consultation Completed: May 20, 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

Schedule B: Text Amendment


Attachment A: Applicant Rationale

Attachment B: Conceptual Drawing Package

CITY OF KELOWNA

MEMORANDUM

Date: February 18, 2021
File No.: Z21-0007
To: Urban Planning (AT)
From: Development Engineering Manager (JK)
Subject: 2251 Burnett St.

SCHEDULE	A
This forms part of application # Z21-0007 TA21-0006	
Planner Initials	AT
 City of Kelowna COMMUNITY PLANNING	
RU6 to HD2	

The Development Engineering Department has the following comments and requirements associated to rezone the subject property from RU6 Two Dwelling Housing to HD2 Hospital and Health Support Services to facilitate the development of a 6-plex.

The Development Engineering Technologist for this project is Aaron Sangster.

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. This property is currently serviced with 13mm-diameter water service. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. Service upgrades can be provided by the City at the applicant's cost (if required). The applicant will be required to sign a Third Party Work Order for the cost of the service upgrade. For estimate inquiry's please contact Aaron Sangster, by email asangster@kelowna.ca.

3. Sanitary Sewer

- a. Our records indicate that these properties are currently serviced with a 100mm-diameter sanitary sewer service. Service upgrades can be provided by the City at the applicant's cost (if required). The applicant will be required to sign a Third Party Work Order for the cost of the service upgrade. For estimate inquiry's please contact Aaron Sangster, by email asangster@kelowna.ca

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 City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and recommendations for onsite drainage containment and disposal systems.

- b. On site storm drainage systems for the site will be reviewed and approved by Engineering in accordance with bylaw 7900, when a site servicing design is submitted.
- c. There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

5. Road Improvements

- a. Burnett St. must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, sidewalk, irrigated landscaped boulevard, streetlights, drainage system including catch basins, manholes and pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The road cross section to be used is a SS-R3. Cash-in-lieu instead of immediate construction is required, and the City will initiate the work later, on its own construction schedule. The cash-in-lieu amount is determined to be **\$40,934.88** not including utility service cost.
- b. The lane must be upgraded to a SS-R2 standard. The cash-in-lieu amount in 5.a includes the laneway future upgrades.
- c. All access must be from the lane only as per bylaw 7900.

6. 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
- b. Re-locate existing utilities, where necessary.

7. Development Permit and Site Related Issues

- a. Provide all necessary Statutory Rights-of-Way for any utility corridors as required.
- b. If any road dedication affects lands encumbered by a Utility right-of-way (such as Fortis, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.
- c. Access to the development will be from the lane only.

8. Geotechnical Study

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

SCHEDULE A	
This forms part of application # Z21-0007 TA21-0006	
Planner Initials	AT
 City of Kelowna <small>COMMUNITY PLANNING</small>	

- 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.

Additional geotechnical survey may be necessary for building foundations, etc

12. Charges and Fees

- (a) Development Cost Charges (DCC's) are payable
- (b) Offsite Cash-in-lieu = **\$ 40,934.88**
 - (i) Engineering and Inspection Fee: 3.5% of construction value (plus GST) = **\$1,384.01** (\$1,318.10 + \$65.91)
- (c) Fees per the "Development Application Fees Bylaw" include:
 - (i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - (ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.

James Kay
 James Kay, P. Eng.
 Development Engineering Manager

AS

SCHEDULE		A
This forms part of application		
# Z21-0007 TA21-0006		
Planner Initials	 City of Kelowna <small>COMMUNITY PLANNING</small>	
	AT	

Schedule “B” – Proposed Site Specific Text Amendment to City of Kelowna Zoning Bylaw No. 8000 TA21-0006

No.	Section	Current Wording	Proposed Wording	Reason for Change								
1.	Section 17 – Health District Zones, 17.2 HD2 – Hospital and Health Support Services	N/A	<p>17.2.8 Site Specific Uses and Regulations</p> <p>Uses and regulations apply to the HD2 – Hospital and Health Support Services zone on a site-specific basis as follows:</p> <table><tr><th></th><th>Legal Description</th><th>Civic Address</th><th>Regulation</th></tr><tr><td>1</td><td>Lot 16 District Lot 136 ODYD Plan 11811</td><td>2251 Burnett Street</td><td>To allow for multiple dwelling housing as a principal use on a lot less than 900m²</td></tr></table>		Legal Description	Civic Address	Regulation	1	Lot 16 District Lot 136 ODYD Plan 11811	2251 Burnett Street	To allow for multiple dwelling housing as a principal use on a lot less than 900m ²	To allow for multiple dwelling housing as a principal use on a lot less than 900m ² with the addition of a new section for a site-specific text amendment.
	Legal Description	Civic Address	Regulation									
1	Lot 16 District Lot 136 ODYD Plan 11811	2251 Burnett Street	To allow for multiple dwelling housing as a principal use on a lot less than 900m ²									

SCHEDULE
B

This forms part of application
Z21-0007, TA21-0006

Planner
Initials

AT



City of
Kelowna

COMMUNITY PLANNING

Re: 2251 Burnett Street

Our objective is to build a high quality rental building which will add to the density and vibrancy of the neighbourhood.

We've met with a few City of Kelowna Planners over the last five years or so; most recently with Aaron Thibeault and Jason Issler and have incorporated their constructive input into the latest design.

We believe the building will enhance the look of the neighbourhood and provide density as well as much needed rental accommodation which will especially benefit KGH staff and UBCO Medical programs given the building's proximity to KGH.

The property is bordered to the North by an older home and a laneway home; to the South by an older home and a single story carriage house facing the lane. The properties to the East across the alley are older properties destined for redevelopment presumably in due course. To the West across Burnett Street, there has been an eclectic mix of development under the Ru6 zoning which in our view is not reflective of the type of accommodation that people who wish to live in that part of the city find particularly attractive.

We believe our proposal provides attractive, comfortable, modern accommodation, increases density in an area of the City that is destined for higher density and will ultimately enhance the livability of the neighbourhood for an increased number of residents.

We trust you will find our proposal of benefit to the City and its residents and worthy of your support.

ATTACHMENT		A
This forms part of application		
# <u>Z21-0007 TA21-0006</u>		
Planner Initials	<div>AT</div>	 City of Kelowna <small>COMMUNITY PLANNING</small>

LIST OF DRAWINGS

Drawing List	
Sheet Number	Sheet Name
A0	List of Drawings
A1	Site Plan & Coverage
A1a	Floor Area Ratio / Zoning
A2a	Foundation Plan
A2b	Lower Floor Plan
A2c	Second Floor Plan
A2d	Third Floor Plan
A2e	Roof Plan
A2f	Floor Underlays
A3a	Elevations East & West
A3b	Elevations North & South
A4a	Building Sections
A4b	Building Sections
A4c	Building Sections
A4d	Building Sections
A5	Stair Plans & Details
A6a	Schedules
A6b	Schedules
LDP-1	Landscape Site Plan
LDP-2	Hydrazone Site Plan
LDP-3	Details



City of
Kelowna
COMMUNITY PLANNING

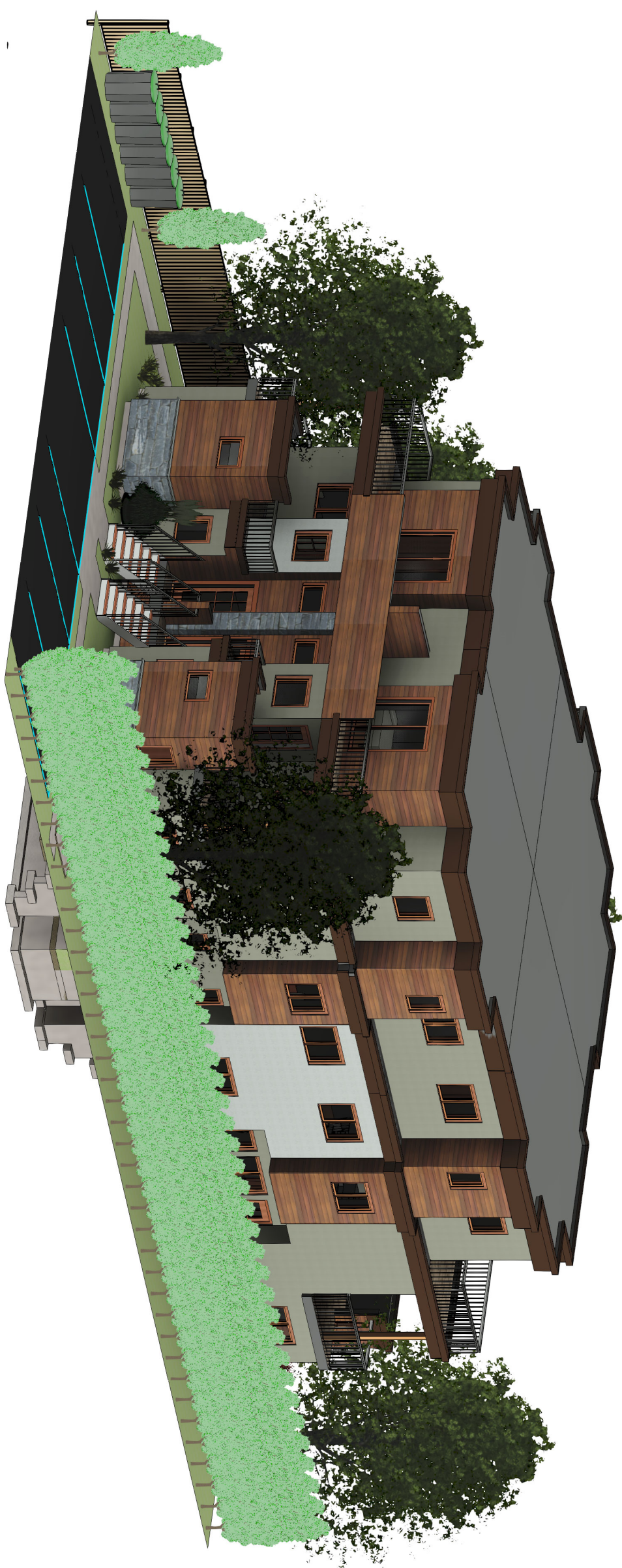
ATTACHMENT B

This forms part of application

Z21-0007 TA21-0006

Planner Initials

AT



Greener By Design

www.greenerbydesign.ca

Consultant	Consultant
Address	Address
Address	Address
Phone	Phone
Fax	Fax
e-mail	e-mail

All construction shall comply with the requirements of the local codes and ordinances as well as the latest adopted edition of the BC Building Code.

All dimensions, including rough opening sizes, are to be verified by the General Contractor prior to construction and errors or omissions reported to the designer.

Do not scale drawings.

Exact location of mechanical, electrical and plumbing equipment subject to change due to site conditions.

[illegible]

Maciel

2251 Burnett Street

List of Drawings

Project number	20-001
Date	May 7, 2021
Drawn by	Jim Anderson
Checked by	JA

AO

Lot 7, Plan 9138 D.L. 136 O.D.Y.D.



Z21-0007 & TA21-0006 2251 Burnett St.

Rezoning and Text Amendment Application



Proposal

- ▶ To rezone the property from the RU6 – Two Dwelling Housing zone to the HD2 – Hospital and Health Support Services zone;
- ▶ And to amend the Zoning Bylaw by allowing multiple dwelling housing as a principal use under the HD2 – Hospital and Health Support Services zone for a lot less than 900m² for 2251 Burnett St;
- ▶ Both the rezoning and the site-specific Text Amendment are proposed to facilitate a multiple dwelling housing development consisting of a 3 storey 6-plex.

Development Process

Jan. 26, 2021

Development Application Submitted

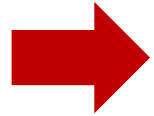


Staff Review & Circulation



May 20, 2021

Public Notification Received



June 21, 2021

Initial Consideration



Public Hearing
Second & Third Readings



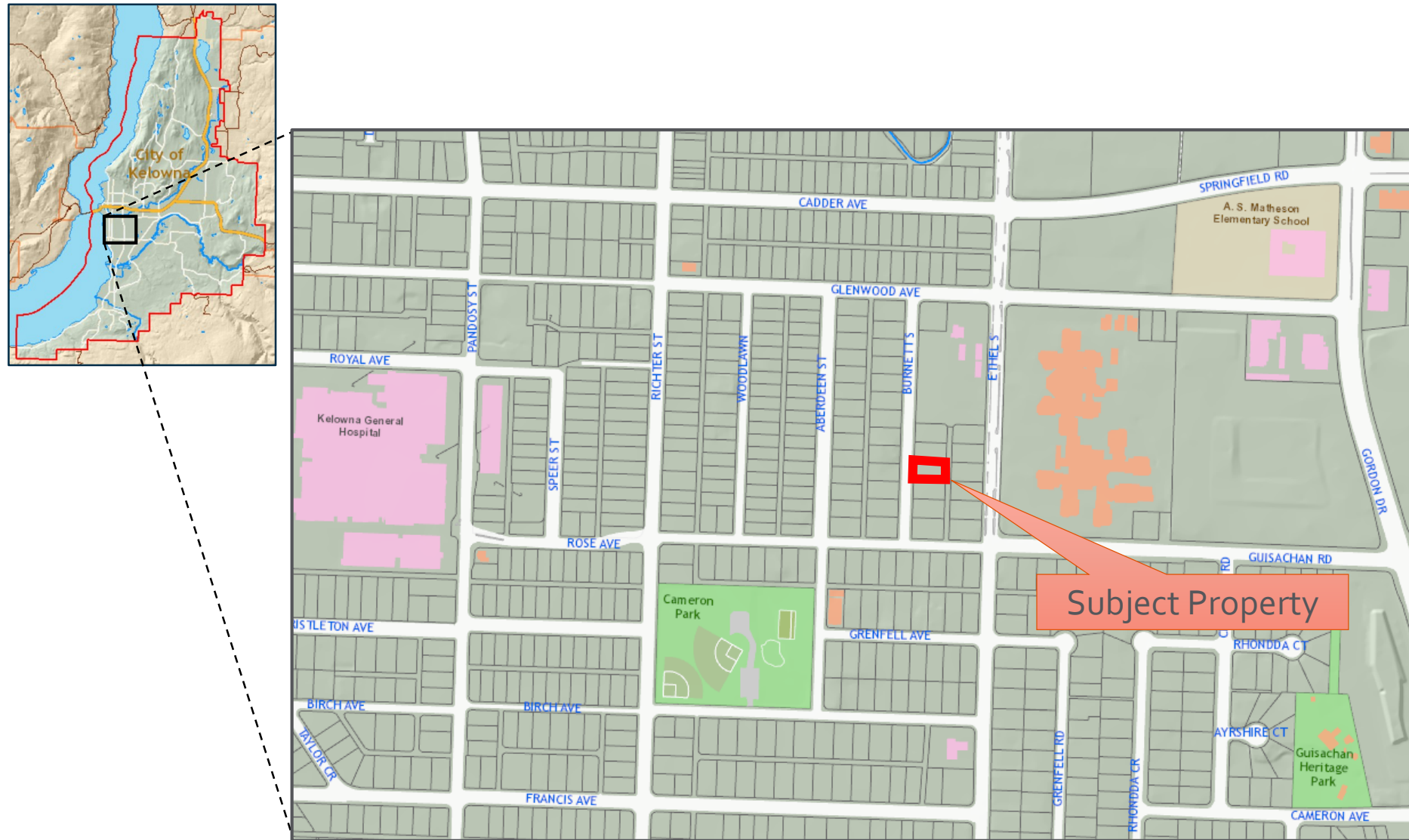
Final Reading
DP & Variances



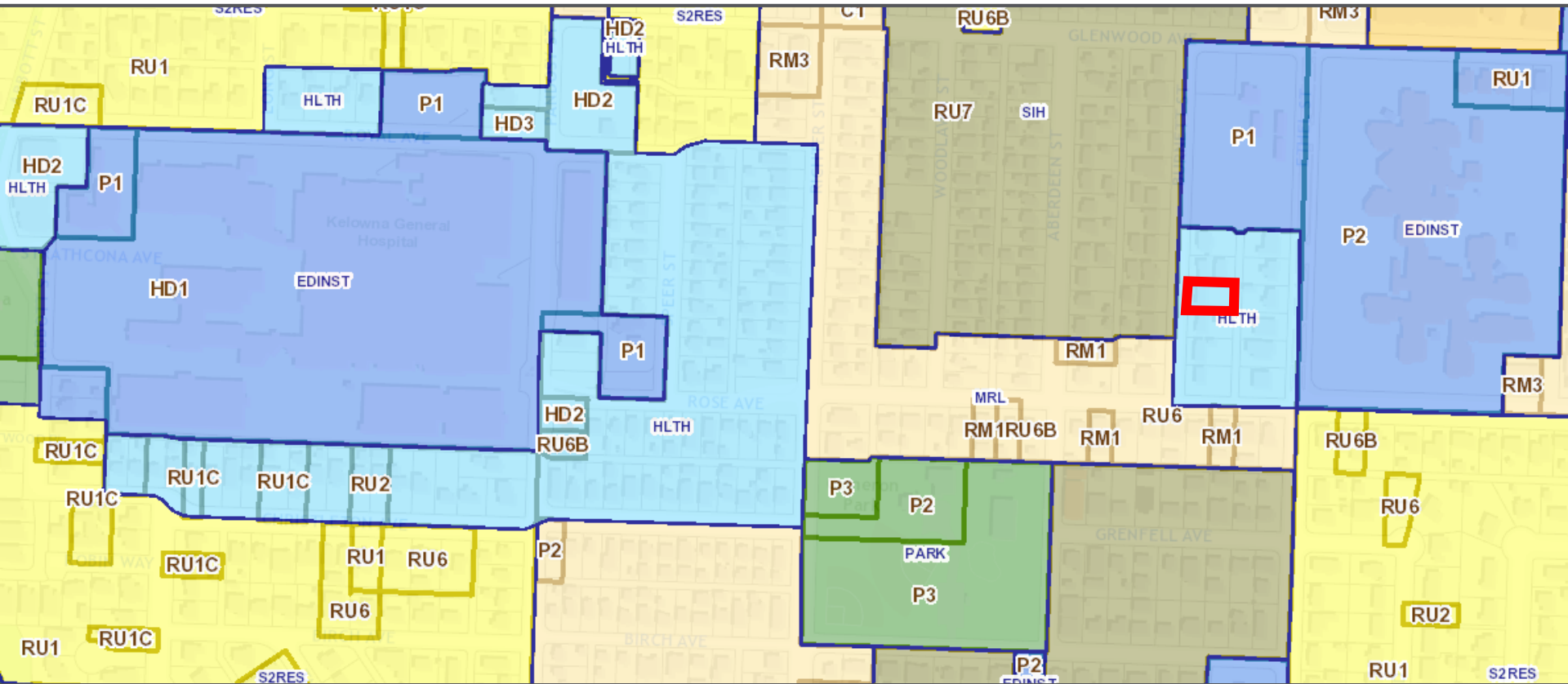
Building Permit

Council
Approvals

Context Map



OCP Future Land Use / Zoning



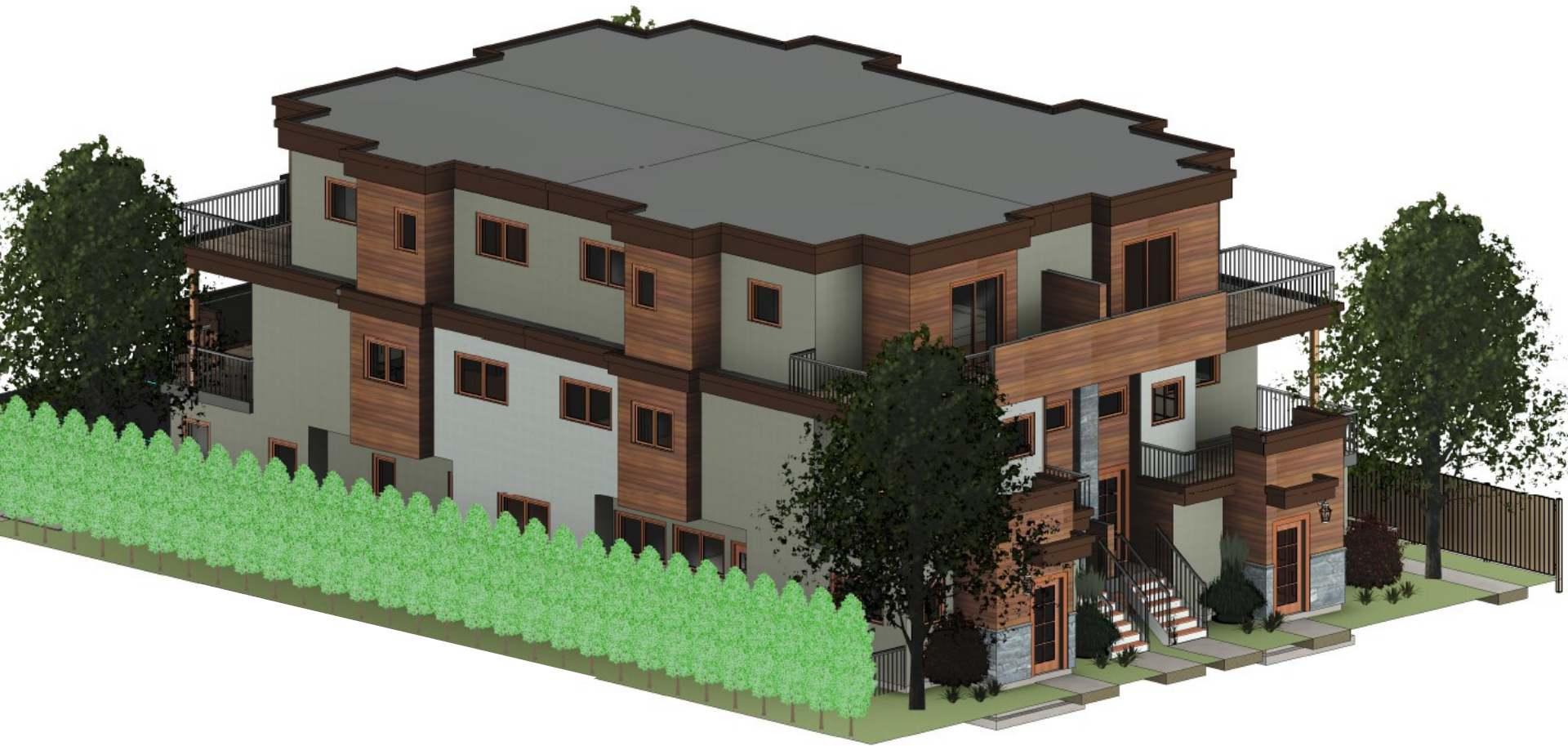
Subject Property Map



Project/technical details

- ▶ Rezone ➡ HD2
- ▶ With site-specific TA to allow multiple dwelling housing as principal use under HD2 zone for lot <900m²
 - ▶ 2251 Burnett St.
- ▶ Rezoning and TA proposed to facilitate a multiple dwelling housing development consisting of a 3 storey 6-plex

Conceptual Rendering



Project/technical details

- ▶ Lot in Hospital Area & FLU designation of HLTH which supports proposed HD2 zone
- ▶ FLU & zone developed in recognition that area near KGH presents special circumstances needing tailored land use approach
- ▶ HD2 zone allows multiple dwelling housing as principal use, but only on lots $>900\text{m}^2$
- ▶ Lot is 816m^2
 - ▶ Site-specific TA required to allow multiple dwelling housing as principal use on the lot

Discussion

- ▶ HD2 zone an outlier for having different principal uses based on lot size
- ▶ Zones do have subdivision regulations that specify min. lot size
 - ▶ Still possible to rezone w/o meeting min. lot size
 - ▶ Provided development under the zone's regulations can be successfully accomplished on the lot
- ▶ Applicant demonstrated a development can be successfully accomplished under the regulations for the HD2 zone for lots $>900\text{m}^2$

Discussion

- ▶ Hospital Area Plan 2018-2019
- ▶ Included review of HD2 zone
- ▶ Numerous amendments recommended
 - ▶ “Remove connection between lot area and permitted uses to make it more consistent with other zones”
 - ▶ Endorsed by Council on February 11, 2019
- ▶ Site specific Text Amendment in question would make this change for this particular lot

Development Policy

- ▶ FLU of HLTH supports proposed HD2 zone
 - ▶ Multiple dwelling housing included in HD2 zone in recognition that increased residential density desirable in certain areas of Hospital Area
- ▶ Site-specific TA would render HD2 zone consistent with other zones
 - ▶ Also proposed by Hospital Area Plan, 2018-2019

Staff Recommendation

- ▶ Staff support the proposed HD2 zone
- ▶ And the TA to allow multiple dwelling housing as a principal use under the HD2 zone for a lot $< 900\text{m}^2$ for 2251 Burnett St.
 - ▶ FLU of HLTH supports proposed HD2 zone
 - ▶ Multiple dwelling housing included in HD2 zone in recognition that increased residential density desirable in certain areas of Hospital Area
 - ▶ Site-specific TA would render HD2 zone consistent with other zones
 - ▶ Also proposed by Hospital Area Plan, 2018-2019



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12232

Z21-0007

2251 Burnett 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 16 District Lot 136 ODYD Plan 11811 located at Burnett Street, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the HD2 – Hospital and Health Support Services zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 12233

TA21-0006

2251 Burnett 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 **Section 17 – Health District Zones, 17.2 HD2 – Hospital and Health Support Services** be amended by adding in is appropriate location the following:

"17.2.8 Site Specific Uses and Regulations

Uses and regulations apply to the HD2 – Hospital and Health Support Services zone on a site-specific basis as follows:

	Legal Description	Civic Address	Regulation
1	Lot 16 District Lot 136 ODYD Plan 11811	2251 Burnett Street	To allow for multiple dwelling housing as a principal use on a lot less than 900m ²

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 21, 2021

To: Council

From: City Manager

Department: Development Planning Department

Application: Z21-0017

Owner: Shannon Elizabeth Day

Address: 1653 Highland Dr N

Applicant: Sean David Nelson

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z21-0017 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 4 Section 29 Township 26 ODYD Plan 12634, located at 1653 Highland Drive North, 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 Bylaw be considered subsequent to the issuance of the Preliminary Layout Review Letter by the Approving Officer.

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to facilitate a 2-lot subdivision, and to waive the Public Hearing.

3.0 Development Planning

Staff support the proposal to rezone the subject property from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing to facilitate a 2-lot subdivision. The subject property has a Future Land Use Designation of S2RES – Single/Two Unit Residential and is within the City's Permanent Growth Boundary. As such, the proposed zone is consistent with the Official Community Plan's (OCP) objectives. In addition, both lots meets the minimum dimensions of the RU6 zone.

4.0 Proposal

4.1 Project Description

The proposed rezoning from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing is to facilitate a 2-lot subdivision. The property currently has one home, which is proposed to remain, and meet all required setbacks of the property. The proposed new lot (Lot A) is the only lot that is large enough to allow two-dwelling housing, while Lot B, is an undersized RU6 lot, so the maximum density is a single-family dwelling and a carriage house.

The property is currently accessed through a reciprocal access agreement with the property to the West. This reciprocal access agreement will be removed and all access will be required to come off Highland Drive N.

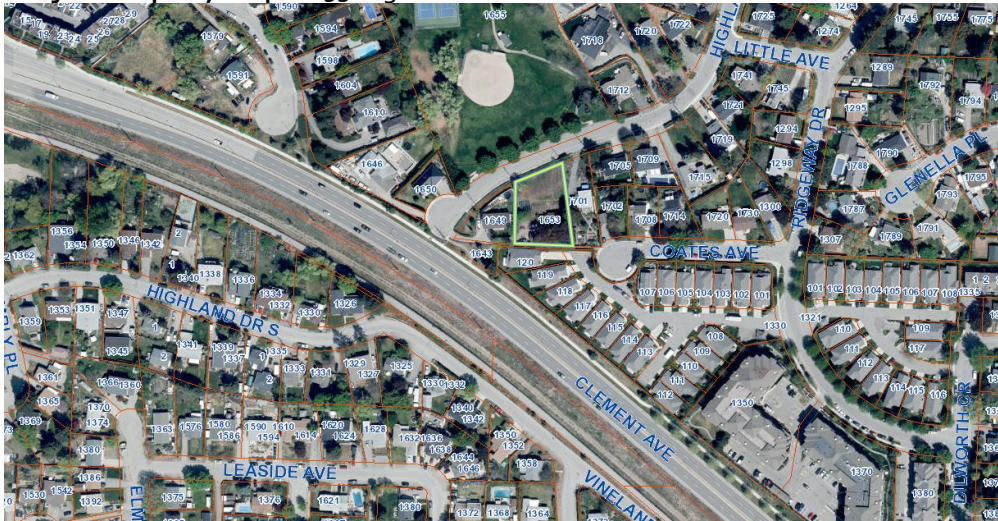
4.2 Site Context

The property is located in the Glenmore – Clifton – Dilworth OCP Sector and is within the Permanent Growth Boundary (PGB). The surrounding area is primarily zoned RU1 – Large Lot Housing, RU5 – Bareland Strata Housing and P3 – Parks and Open Space.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 – Parks and Open Space	Jack Robertson Memorial Park
East	RU1 – Large Lot Housing	Single-Family Dwelling
South	RU5 – Bareland Strata Housing	Single-Family Dwelling(s)
West	RU1 – Large Lot Housing	Single-Family Dwelling

Subject Property Map: 1653 Highland Dr N



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 1: Introduction

Goals for a Sustainable Future:

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

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

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

6.o Application Chronology

Date of Application Received: February 18th, 2021

Date Public Consultation Completed: March 16th, 2021

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

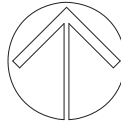
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Proposed Subdivision and Layout

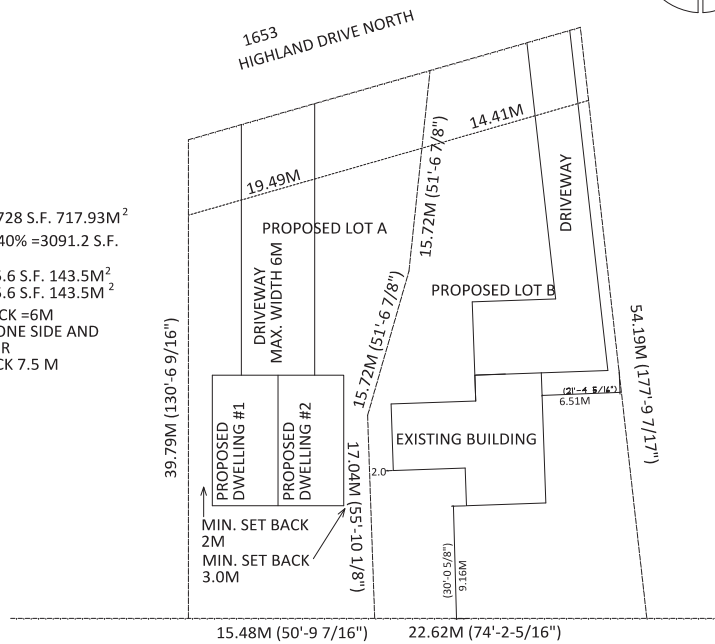
This forms part of application

Z21-0017

Planner
Initials TCCity of
Kelowna
DEVELOPMENT PLANNING

PROPOSED RENOVATION FOR:
SJT CONTRACTING INC.
 KELOWNA, B.C.
 PH. C.250-863-0857
 EMAIL: shea@sjtcontracting.com

PROPOSED LOT A
 PROPOSED SITE = 7728 S.F. 717.93M²
 ALLOWABLE BUILD 40% = 3091.2 S.F.
 = 287M²
 DWELLING #1 = 1545.6 S.F. 143.5M²
 DWELLING #2 = 1545.6 S.F. 143.5M²
 MIN. FRONT SETBACK = 6M
 SIDE YARD 2M ON ONE SIDE AND
 3.0M ON THE OTHER
 REAR YARD SET BACK 7.5 M



PROPOSED LOT B
 LOT = 9324 S.F. = 866M²
 EXISTING BUILDING = 1100 S.F. = 102 M²
 ALLOWABLE BUILD 40% = 3729.6 S.F. = 346M²

SITE PLAN LOT 4 PLAN 12634

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

A0.0 = GENERAL
 A1.0 = EXISTING AND TEMPORARY CONDITIONS, SITE WORK, DEMOLITION
 A2.0 = PLANS, DETAIL PLANS, ROOF PLAN
 A3.0 = EXTERIOR ELEVATIONS, DETAIL ELEVATIONS
 A4.0 = BUILDING SECTIONS, WALL SECTIONS
 A5.0 = INTERIOR ELEVATIONS, TOILET ELEVATIONS
 A6.0 = REFLECTED CEILING PLAN, FLOOR PATTERNS, FURNISHINGS
 A7.0 = SCHEDULES, DOOR AND WINDOW TYPES
 A8.0 = DETAILS
 A9.0 = ALTERNATES
 E0.0 = ELECTRICAL LAYOUT

NOTE:
 EVERY EFFORT HAS BEEN MADE TO
 ASSURE THE ACCURACY OF DIMENSIONS
 AND DETAILS. HOWEVER, IT IS THE
 RESPONSIBILITY OF THE BUILDER TO
 VERIFY ALL MEASUREMENTS.

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 WHATSOEVER WITHOUT THE CONSENT IN
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 DESIGNER OR THEIR AGENTS.

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CLIENT: SJT CONTRACTING INC.
 KELOWNA, B.C.
 PH. C.250-863-0857
 EMAIL: shea@sjtcontracting.com

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COVER



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JOB NO: RSM 21-023

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PAGE

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Z21-0017

1653 Highland Dr N

Rezoning Application



Proposal

- ▶ To rezone the subject property from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing to facilitate a 2-lot subdivision.

Development Process

Feb 18, 2021

Development Application Submitted

Staff Review & Circulation

Mar 16, 2021

Public Notification Received

Jun 21, 2021

Initial Consideration

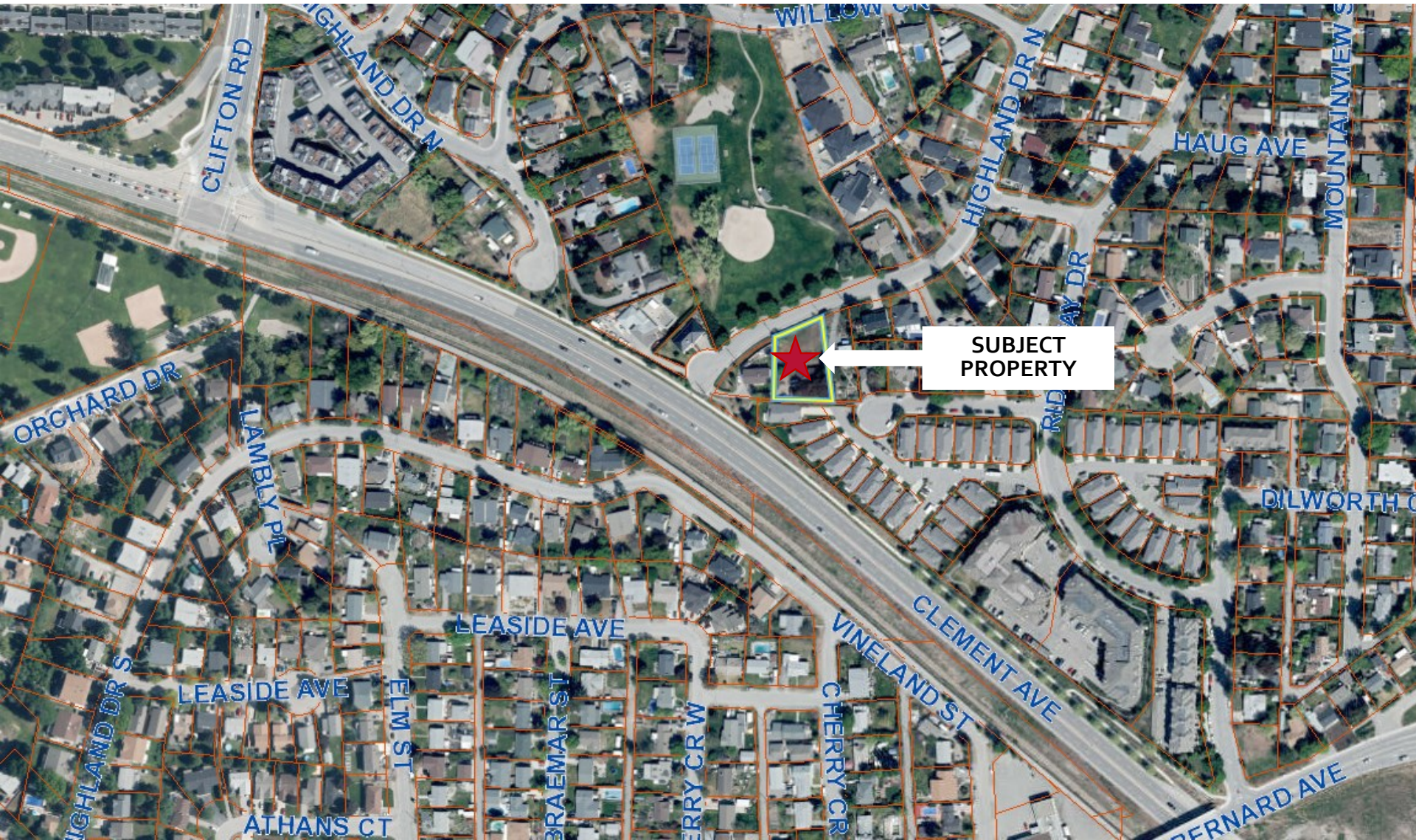
Public Hearing
Second & Third Readings

Final Reading

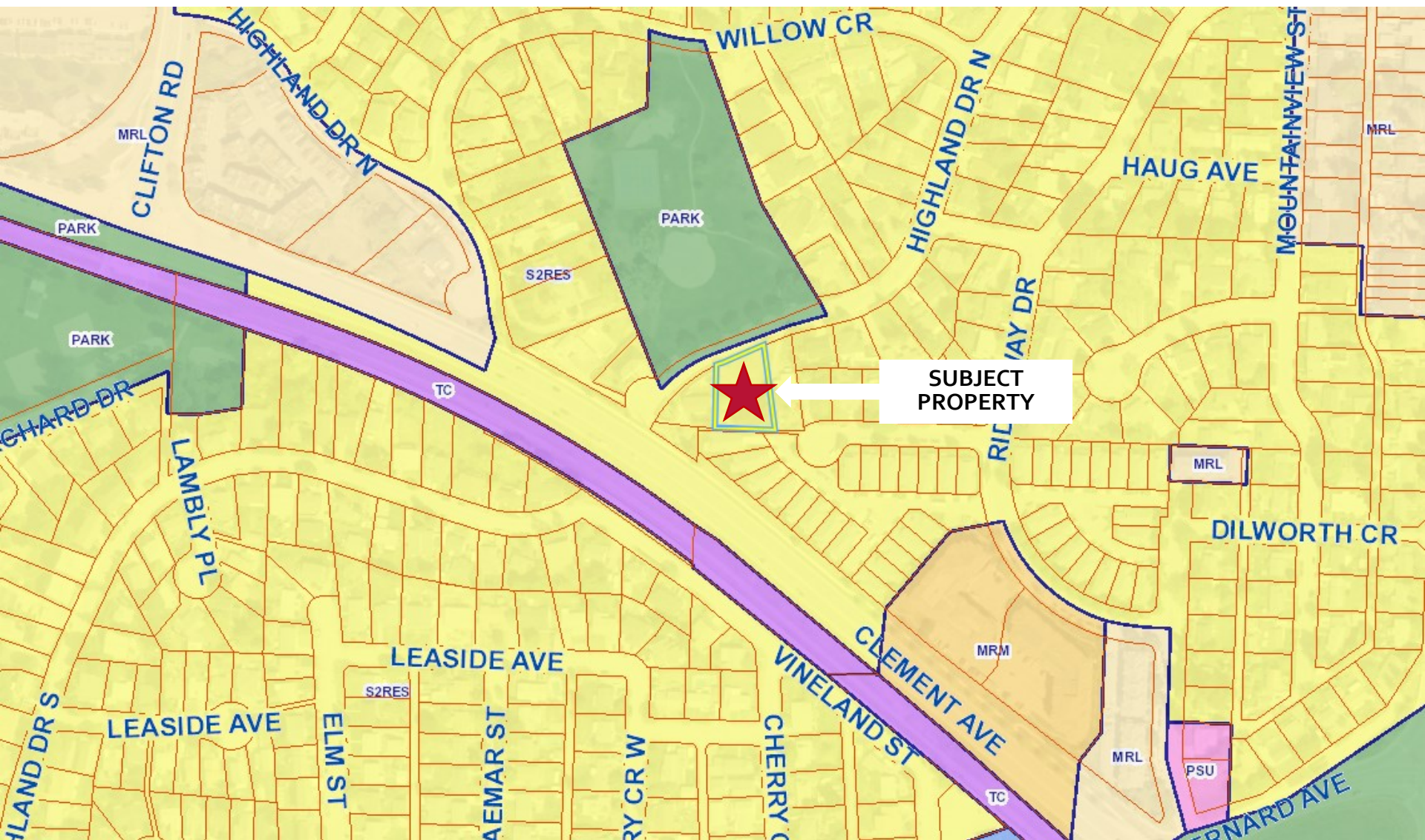
Building Permit

Council
Approvals

Context Map



OCP Future Land Use / Zoning



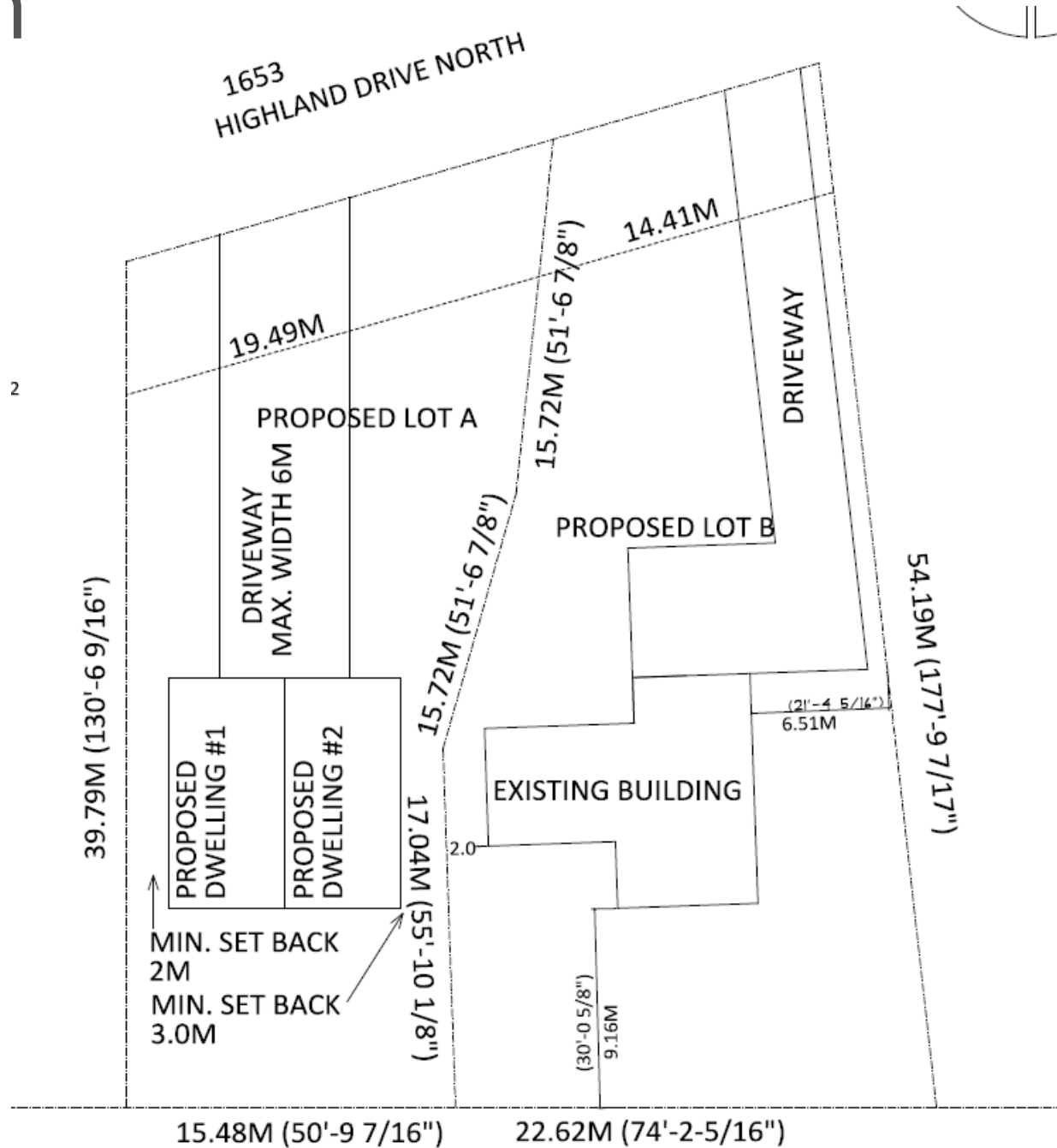
Subject Property Map



Project/technical details

- ▶ Proposed rezoning to RU6 –Two Dwelling Housing will facilitate a 2-lot subdivision.
- ▶ Both lots meet the depth, width and size of the RU6 zone.
- ▶ Both properties would have a new access off Highland Dr N and the neighbouring access would be removed.

Site Plan



Development Policy

- ▶ Meets the intent of Official Community Plan Urban Infill Policies:
 - ▶ Within Permanent Growth Boundary
 - ▶ Sensitive Infill

Staff Recommendation

- ▶ Staff recommend **support** of the proposed rezoning to facilitate a 2-lot subdivision
- ▶ Meets the intent of the Official Community Plan
 - ▶ Urban Infill Policies
 - ▶ Appropriate location for adding residential density
- ▶ Consistent with Zoning Bylaw and the proposed lots meet the size minimums.
- ▶ Recommend the Public Hearing be waived.



Conclusion of Staff Remarks

CITY OF KELOWNA
BYLAW NO. 12236
Z21-0017
1653 Highland Drive North

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 4 Section 29 Township 26 ODYD Plan 12634 located at Highland Drive North, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

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 21, 2021
To: Council
From: City Manager
Subject: Rezoning Bylaw No. 12214 for Z21-0023 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 21, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12214;

AND THAT Rezoning Bylaw No. 12214 be forwarded for further reading consideration.

Purpose:

To receive a summary of correspondence for Rezoning Bylaw No. 12214 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 Z21-0023 for 2890 Shayler Court was brought forward to Council for initial consideration on [May 31, 2021](#). At this meeting, Council passed a resolution to waive the Public Hearing and correspondence was accepted between June 2, 2021 and June 14, 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. 12214, located at 2890 Shayler Court, 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. 12214

Z21-0023

2890 Shayler Court

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A Sections 20 and 29 Township 23 ODYD Plan KAP89180 located at Shayler Court, Kelowna, BC from the RR1 – Rural Residential 1 zone to the RR1c – Rural Residential 1 with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 31st day of May, 2021

Public Hearing Waived by the Municipal Council this 31st day of May, 2021.

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 21, 2021
To: Council
From: City Manager
Subject: Rezoning Bylaw No. 12215 for Z21-0025 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 21, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12215;

AND THAT Rezoning Bylaw No. 12215 be forwarded for further reading consideration.

Purpose:

To receive a summary of correspondence for Rezoning Bylaw No. 12215 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 Z21-0025 for 320 McCurdy Road was brought forward to Council for initial consideration on [May 31, 2021](#). At this meeting, Council passed a resolution to waive the Public Hearing and correspondence was accepted between June 2, 2021 and June 14, 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. 12215, located at 320 McCurdy Road, 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. 12215

Z21-0025

320 McCurdy 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 1 Section 26 Township 26 ODYD Plan 22696 located at McCurdy Road, 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 31st day of May, 2021.

Public Hearing Waived by the Municipal Council this 31st day of May, 2021.

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 21, 2021
To: Council
From: City Manager
Subject: Rezoning Bylaw No. 12222 for Z21-0049 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 21, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12222;

AND THAT Rezoning Bylaw No. 12222 be forwarded for further reading consideration.

Purpose:

To receive a summary of correspondence for Rezoning Bylaw No. 12222 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 Z21-0049 for 5008 South Ridge Drive was brought forward to Council for initial consideration on [May 31, 2021](#). At this meeting, Council passed a resolution to waive the Public Hearing and correspondence was accepted between June 2, 2021 and June 14, 2021.

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

- two letters of concern/opposition

Staff responded to questions raised by the public in the pieces of correspondence submitted. 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. 12222, located at 5008 South Ridge Drive, 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. 12222
Z21-0049
5008 South Ridge 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 1 District Lot 1688S SDYD Plan KAP68647 located on South Ridge Drive, Kelowna, B.C., from the C1 – Local Commercial zone to the C2 – Neighbourhood Commercial zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

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

Public Hearing waived by the Municipal Council this 31st day of May, 2021.

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 21, 2021

To: Council

From: City Manager

Subject: St Paul St 1310 Z19-0024 Rescind Bylaw No. 11822

Department: Community Planning

Recommendation:

THAT Council receives, for information, the Report from the Development Planning Department dated June 21, 2021, with respect to Rezoning Application No. Z19-0024 located at Lot 12 DL 139 ,ODYD Plan 645, located at 1310 St. Paul Street, Kelowna BC;

AND THAT Bylaw No. 11822 be forwarded for rescindment consideration and the file be closed.

Purpose:

To rescind all three readings given to Rezoning Bylaw No. 11822 and direct staff to close the file.

Community Planning

An application to rezone the subject property was made on December 14, 2018 to rezone from the I2 – General Industrial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) zone to allow for a retail cannabis sales establishment.

Bylaw No. 11822 received second and third readings at a Regular Meeting of Council on June 18, 2019. Final adoption of the zone amendment bylaw was subject to the applicant meeting the requirements of the Development Engineering Memorandum (Schedule A), however, the application has now lapsed. The applicant is committed to going forward with the proposal and a new application will be presented shortly.

Given this, staff are recommending that Council rescind Rezoning Bylaw No. 11822 and direct staff to close the file.

Subject Property Map: 1310 St Paul Street



Submitted by: Heather Benmore, Development Planning Clerk

Approved for inclusion: T. Barton, Development Planning Department Manager

cc: af

CITY OF KELOWNA
BYLAW NO. 11822
Z19-0024 – 1310 St. Paul 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 12 District Lot 139 Osoyoos Division Yale District Plan 645, located on St. Paul St, Kelowna, BC from the I2 – General Industrial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 27th day of May, 2019.

Considered at a Public Hearing on the 18th day of June, 2019.

Read a second and third time by the Municipal Council this 18th day of June, 2019.

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

Mayor

City Clerk

Report to Council



Date: June 21, 2021
To: Council
From: City Manager
Subject: Sexsmith Road 3130 Z18-0049 Rescind Bylaw No. 11832
Department: Development Planning

Recommendation:

THAT Council receives, for information, the Report from the Development Planning Department dated June 21, 2021, with respect to Rezoning Application No. Z18-0049 for Lot 28, Section 3, Township 23, ODYD, Plan 18861, located at 3130 Sexsmith Road, Kelowna BC;

AND THAT Bylaw No. 11832 be forwarded for rescindment consideration and the file be closed.

Purpose:

To rescind all three readings given to Rezoning Bylaw No. 11832 and direct staff to close the file.

Community Planning

An application to rezone the subject property was made on May 1, 2018 to rezone from the A1 – Agriculture 1 zone to the I6 – Low Impact Transitional Industrial zone to allow for some low impact industrial land uses.

Bylaw No. 11832 received second and third readings at a Regular Meeting of Council on June 4, 2019. Final adoption of the zone amendment bylaw was subject to the applicant meeting the requirements of the Development Engineering Memorandum (Schedule A), however, the application has now lapsed.

The applicant is committed to going forward with the proposal and a new application will be presented shortly.

Given this, staff are recommending that Council rescind Rezoning Bylaw No. 11832 and direct staff to close the file.

Subject Property Map: 3130 Sexsmith Road



Submitted by:

Heather Benmore, Development Planning Clerk

Approved for inclusion:

T. Barton, Development Planning Department Manager

cc: lk

CITY OF KELOWNA
BYLAW NO. 11832
Z18-0049 – 3130 Sexsmith 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 28, Section 3, Township 23, ODYD, Plan 18861, located on Sexsmith Rd, Kelowna, BC from the A1 – Agriculture 1 Zone to the I6 – Low Impact Transitional Industrial Zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 13th day of May, 2019.

Considered at a Public Hearing on the 4th day of June, 2019.

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

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

Mayor

City Clerk

Report to Council



Date: June 21 2021
To: Council
From: City Manager
Subject: Ponto Rd 290 Z19-0063 Rescind Bylaw 12021
Department: Development Planning

Recommendation:

THAT Council receives, for information, the Report from the Development Planning Department dated June 21, 2021, with respect to Rezoning Application No. Z19-0063 for the property located at Lot 14 Section 26 Township 26 Plan KAP4414 ODYD 290 Ponto Road Kelowna BC;

AND THAT Bylaw No. 12021 be forwarded for rescindment consideration and the file be closed.

Purpose:

To rescind all three readings given to Rezoning Bylaw No. 12021 and direct staff to close the file.

Community Planning

An application to rezone the subject property was made on May 10, 2019 to rezone from the RU1 - Large Lot Housing zone to the RM3 - Low Density Multiple Housing zone to facilitate the development of a multiple dwelling housing project on the subject property.

Bylaw No. 12021 received second and third readings at a Regular Meeting of Council on May 11, 2020. Final adoption of the zone amendment bylaw was subject to the applicant meeting the requirements of the Development Engineering Memorandum (Schedule A), however, the property has since sold. Should the new owner wish to go forward, a new application would be required.

Given this, staff are recommending that Council rescind Rezoning Bylaw No. 12021 and direct staff to close the file.

Subject Property Map: 290 Ponto Road



Report Prepared by:

Heather Benmore, Development Clerk

Approved for inclusion:

T. Barton, Development Planning Department Manager

cc: AF

CITY OF KELOWNA
BYLAW NO. 12021
Z19-0063 – 290 Ponto 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 14 Section 26 Township 26 ODYD Plan 4414 located at Ponto Rd, Kelowna, BC from the RU1 – Large Lot 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 20th day of April, 2020.

Public Hearing Waived by the Municipal Council this 20th day of April, 2020.

Read a second and third time by the Municipal Council this 11th day of May, 2020.

Approved under the Transportation Act this 19th day of May, 2020.

Audrie Henry

(Approving Officer – Ministry of Transportation)

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

Mayor

City Clerk

Report to Council



Date: June 21, 2021

To: Council

From: City Manager

Subject: Z17-0113, 2565-2579 Pandosy Street, Rescind Bylaw 11562

Department: Development Planning

Recommendation:

THAT Council receives, for information, the Report from the Development Planning Department dated June 21, 2021 with respect to Rezoning Application No. Z17-0113 located at Lot A, District Lot 14 ODYD Plan EPP82294 located at 2565-2579 Pandosy Street, Kelowna, BC;

AND THAT Bylaw No. 11562 be forwarded for rescindment consideration and the file be closed.

Purpose:

To rescind all three readings given to Rezoning Bylaw No. 11562 and direct staff to close the file.

Community Planning:

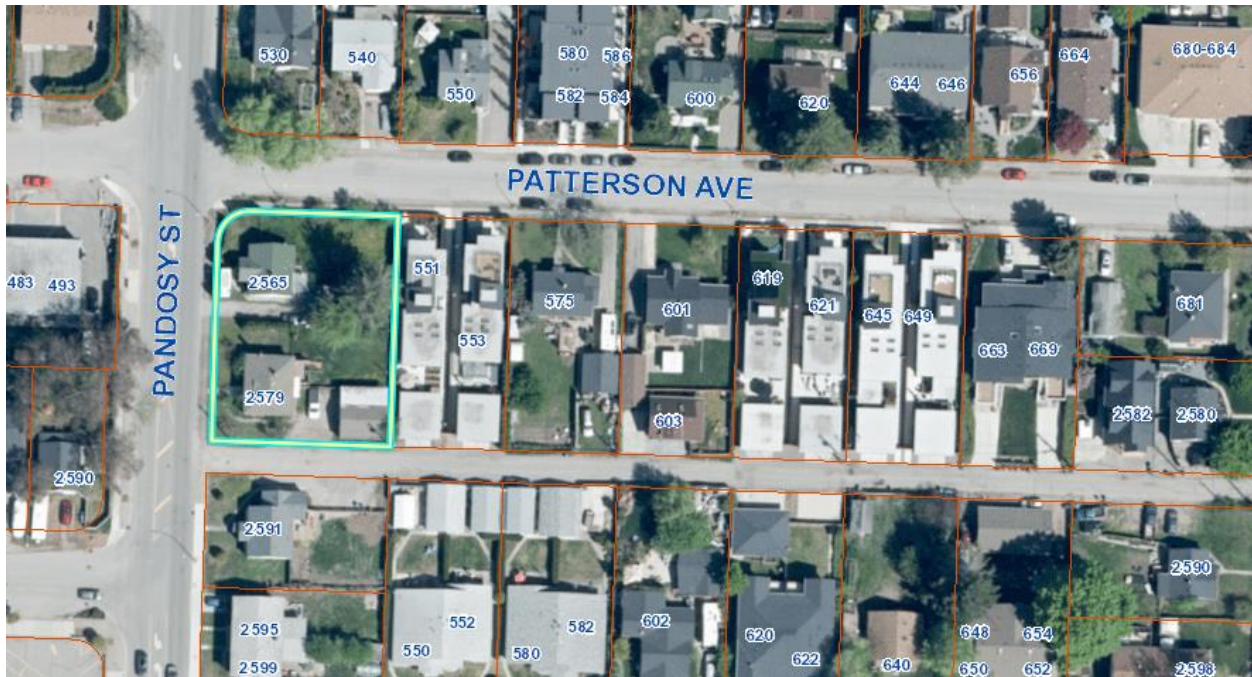
On August 21, 2017 an application to rezone the subject property from the from RU6 – Two Dwelling Housing to RM3 – Low Density Multiple Housing zone to facilitate the development of development of nine units of multiple dwelling housing on the subject property, with ground-oriented units along Pandosy Street was received.

Bylaw No. 11562 received second and third readings at a Regular Meeting of Council on March 20, 2018, following the Public Hearing held on the same date. Final adoption of the zone amendment bylaw is subject to the applicant meeting the requirements of the Development Engineering Memorandum (Schedule A).

An application for extension was received on February 25, 2019 to March 20, 2020. Due to the covid pandemic, the Divisional Director of Planning reviewed an additional request on March 20, 2020 and approved a second extension of Rezoning Bylaw No. 11562 by one year to March 20, 2021; however, the application has now lapsed.

Given the above, staff are recommending that Council rescind all three readings and direct staff to close the file.

Subject Property Map: 2565 – 2579 Pandosy Street



Submitted by: Heather Benmore , Development Planning Clerk

Approved for inclusion: T. Barton, Development Planning Department Manager

cc: kb

CITY OF KELOWNA
BYLAW NO. 11562
Z17-0113 2565 & 2579 Pandosy 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 Lots 10 and 11 District Lot 14 ODYD Plan 3249 located on Pandosy Street, Kelowna, B.C., 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 26th day of February, 2018.

Considered at a Public Hearing on the 20th day of March, 2018.

Read a second and third time by the Municipal Council this 20th day of March, 2018.

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

Mayor

City Clerk

Report to Council



Date: June 21 2021
To: Council
From: City Manager
Subject: Cedar Avenue 414-420 Z18-0021 Rescind Bylaw No. 11644
Department: Community Planning

Recommendation:

THAT Council receives, for information, the Report from the Development Planning Department dated June 21, 2021 with respect to Rezoning Application No. Z18-0021 for Lots 2 & 3, District Lot 14, ODYD, Plan 4743 for 414-420 Cedar Avenue, Kelowna BC;

AND THAT Bylaw No. 11644 be forwarded for rescindment consideration and the file be closed.

Purpose:

To rescind all three readings given to Rezoning Bylaw No. 11644 and direct staff to close the file.

1.0 Community Planning

An application for the subject property was made on February 27, 2018 to rezone from the RU1 - Large Lot Housing zone to the C4 - Urban Centre Commercial zone to facilitate the construction of a mixed-use commercial and residential tower development.

Rezoning Bylaw No. 11644 received second and third readings at a Regular meeting of Council held on July 31, 2018. Final adoption of the zone amendment bylaw was subject to the applicant meeting the requirements for the Development Engineering Department.

An application for extension was received on December 20, 2019, and supported by Council on January 30, 2020, to extend Rezoning Bylaw No. 11644 by one year from July 31, 2019 to July 31, 2020; however, the application has remained dormant since.

Given the above, staff are recommending that Council rescind all readings and direct staff to close the file.

Subject Property Map: 414-420 Cedar Avenue



Submitted by:

Heather Benmore, Development Planning Clerk

Approved for inclusion:

T. Barton, Development Planning Department Manager

cc: ac

CITY OF KELOWNA
BYLAW NO. 11644
Z18-0021 – 414 & 420 Cedar Avenue

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 2 & 3, District Lot 14, ODYD, Plan 4743 located on Cedar Avenue, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 16th day of July, 2018.

Considered at a Public Hearing on this 31st day of July, 2018.

Read a second and third time by the Municipal Council this 31st day of July, 2018.

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

Mayor

City Clerk

Report to Council



Date: June 21, 2021
To: Council
From: City Manager
Subject: Supplemental – Rescindment of Readings for Bylaw No. 11957
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated June 21, 2021 with respect to Rezoning Application Z18-0117 for the property located at 145 Sadler Rd and 180 & 190 Hwy 33 E;

AND THAT Bylaw No. 11957 be forwarded for rescindment of second and third readings.

Purpose:

To rescind second and third readings given to Bylaw No. 11957 for staff to bring forward new information on the rezoning application.

Background:

Council gave second and third readings to Bylaw No. 11957 on December 3, 2019. The Bylaw would rezone the properties at 145 Sadler Road and 180 & 190 Hwy 33 E from the RU1 – Large Lot Housing and RU6 – Two Dwelling Housing zones to the C4 – Urban Centre Commercial zone.

Previous Council Resolution

Resolution	Date
THAT Bylaw No. 11957 be read a second and third time.	December 3, 2019

Discussion:

Circumstances related the proposed development have changed and staff are looking to bring forward new information to Council. Staff's opinion is information provided in advance of, and at the public hearing that had a bearing on the outcome has changed. Staff are recommending Council rescind second and third readings to allow Council to receive this new information. If rescinded, the

Development Planning Department will bring forward two reports at the next Council meeting outlining the changes and seeking further direction from Council.

Conclusion:

Staff are recommending Council rescind second and third readings to allow the application to proceed. Council will have the opportunity to consider the new information and recommendations for next steps at the next Council meeting.

Considerations applicable to this report:

Legal/Statutory Procedural Requirements:

Council cannot consider new information regarding a development bylaw while it is at third reading.

Considerations not applicable to this report:

Legal/Statutory Authority:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by:

L. Bentley, Deputy City Clerk

Approved for inclusion: S. Fleming, City Clerk

cc:

Lydia Korolchuk, Planner Specialist

CITY OF KELOWNA

BYLAW NO. 11957

Z18-0117 – 145 Sadler Road and 180 & 190 Highway 33 East

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1 Section 26 Township 26 ODYD Plan 10045, located on Hwy 33 E, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the C4 – Urban Centre Commercial zone;
2. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2 Section 26 Township 26 ODYD Plan 10045, located on Hwy 33 E, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the C4 – Urban Centre Commercial zone;
3. AND FURTHER THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3 Section 26 Township 26 ODYD Plan 10045, located on Sadler Rd, Kelowna, BC from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone;
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 18th day of November, 2019.

Considered at a Public Hearing on the 3rd day of December, 2019.

Read a second and third time by the Municipal Council this 3rd day of December, 2019.

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Second and third readings rescinded by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: June 21, 2021
To: Council
From: City Manager
Subject: 2020 Planning and Development Statistics
Department: Planning and Development Services

Recommendation:

THAT Council receives, for information, the report from the Planning and Development Services department dated June 21, 2021, with information relating to Planning and Development Statistics;

Purpose:

This report updates Council on Building and Development Statistics for the first quarter of 2021.

Background:

In order to keep Council current with local development and construction trends, the Divisional Director of Planning and Development Services will endeavor to bring quarterly reports forward for Council's information. As the structure of this report continues to develop, the goal is to improve the connection between Council's consideration of development applications on a weekly basis and the larger picture of housing goals in the Official Community Plan.

Discussion:

Planning Application Intake Statistics – Quarter 1 - 2021

The first quarter of 2021 development application statistics show an increase in development application volume which can be attributed to factors including:

- a) Increased demand for housing
- b) Low interest rates
- c) COVID19 – work from home mobility

The Development Planning department is on pace to process approximately 900 development applications in 2021. This volume is consistent with real estate market peaks seen in 2016 and 2019.

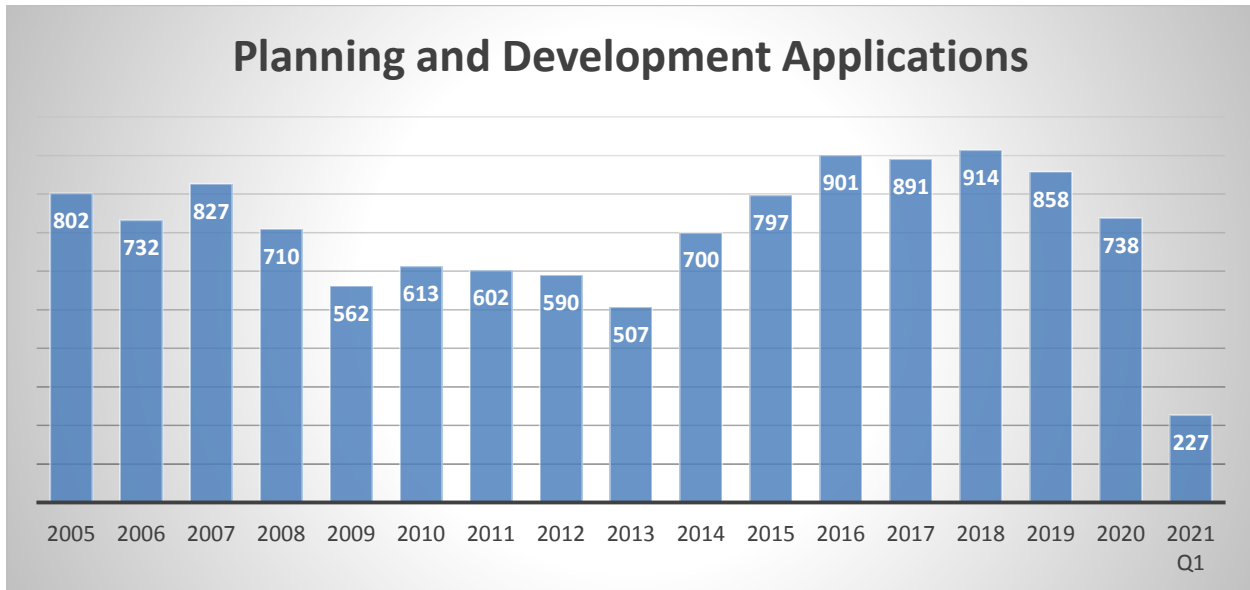


Chart 1

Building and Permitting Statistics Q1 - 2021

The City's Building and Permitting team reported an increase in construction value of nearly 25% (chart 2) in quarter 1. This is related to the final impacts of the Park Construction DCC increase which came into effect in early February. In the first 5-weeks of 2021, permits with a gross value in excess of \$400 million were submitted for processing in the City's building permit process. Construction activity in Q1 2021 exceeded the entire 2020-year.

Q1 2021 building permit activity (volume of permits) also remained strong and should be at or slightly above the 5-year average.

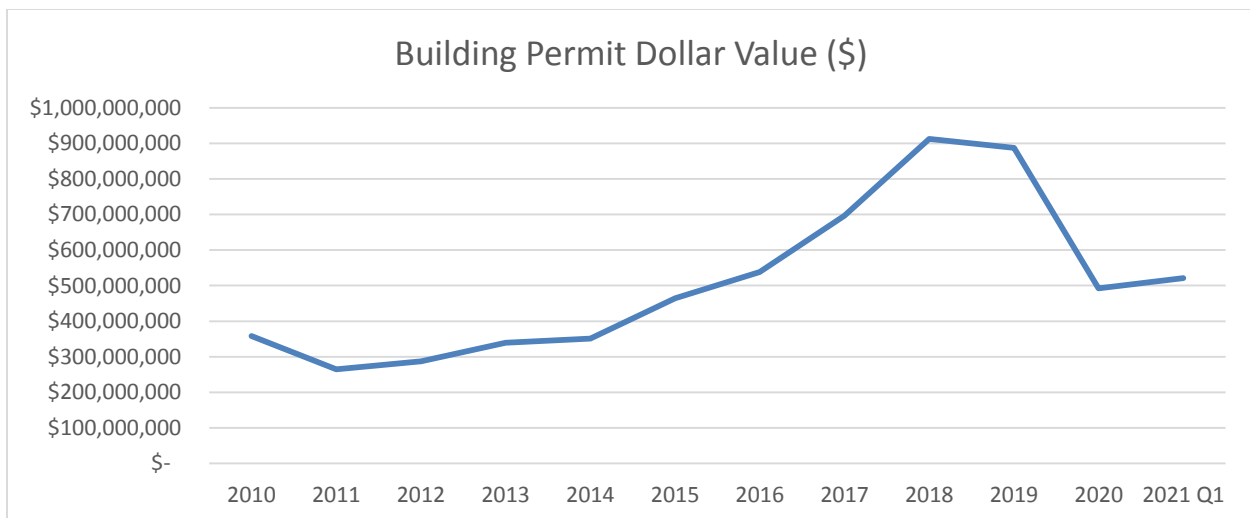


Chart 2

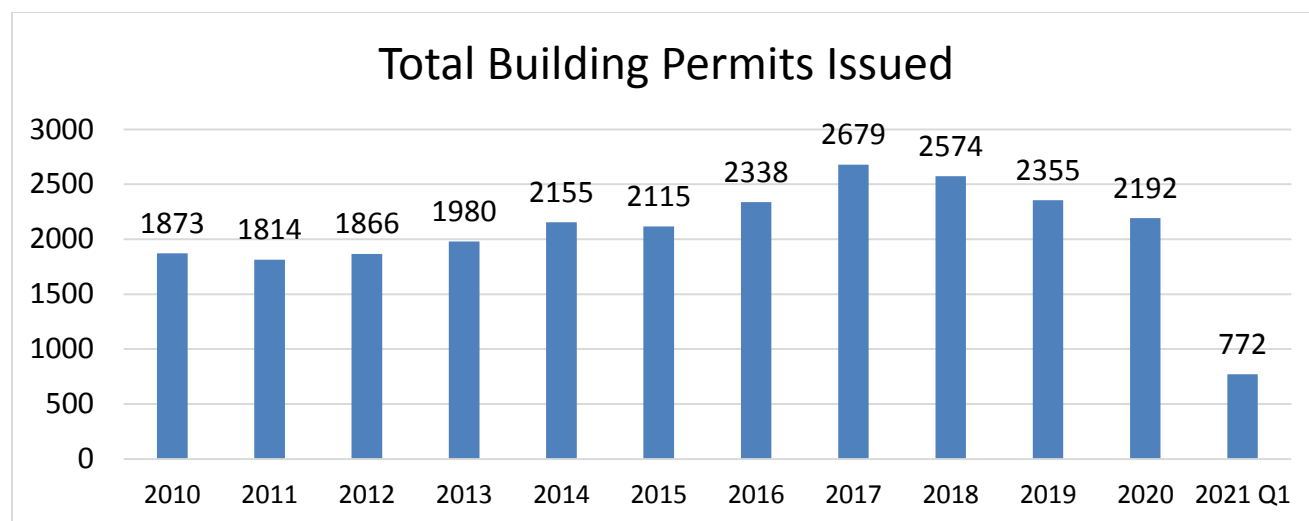


Chart 3

Housing Type and Volumes

Permit applications for housing in the Q1 of 2021 far exceeded the 10-year average (Chart 4); they recovered significantly from a slow 2020 which saw the middle quarters of the year at less than half of the 10-year average. Single family home construction, which generally represents lower risk investment, continued to proceed at a strong pace through Q1 2021.

Chart 5 (Single/Multi Housing split) shows a strong bounce back in multi-family housing. This indicates that some developers planning larger scale multi-family housing projects are choosing to proceed after pausing project during the initial stages of the COVID-19 shutdown. As noted above – an additional factor has been the desire to proceed with permitting to avoid additional Parks DCC charges. The location of these housing units is also predominantly in the core area of the City which is consistent with the City's growth management/densification strategies.

TYPE	2021 (Q1)	5 YEAR AVG (Q1)	10 YEAR AVG (Q1)	2011 (Q1) (fewest units since 1989)
Single Detached	133	73	64	53
Semi-Detached	22	15	11	0
Secondary Suites	75	62	46	16
Row Housing	341	29	28	20
Apartment Units	1,203	200	110	0
Mobile Home	2	1	1	2
Carriage House	4	8	5	N/A
Total	1,780	388	265	91

Chart 4

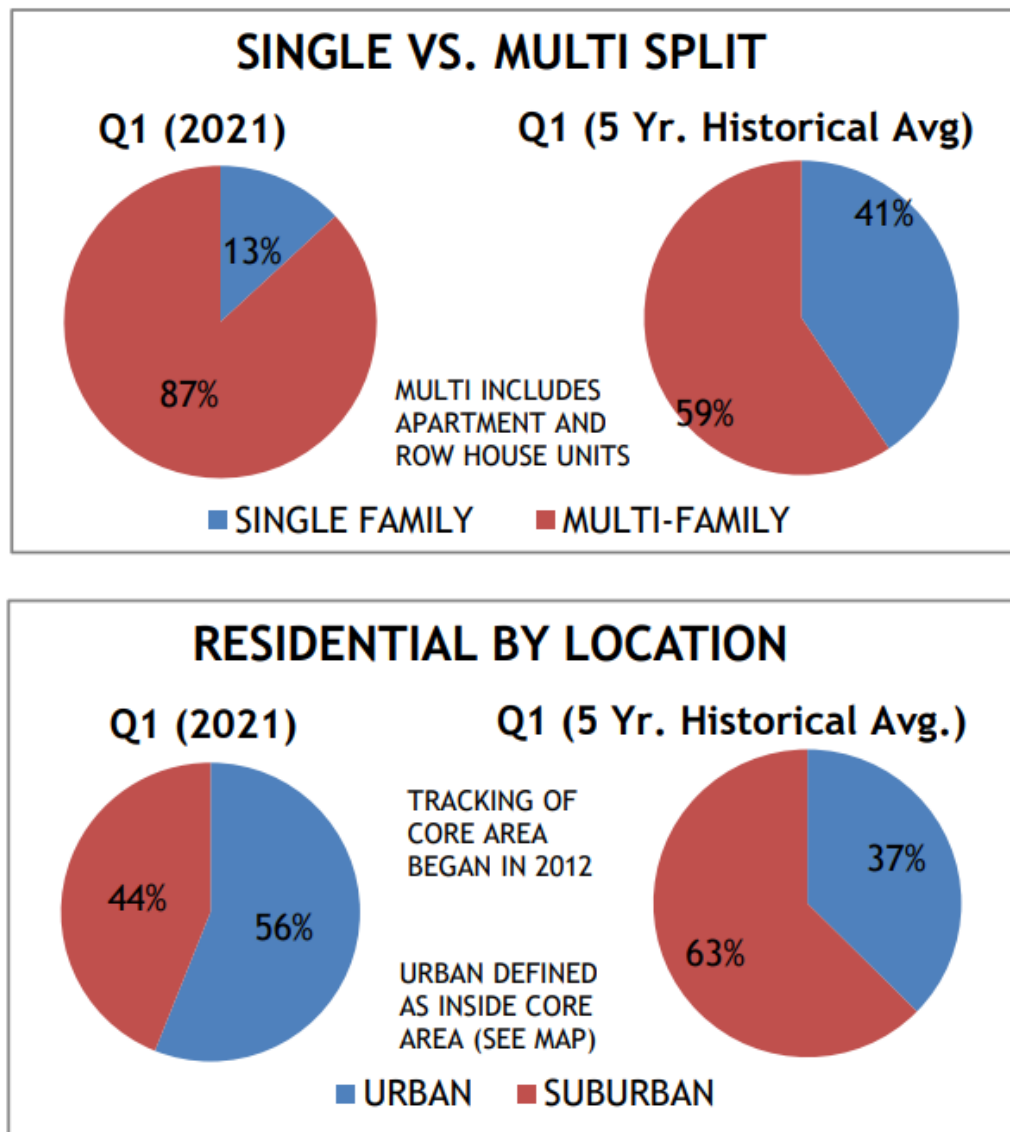


Chart 5

Conclusions:

The Kelowna construction and development industries are experiencing a strong bounce back from COVID-19 related uncertainty that slowed the pace of growth for the bulk of 2020. While in a typical first quarter staff expect to see gross permit value of around \$125-million, 2021 had a gross permit value of approximately \$500-million. Application volume/activity in the planning process remains high which indicates strong confidence in future demand for housing. Based on this application volume, it is likely building permit numbers will remain strong in 2022 and 2023.

Looking ahead there are a few trends that staff believe will continue to impact the Kelowna and Okanagan housing markets:

- High Consumer Demand: Data from both the Association of Interior Realtors and the UDI Okanagan Market forecast indicate that consumer demand remain will remain high for the foreseeable future as international borders begin to open and immigration volumes to Canada accelerate.
- Product coming – DCC grandfathering BP deadline: Many developers and builders are planning to move projects ahead in 2021 as evidenced by the rush of buildings permits applications submitted prior to the February 10 grandfathering deadline. Staff are also tracking several large-scale development applications that will be moving into the Council process in the first half of 2021.
- Trend back to multi-family dominate growth: While 2020 saw a reversal of the trend towards multi-family dominated growth, staff expected to (and did) see 2021 stats return to the normal split in terms of multi-family/single family dwelling units constructed (approx. 66% multi/34% SFD). The final 2021 Q1 stats ended up showing an overwhelming trend back to permits for multi-family development with approximately 87% of all new units being multi-family.

Based on the data and trends observed, the Planning and Development Services division is planning both short and long-term resourcing help for departments involved operating the development process. Contract Planner positions are added to the Development Planning department when application volumes trend upward. The Building and Permitting department also shifts staff between building and plan checking.

The division's management team is watching application volumes and also plans to structure 2022 budget requests to support the development process in areas experiencing resourcing challenges.

Considerations not applicable to this report:

Internal Circulation:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

External Agency/Public Comments:

Communications Comments:

Financial/Budgetary Considerations:

Submitted by: R. Smith, Divisional Director of Planning and Development Services

Approved for inclusion: D. Gilchrist, City Manager

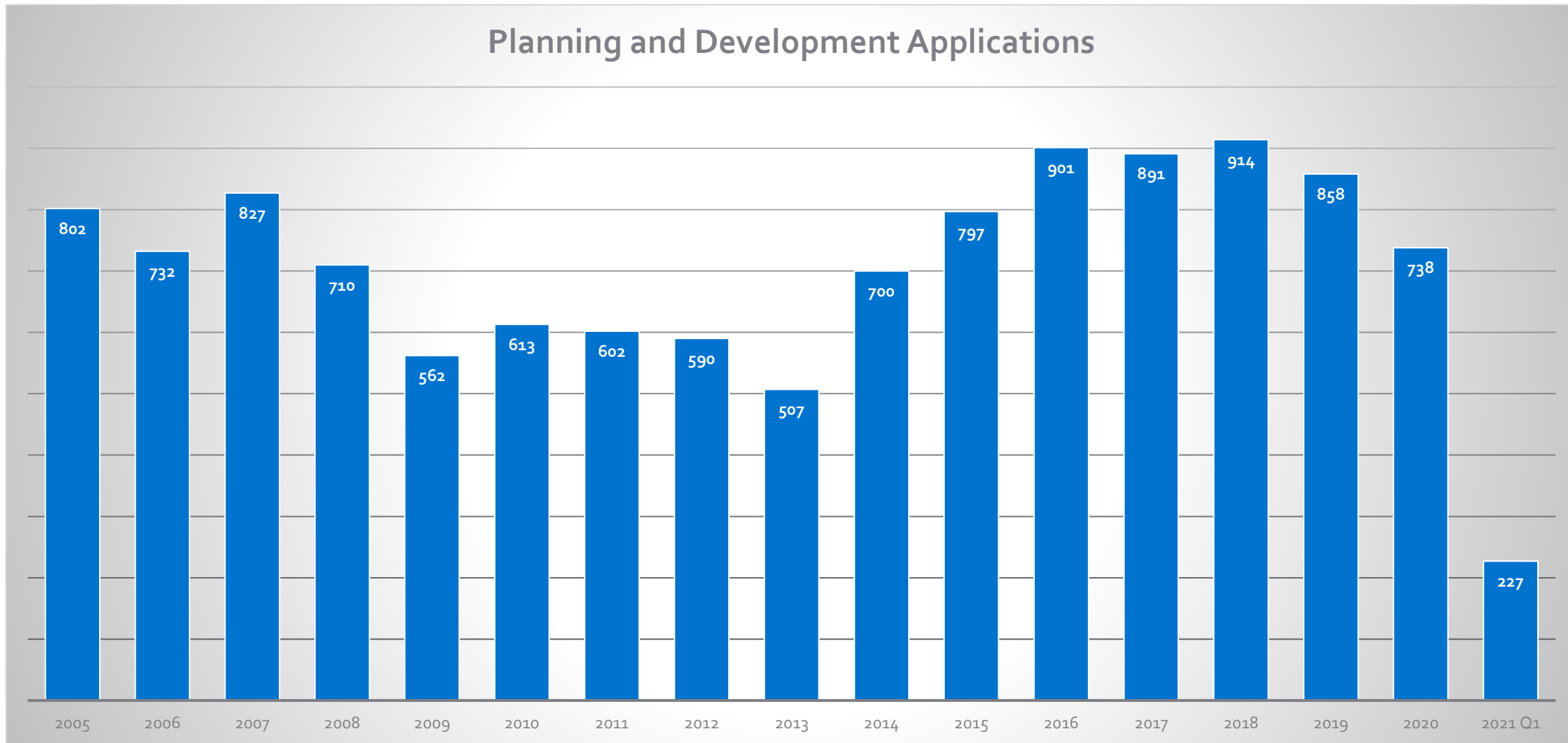
Attachment: 1 - PowerPoint



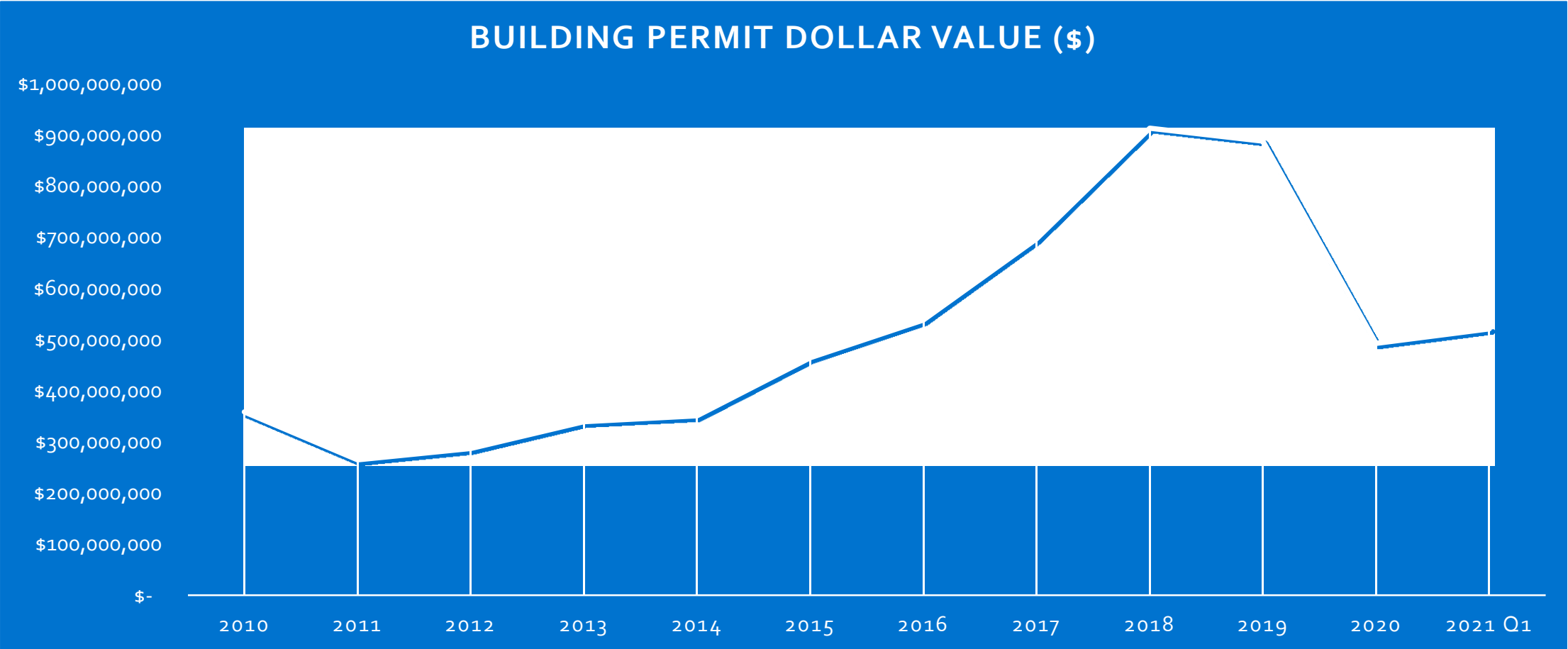
2021 Development Statistics - Quarter 1 - Summary Report

June xx, 2021

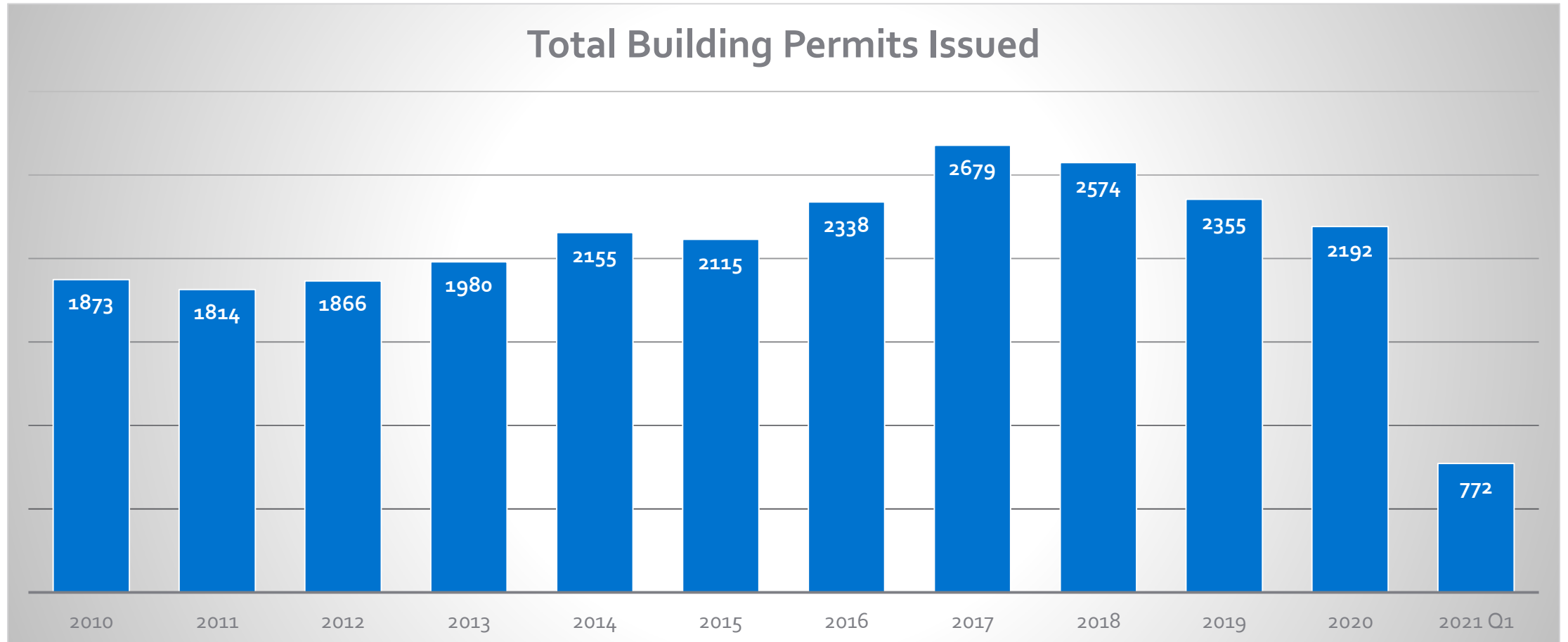
Planning Application Volume



Total Building Permit Value



Total Building Permits Issued

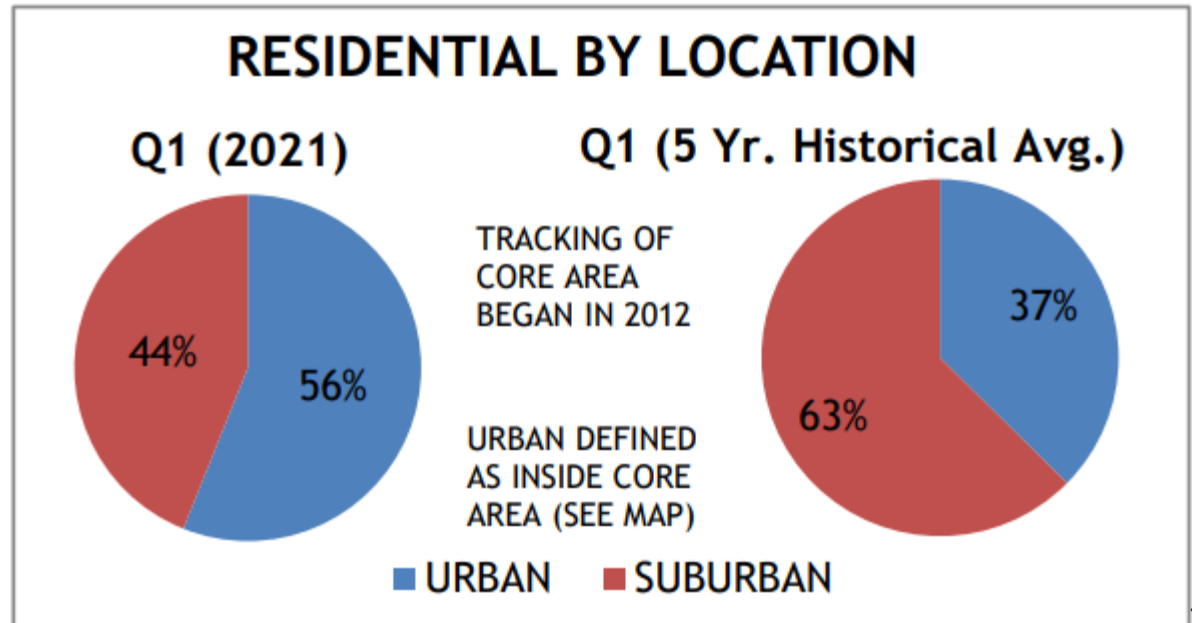
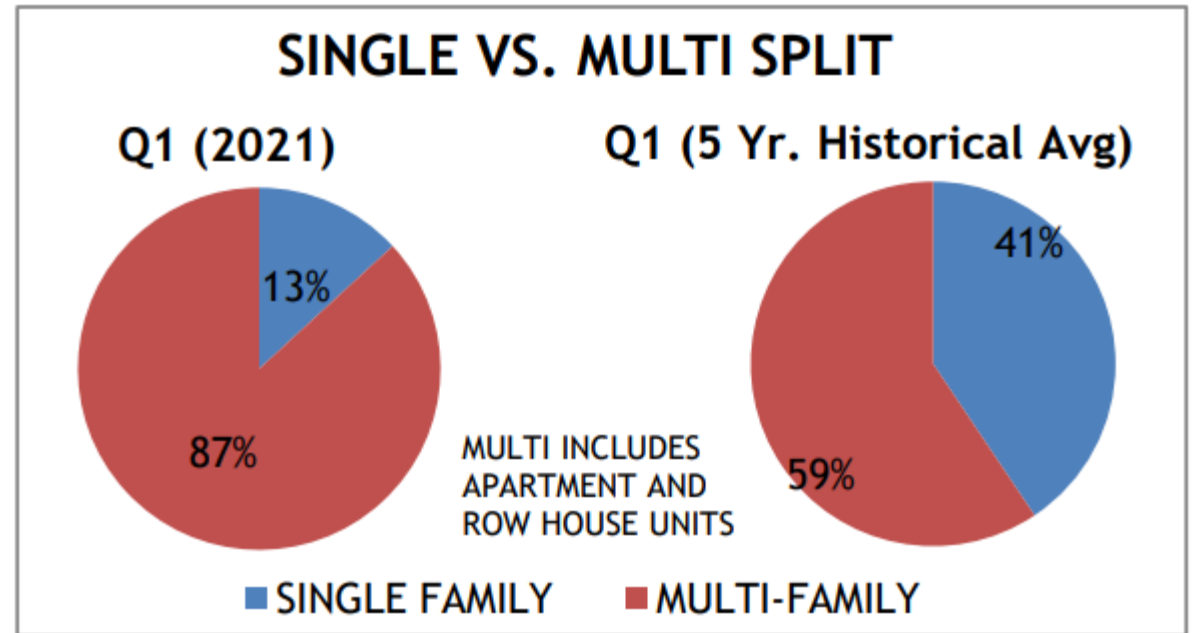


New Housing Units Created – Q1 Comparison

TYPE	2021 (Q1)	5 YEAR AVG (Q1)	10 YEAR AVG (Q1)	2011 (Q1) (fewest units since 1989)
Single Detached	133	73	64	53
Semi-Detached	22	15	11	0
Secondary Suites	75	62	46	16
Row Housing	341	29	28	20
Apartment Units	1,203	200	110	0
Mobile Home	2	1	1	2
Carriage House	4	8	5	N/A
Total	1,780	388	265	91

carriage houses tracking began in 2013

Housing Type and Location



The impact of a DCC Increase

- ▶ January 2020 construction value: \$50 million approx.
- ▶ February 2020 construction value: \$28 million
- ▶ Total 2020 construction value: \$492 million
- ▶ January 2021 construction value: \$114 million approx.
- ▶ February 2021 (first 10 days) construction value: \$314 million
- ▶ **Total YDT construction value: \$434 million**

Looking Ahead

- ▶ High Consumer Demand: Likely to remain high
- ▶ More Product coming
- ▶ Trend back to multi-family dominate growth
- ▶ Tracking volumes, timelines in order to properly resource the development and building review processes



Questions?

For more information, visit kelowna.ca.

Report to Council



Date: June 21, 2021
To: Council
From: City Manager
Subject: Transit 2021/2022 Annual Operating Agreement
Department: Revenue

Recommendation:

THAT Council approve the 2021/2022 Annual Operating Agreement between BC Transit and City of Kelowna for Conventional, Community, and Custom transit;

AND THAT the Mayor and City Clerk be authorized to execute the Annual Operating Agreement between BC Transit and the City of Kelowna covering the period April 1, 2021 to March 31, 2022.

Purpose:

To receive Council approval for and execution of the transit 2021/2022 Annual Operating Agreement.

Background:

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

Each Local Government Partner within the Kelowna Regional Transit System submits the AOA to their Councils for approval.

Included in the 2021/2022 Annual Operating Agreement is the second half of the Safe Restart Contribution. This funding is meant to help Local Government Partners meet their share of costs to maintain affordable Essential Transit Service Levels during the COVID-19 pandemic recovery period.

Under the federal 'Safe Restart' program the federal and provincial governments have committed to provide joint contributions in support of transit services. BC Transit has entered into a Contribution Agreement to receive \$86 million of which \$7.3 million is designated for the Kelowna Regional Transit System. The City of Kelowna's portion is \$5.9 million split over two years.

Discussion:

Restart Funding

While service levels and fares are set by each Local Government Partner, the Safe Restart Contribution is intended to assist in maintaining targeted essential transit service levels for the Kelowna Regional Transit System. By receiving this funding, the City of Kelowna will work with BC Transit to maintain the targeted essential transit service levels as outlined in the AOA as well as limiting annual public fare increase to 2.3% through March 31, 2024.

Subject to BC Transit receiving a fully executed amended AOA for 2021/22 by June 30, 2021, 50% of the Safe Start Contribution will be applied towards the Municipality's share of expenses for 2021/22. The contribution will be applied to monthly Municipal invoices evenly for the period April 1, 2021 to March 31, 2022. The previous 50% of the Safe Restart Contribution was applied to the amended AOA for 2020/2021.

AOA Comparison

When comparing the 2021/2022 AOA with the previously Council approved AOA, the main areas of increased costs are:

- Incremental COVID contingency
- Fleet Maintenance
- Hourly Costs – Scheduled Service
- BCT Management Services
- Leases (6-month lease holiday in prior year)

The main areas of decreased costs are:

- Fuel
- Infrastructure Exploratory Agreements

Conventional Transit

Revenues are projected to increase by \$376,000, with City of Kelowna's portion being \$310,000. The 2021/22 AOA includes a \$1.25 million increase in costs with \$0.673 million relating to operating costs and \$0.582 million relating to lease fees. This represents a 8.8% increase from the 2020/21 Amended AOA presented to Council in January 2021. The City's portion of the Local Government share of the cost increase is \$1.0 million with the net impact of these revenue and costs projections resulting in a net cost increase of \$0.7 million.

Community Transit

The 2021/22 AOA includes a \$162,000 increase in costs for Community transit with \$81,000 relating to an increase in operating cost and \$81,000 relating to an increase in lease fees. This represents a 7.8% increase from the 2020/21 Amended AOA presented to Council in January 2021. \$64,000 is the City's portion of the Local Government share of the increase.

Custom Transit

The 2021/22 AOA also includes a \$157,000 increase in costs for Custom transit with \$38,000 relating to an increase in operating costs and an increase of \$119,000 related to lease fees. This represents a 6.4%

increase from 2020/21 Amended AOA presented to Council in January 2021. \$116,000 is the City's portion of the Local Government share of the increase.

Conclusion:

The impact to the City of Kelowna for transit services for the 2021/22 AOA is an increase to total net costs of \$908,000. Due to the Safe Restart Contribution offsetting these increased costs there is no impact on taxation. The estimated impacts of the 2021/2022 AOA were included in the City of Kelowna's 2021 Provisional Budget that Council approved in December 2020.

Internal Circulation:

Manager, Strategic Transportation Planning
Manager, Transit and Programs
Divisional Director, Financial Services
Acting Divisional Director, Infrastructure

Considerations applicable to this report:

Legal/Statutory Authority:

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

Financial/Budgetary Considerations:

Existing budget provides for these annual operating requirements.

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements:

Existing Policy:

External Agency/Public Comments:

Communications Comments:

Submitted by:

P. Gramiak, Revenue Supervisor

Approved for inclusion:



G. Davidson, Divisional Director Financial Services

cc:

J. Dombowsky, Transit and Programs Manager

Kelowna Regional

ANNUAL OPERATING AGREEMENT

between

City of Kelowna

and

British Columbia Transit

Effective

April 1, 2021

INFORMATION CONTAINED IN THIS AGREEMENT IS SUBJECT TO *THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT*. CONSULT WITH THE AUTHORITY PRIOR TO RELEASING INFORMATION TO INDIVIDUALS OR COMPANIES OTHER THAN THOSE WHO ARE PARTY TO THIS AGREEMENT.

ANNUAL OPERATING AGREEMENT

BETWEEN:

City of Kelowna

(the "Municipality")

AND:

British Columbia Transit

(the "Authority")

WHEREAS the Authority is authorized to contract for transit services for the purpose of providing and maintaining those services and facilities necessary for the establishment, maintenance and operation of a public passenger transportation system in the Transit Service Area;

WHEREAS the Municipality is authorized to enter into one or more agreements with the Authority for transit services in the Transit Service Area;

WHEREAS the parties hereto have entered into a Transit Service Agreement which sets out the general rights and responsibilities of the parties hereto;

WHEREAS the Municipality and the Authority are authorized to share in the costs for the provision of a Public Passenger Transportation System pursuant to the *British Columbia Transit Act*;

AND WHEREAS the parties hereto wish to enter into an Annual Operating Agreement which sets out, together with the Transit Service Agreement, the specific terms and conditions for the Public Passenger Transportation System for the upcoming term.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the covenants hereinafter contained, the parties covenant and agree with each other as follows:

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SECTION 1: DEFINITIONS

Unless agreed otherwise in the Annual Operating Agreement, the definitions set out in the Transit Service Agreement shall apply to this Annual Operating Agreement including:

- a) “Annual Operating Agreement” shall mean this Annual Operating Agreement and any Annual Operating Agreement Amendments negotiated and entered into by the parties subsequent hereto;
- b) “Transit Service Agreement” shall mean the Transit Service Agreement between the parties to this Annual Operating Agreement, including any amendments made thereto;
- c) “Incurred” means an event or transaction has taken place for which an obligation to pay exists, even if an invoice has not been received, such that the underlying evidence indicates there is little or no discretion to avoid the obligation. The value of the obligation is to be calculated in accordance with recognized Canadian accounting standards.

SECTION 2: INCORPORATION OF SCHEDULES

All schedules to this agreement are incorporated into the agreement, and form part of the agreement.

SECTION 3: INCORPORATION OF TRANSIT SERVICE AGREEMENT

Upon execution, this Annual Operating Agreement shall be deemed integrated into the Transit Service Agreement and thereafter the Transit Service Agreement and Annual Operating Agreement shall be read together as a single integrated document and shall be deemed to be the Annual Operating Agreement for the purposes of the *British Columbia Transit Act*, as amended from time to time.

SECTION 4: TERM AND RENEWAL

- a) The parties agree that the effective date of this agreement is to be April 1, 2021, whether or not the agreements have been fully executed by the necessary parties. Once this agreement and the associated Transit Service Agreement are duly executed, this agreement will replace all provisions in the existing Transit Service Agreement and Master Operating Agreement with respect to the rights and obligations as between the Authority and the Municipality.
- b) Upon commencement in accordance with Section 4(a) of this agreement, the term of this agreement shall be to March 31, 2022 except as otherwise provided herein. It is acknowledged by the parties that in the event of termination or non-renewal of the Annual Operating Agreement, the Transit Service Agreement shall likewise be so terminated or not renewed, as the case may be.
- c) Either party may terminate this agreement as follows:
 - a. Cancellation by the Authority: In the event that the Authority decides to terminate this Agreement for any reason whatsoever, the Authority shall provide at least one hundred and eighty (180) days prior written notice. Such notice to be provided in accordance with Section 12.
 - b. Cancellation by the Municipality: In the event that the Municipality decides to terminate this Transit Service Agreement for any reason whatsoever, and by extension the Annual Operating Agreement, the Municipality shall provide at least one hundred and eighty (180) days prior written notice. Such notice to be provided in accordance with Section 12.

SECTION 5: FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

This Agreement and the parties hereto are subject to the provisions of the *Freedom Of Information And Protection Of Privacy Act* ("FOIPPA"). Any information developed in the performance of this Agreement, or any personal information obtained, collected, stored pursuant to this Agreement, including database information, shall be deemed confidential and subject to the provisions of the FOIPPA including the handling, storage, access and security of such information. Confidential information shall not be disclosed to any third party except as expressly permitted by the Authority or pursuant to the requirements of the FOIPPA.

SECTION 6: SETTLEMENT OF DISPUTES

In the event of any dispute arising between or among the parties as to their respective rights and obligations under this Agreement, or in the event of a breach of this Agreement, the parties agree to use their best efforts to find resolution through a mediated settlement. However, in the event that mediation is not successful in finding a resolution satisfactory to all parties involved, any party shall be entitled to give to the other notice of such dispute and to request arbitration thereof; and the parties may, with respect to the particular matter then in dispute, agree to submit the same to a single arbitrator in accordance with the applicable statutes of the Province of British Columbia.

SECTION 7: MISCELLANEOUS PROVISIONS

- a) Amendment: This agreement may only be amended in writing signed by the Municipality and the Authority and specifying the effective date of the amendment.
- b) Assignment: This Agreement shall not be assignable without prior written consent of the parties.
- c) Enurement: This Agreement shall be binding upon and enure to the benefit of the parties hereto and their respective successors.
- d) The parties agree that this agreement is in substantial compliance with all relevant legislative requirements to establish the rights and obligations of the parties as set out in the *British Columbia Transit Act*.

SECTION 8: LOCAL CONTRIBUTIONS AND RESERVES

British Columbia Transit service is provided using a cost sharing model. Where any transit related contributions are received and/or third party revenues are earned that are in excess of expenses, the Authority is required to hold these excess funds in a reserve account for use against transit related expenditures in future years. When unanticipated expenditures occur that were not included in the budget and cannot be covered by reserves, the Authority will seek to recover these based on the cost sharing ratios between the Municipality and the Authority.

Eligible Operating Expenses

The Authority will invoice the Municipality and collect on monthly Municipal invoices based on Incurred Eligible Operating Expenses to provide Transit Service. Eligible Operating Expenses are comprised of the following costs of providing Public Passenger Transportation Systems:

- a) *For Conventional Transit Service:*
 - i. the operating costs for providing Conventional Transit Service excluding interest and amortization;

- i. the amount of any operating lease costs of BC Transit for Conventional Transit Services;
 - ii. the amount of the municipal administration charge not exceeding 2 percent of the direct operating costs payable under an Annual Operating Agreement;
 - iii. an amount of the Annual Operating Costs of the Authority not exceeding 8 percent of the direct operating costs payable under an Annual Operating Agreement;
- b) *For Custom Transit Service:*
 - i. the operating costs for providing Custom Transit Service excluding interest and amortization, but including the amount paid by the Authority to redeem taxi saver coupons issued under the Taxi Saver Program after deducting from that amount the amount realized from the sale of those coupons;
 - i. the amount of any operating lease costs of the Authority for Custom Transit Service;
 - ii. the amount of the municipal administration charge not exceeding 2 percent of the direct operating costs payable under an Annual Operating Agreement; and,
 - iii. an amount of the Annual Operating Costs of the Authority not exceeding 8 percent of the direct operating costs payable under an Annual Operating Agreement;
- c) Eligible Operating Expenses exclude the costs of providing third-party 100 percent-funded services.
- d) Annual operating costs of the Authority are operations, maintenance and administration costs that are for the shared benefit of all transit systems operated by the Authority. These costs are allocated to each transit system on a pro rata basis based on the nature of the costs.

Lease Fees

The Authority will invoice the Municipality and collect on monthly Municipal invoices for Lease Fees on tangible capital assets owned by the Authority that are used in the provision of transit service. Lease Fees are comprised of the following:

- a. The Municipality's fee for use of the asset, including for the costs of acquisition, construction, development and betterment of the asset and the costs of installing the asset at the location and condition necessary for its intended use;
- a. Debt financing and risk related charges or costs payable on assets;
- b. Payment into a reserve fund for preventative maintenance and major repair of assets owned or leased by the authority;
- c. Amounts sufficient for the Authority to recover all other costs relating to the asset, including, but not limited to taxes and administrative charges.

Where Lease Fees are received that exceed actual asset-related expenses in any given period, these will be placed in a pooled reserve. This reserve will be used to offset against future Lease Fees as outlined above.

Reserve Funds

The Authority will establish the following for each transit system to record the contributions that have been received but not yet earned as follows:

- a. **Operating Reserve:** Contributions by the Municipality prior to March 31, 2021, towards Eligible Operating Expenses that have been matched with a Provincial share Contribution but have not been used to fund incurred Eligible Operating Expenses.
 - i. Any expenditure of monies from the Operating Reserve will only be credited towards shareable Eligible Operating Expenses for the transit system for which it was collected.
 - i. The Operating Reserve excludes amounts collected from the Municipality on Lease Fees and will not be used toward Lease Fees.
 - ii. The Authority will provide a quarterly statement of account of the Operating Reserve balance including contributions, amounts utilized and any interest earned for the Operating Reserve.
- b. **Local Transit Fund:** Contributions by the Municipality towards Eligible Operating Expenses that have been received but not matched with a Provincial share contribution will be deferred in the Local Transit Fund.
 - i. Any expenditure of monies from the Local Transit Fund will:
 - 1. only be credited towards the Municipality's share of expenses for the transit system for which it was collected.
 - 1. be applied to reduce Municipal invoices at the discretion of the Municipality as agreed to under the Annual Operating Agreement or amendments as required.
 - i. The Local Transit Fund may be used towards Lease Fees.
 - ii. The Authority will provide a quarterly statement of account of the Local Transit Fund balance including contributions, amounts utilized and interest earned.

SECTION 9: SAFE RESTART CONTRIBUTION

Under the Safe Restart program, the federal and provincial governments provided a joint one-time contribution to transit systems in BC (the "Safe Restart Contribution") in 2020/21.

The Authority applied the Safe Restart Contribution as follows:

- a. As a one-time allocation towards the Municipality's share of 2020/21 Eligible Operating Expenses;
- a. After applying the allocation of Safe Restart Contribution, any excess contributions received from the Municipality were deferred to the Local Transit Fund;
- b. The Authority will apply the remaining Local Transit Fund balance to reduce 2021/22 and future Municipal invoices at the discretion of Local Government Partners as agreed to under an Annual Operating Agreement or amendments as required.

It is expected that by receiving the Safe Restart contribution the Municipality will work with the Authority to maintain targeted essential transit service levels by not reducing transit service below existing planned service levels and maintain affordability by limiting annual fare increases to 2.3% through March 31, 2024.

SECTION 10: GOVERNING LAW

This agreement is governed by, and shall be construed in accordance with, the laws of the Province of British Columbia, with respect to those matters within provincial jurisdiction, and in accordance with the laws of Canada with respect to those matters within the jurisdiction of the Government of Canada.

SECTION 11: COUNTERPARTS

This contract and any amendment hereto may be executed in counterparts, each of which shall be deemed to be an original and all of which shall be considered to be one and the same contract. A signed facsimile or pdf copy of this contract, or any amendment, shall be effective and valid proof of execution and delivery.

SECTION 12: NOTICES AND COMMUNICATIONS

All notices, claims and communications required or permitted to be given hereunder shall be in writing and shall be sufficiently given if personally delivered to a designated officer of the parties hereto to whom it is addressed where an electronic signed document is emailed to the parties or if mailed by prepaid registered mail to the Authority at:

British Columbia Transit

c/o Executive Assistant, Business Development

P.O. Box 9861

520 Gorge Road East

Victoria, British Columbia V8W 9T5

and to the Municipality at:

City of Kelowna

c/o Transit and Programs Manager

1435 Water St.

Kelowna, B.C. V1Y 1J4

and, if so mailed, shall be deemed to have been received five (5) days following the date of such mailing.

IN WITNESS WHEREOF, the parties have hereunto set their hand this _____ day of _____, 2021.

City of Kelowna

British Columbia Transit

Vice President, Finance and Chief Financial Officer

President and Chief Executive Officer

SCHEDULE "A": TARIFF AND FARES

APPENDIX 1: TARIFF NOTES

Conventional Transit Fares:

	<i>Effective as of Sept. 1, 2015</i>
a) Single Cash Fares:	
i) Adult/College Student	\$2.50
ii) Senior	\$2.50
iii) Student	\$2.50
iv) Child 4 or under - Free when accompanied by an adult.	
v) Accessible Transit Attendant - Free	
b) Tickets (sheet of 10):	
i) Adult/College Student	\$22.25
ii) Senior/Student*	\$20.25
c) One Day Pass:	
i) Adult/College Student	\$ 6.50
ii) Senior	\$ 6.50
iii) Student	\$ 6.50
d) Monthly Pass:	
i) Adult	\$70.00
ii) Senior*	\$45.00
iii) Student*	\$45.00
iv) College Student**	\$55.00
v) College Semester Pass**	\$176.00
e) U-Pass per semester	\$63.00
f) Transfers: allow for unlimited travel for up to 90 minutes from the time of issue.	
g) BC Bus Pass valid for the current calendar year and available through the Government of British Columbia BC Bus Pass Program.	
h) CNIB Identification Card available from the local office of the CNIB.	
i) BC Transit Employee Bus Pass.	
* Reduced fare with valid ID for seniors aged 65 and over, and students in full-time attendance to grade 12.	
** Reduced fare for full-time registered college students available only at Okanagan College and Sprott-Shaw Community College.	

Custom Transit Fares:

Fares:

Effective as of September 1, 2015

One Way Trip:

Registered User	\$ 2.50
Companion	\$ 2.50
Attendant accompanying registered user	no charge
Tickets (5) - adult	\$11.25
Tickets (5) - senior	\$10.00
Monthly Pass - adult	\$70.00
Monthly Pass – senior	\$45.00

Note: Visitors may register for temporary handyDART service. Proof of registration in another jurisdiction or proof of eligibility is required.

SCHEDULE "B": SERVICE SPECIFICATIONS

Kelowna Conventional Transit Service:

The Local Transit Service Area for Kelowna Conventional transit service shall be: shall be the municipal boundaries of the Corporation of the City of Kelowna in effect September 25, 1980, the corporate boundaries of the District of West Kelowna, the District of Peachland of the Regional District of Central Okanagan, the corporate boundaries of the District of Lake Country, and Central Okanagan West Electoral Area IR# 9 and IR# 10 and a portion Central Okanagan East Electoral Area (Ellison) only.

The Annual Service Level for the City of Kelowna's share of the Kelowna Conventional transit service shall be **142,100** Revenue Service Hours.

The Exception Days recognized annually for the Kelowna Conventional transit service are:

Exception Days	Service Level
Good Friday	Sunday
Easter Monday	Monday
Victoria Day	Sunday
Canada Day	Saturday
BC Day	Sunday
Labour Day	Sunday
Thanksgiving Day	Sunday
Remembrance Day	Sunday
Christmas Day	Sunday
Boxing Day	Saturday
New Year's Day	Sunday
Family Day	Sunday

Kelowna Community Transit Service:

The Local Transit Service Area for Kelowna Community transit service shall be: shall be the municipal boundaries of the Corporation of the City of Kelowna in effect September 25, 1980, the corporate boundaries of the District of West Kelowna, the District of Peachland of the Regional District of Central Okanagan, the corporate boundaries of the District of Lake Country, and Central Okanagan West Electoral Area IR# 9 and IR# 10 and a portion Central Okanagan East Electoral Area (Ellison) only.

The Annual Service Level for the City of Kelowna's share of the Kelowna Community transit service shall be **13,300** Revenue Service Hours.

The Exception Days recognized annually for the Kelowna Community transit service are:

Exception Days	Service Level
Good Friday	Sunday
Easter Monday	Monday
Victoria Day	Sunday
Canada Day	Saturday
BC Day	Sunday
Labour Day	Sunday
Thanksgiving Day	Sunday
Remembrance Day	Sunday
Christmas Day	Sunday
Boxing Day	Saturday
New Year's Day	Sunday
Family Day	Sunday

Kelowna Custom Transit Service:

The Local Transit Service Area for Kelowna Custom transit service shall be:

The boundaries of the Kelowna Custom (handyDART) Transit Service Area shall be the municipal boundaries of the Corporation of the City of Kelowna, the corporate boundaries of the City of West Kelowna, and the corporate boundaries of the District of Lake Country.

The Annual Service Level for the Kelowna Custom transit service shall be **36,800** Revenue Service Hours.

The Exception Days recognized annually for the Kelowna Custom transit service are:

Exception Days	Service Level
Good Friday	No Service
Easter Monday	No Service
Victoria Day	No Service
Canada Day	No Service
BC Day	No Service
Labour Day	No Service
Thanksgiving Day	No Service
Remembrance Day	No Service
Christmas Day	No Service
Boxing Day	No Service
New Year's Day	No Service
Family Day	No Service

SCHEDULE "C": BUDGET

KELOWNA/CENTRAL OKANAGAN CONVENTIONAL

	OFFICIAL AOA 2021/22	CITY OF KELOWNA	CITY OF WEST KELOWNA	WESTBANK FIRST NATION	DISTRICT OF LAKE COUNTRY	CORD / ELLISON
TOTAL REVENUE	\$4,752,590	\$4,752,590				
TOTAL OPERATING COSTS	\$20,562,002	\$17,007,475	\$1,964,182	\$388,375	\$1,161,076	\$40,895
TOTAL COSTS (including Local Government Share of Lease	\$22,688,079	\$18,768,451	\$2,164,652	\$427,811	\$1,282,011	\$45,154
NET LOCAL GOVERNMENT SHARE OF COSTS	\$3,885,201	\$2,407,765	\$819,787	\$163,265	\$477,476	\$16,908
REVENUE SHARE		100.00%	0.00%	0.00%	0.00%	0.00%
COST SHARE (Not Including BRT)		82.83%	9.43%	1.85%	5.69%	0.20%
BRT SHARE		67.15%	26.34%	6.51%	0.00%	0.00%

KELOWNA COMMUNITY BUS CONVENTIONAL

	OFFICIAL AOA 2021/22	CITY OF KELOWNA	DISTRICT OF WEST KELOWNA	WESTBANK FIRST NATION	DISTRICT OF PEACHLAND	DISTRICT OF LAKE COUNTRY
TOTAL OPERATING COSTS	\$3,002,624	\$1,185,355	\$1,019,832	\$484,202	\$138,183	\$175,053
TOTAL COSTS (including Local Government Share of Lease	\$3,221,601	\$1,271,801	\$1,094,206	\$519,514	\$148,260	\$187,820
NET LOCAL GOVERNMENT SHARE OF COSTS	\$1,748,991	\$690,483	\$593,808	\$282,210	\$80,507	\$101,983
Cost Share		39.48%	33.96%	16.13%	4.60%	5.83%

KELOWNA CUSTOM

	OFFICIAL AOA 2021/22
TOTAL REVENUE	\$94,812
TOTAL OPERATING COSTS	\$3,653,358
TOTAL COSTS (including Local Government Share of Lease	\$3,897,927
NET LOCAL GOVERNMENT SHARE OF COSTS	\$969,342



Transit 2021/2022 Annual Operating Agreement



Transit 2021/2022 Annual Operating Agreement

- ▶ Effective April 1st 2021 to March 31st 2022
- ▶ Largest Tier 1 system among municipal systems
 - ▶ Provides over 240,000 hours of service annually
 - ▶ BC Transit covers 46.7% of costs
 - ▶ Municipal partners cover 53.3% of costs

Transit 2021/2022 Annual Operating Agreement

- ▶ Municipal partners pay based on number of services hours
- ▶ Revenues are 100% retained by the municipal partners
 - ▶ Based on 75% passenger counts and 25% services hours
 - ▶ City of Kelowna receives 82.3% of total revenues

Transit 2021/2022 Annual Operating Agreement

- ▶ Safe Restart Funding
 - ▶ Kelowna's portion \$5.9 million over two years

- ▶ Conditions
 - ▶ Maintain the targeted essential transit service levels as outlined in the AOA
 - ▶ Limit the average annual public fare increase to 2.3% in each of BC Transit's 2021/22 – 2023/24 fiscal years.

2021/2022 AOA Comparison to 2020/2021

2021/2022 AOA Comparison to 2020/2021	City of Kelowna Portion
Total revenue increase	\$310,000
Conventional	\$1,038,000
Community	\$64,000
Custom	\$116,000
Total cost increase	\$1,218,000
Net projected loss increase	\$908,000

The net cost increase is 100% offset by the Safe Restart Contribution.



Questions?

Report to Council



Date: June 21, 2021
To: Council
From: City Manager
Subject: Reaching Home – Designated Communities Intermediary Agreement
Department: Active Living & Culture

Recommendation:

THAT Council receives for information the report from Active Living & Culture dated June 21, 2021, regarding a Reaching Home – Designated Communities Intermediary Agreement with the Central Okanagan Journey Home Society;

AND THAT Council approves the Intermediary Agreement to accept the Reaching Home – Designated Communities grant funding over the next two years in the amount of \$187,132.00 from the Central Okanagan Foundation on behalf of the Central Okanagan Journey Home Society;

AND THAT the Mayor and City Clerk be authorized to execute all documents necessary to complete the Agreement;

AND THAT Council supports a \$187,132.00 grant to the Central Okanagan Journey Home Society to support the Society's work to develop and implement a coordinated access system to address homelessness in Kelowna;

AND THAT the Financial Plan be amended to include receiving and granting of \$187,132.00.

Purpose:

To approve receipt and granting of the Reaching Home, Designated Communities funds to the Central Okanagan Journey Home Society for development and implementation of a coordinated access system to address homelessness in Kelowna.

Background:

Reaching Home is a community-based federally funded program aimed at preventing and reducing homelessness by providing direct support and funding to 58 urban Designated Communities across Canada. Under the program directives, Kelowna as a Designated Community is provided with guidance to implement the funding program requirements. Reaching Home requires all Designated Communities to have a coordinated access system in place by March 31, 2022. Locally, these funds are administered

by the Central Okanagan Foundation (COF). In their role as Community Entity, COF is responsible for managing the Government of Canada's Reaching Home Strategy funds and supporting the local Community Advisory Board on Homelessness (CAB-H) to develop a community plan and inform local priority setting and decision-making.

A coordinated access system is the process by which individuals and families who are experiencing homelessness or at-risk of homelessness are provided with community-level access points where trained workers use a common assessment tool to evaluate their support needs, prioritize them for housing support services, and then help to match them to available housing-focused interventions. Quality coordinated access systems share several features, including a centralized database that collects and displays real-time data and available housing and supports; clear access points of entry; common assessment; standardized protocols; and resources focused on ensuring that people can connect with appropriate housing and housing supports in an efficient and timely manner.

Discussion:

Kelowna's CAB-H has directed that the Central Okanagan Journey Home Society (COJHS), in its role as the local backbone organization supporting the work to move towards an integrated systems approach to addressing homelessness, be the recipient of the Reaching Home coordinated access funding. However, COJHS is not eligible to access the funds directly as they do not currently have charitable status. COJHS is continuing their work to prepare to reapply to Revenue Canada to become a registered charity.

The Reaching Home coordinated access funds are being administered to Designated Communities over a series of years, and this report recommends that the City accept the funding for 2021-2022 and 2022-2023 on behalf of COJHS in accordance with the timeline of the current Memorandum of Understanding between COJHS and the City. Should COJHS obtain charitable status during this timeframe, the Intermediary Agreement will be terminated.

Under the Intermediary Agreement the City commits to receive the funds and then grant the funds to COJHS in a timely manner, upon receipt of invoices from COJHS. Once the Intermediary agreement between the City and COJHS is in place, COF will enter into a Reaching Home Designated Communities Funding Agreement with COJHS outlining the funding directives.

Conclusion:

Through the shift towards an integrated system approach supported by the Designated Communities Reaching Home coordinated access funding program, Kelowna will continue to work towards establishing a comprehensive data management system. Supported by COJHS as the lead to develop, manage, and operationalize a comprehensive data system, our community will be better equipped to support individuals experiencing, or at-risk of, homelessness with more effective and timely access to housing and housing supports.

Internal Circulation:

Active Living & Culture
City Clerks
Finance
Communications

Considerations applicable to this report:

Financial/Budgetary Considerations:

The Reaching Home program will be providing funding to Designated Communities across Canada over the next three years. Subject to the terms of the Reaching Home Intermediary Agreement with Central Okanagan Foundation, the City will receive up to \$187,132 from 2021-2023 and in turn will grant the funds to COJHS. The funding will be paid as follows:

- In Fiscal Year 2021-2022 up to \$118,409
- In Fiscal Year 2022-2023 up to \$68,723

Staff are requesting that Council approve an amendment to the Financial Plan to include up to \$187,132 from Reaching Home, Designated Communities fund from the Central Okanagan Foundation and that these funds be granted to the Central Okanagan Journey Home Society for development and implementation of a coordinated access system to address homelessness in Kelowna.

Should COJHS obtain charitable status during this timeframe, the Intermediary Agreement will be terminated, and the remaining funds will be granted from the Central Okanagan Foundation to COJHS directly.

Considerations not applicable to this report:

Legal/Statutory Authority:


Legal/Statutory Procedural Requirements:

Existing Policy:

External Agency/Public Comments:

Communications Comments:

Submitted by: S. Wheeler, Social Development Manager, Active Living & Culture

Approved for inclusion:  J. Gabriel, Divisional Director, Active Living & Culture

Attachment: 2021-06-21 City-COJHS Reaching Home Intermediary Agreement – DRAFT

cc: L. Bentley, Deputy City Clerk
K. Hughes, Financial Planning Manager
L. Thorimbert, Communications Advisor
M. Kam Grants & Special Project Manager



Date: June 21, 2021

Cheryl Miller | Director of Grants & Community Initiatives
Central Okanagan Foundation
306.1726 Dolphin Avenue
Kelowna, BC V1Y 9R9

Attention: Cheryl Miller; Director of Grants & Community Initiatives

RE: Reaching Home, DC Coordinated Access (CCI) Funds

The City of Kelowna agrees to accept grant funds from the Central Okanagan Foundation on behalf of the Central Okanagan Journey Home Society.

All grant funds received by the City of Kelowna on behalf of the Central Okanagan Journey Home Society will be provided to the Central Okanagan Journey Home Society in a timely manner.

The purpose and reporting requirements of the proposed Reaching Home CCI (Coordinated Access) funds will be outlined in the Reaching Home – Designated Communities Funding Agreement between the Central Okanagan Foundation and the Central Okanagan Journey Home Society.

The City of Kelowna understands that there will be reporting requirements with the Community Entity. The reports will be reviewed by the Social Development Manager, Active Living & Culture, Parks & Recreation with the City of Kelowna and submitted to Cheryl Miller, Director of Grants & Community Initiatives of the Central Okanagan Foundation.

Budget:

2021-22	\$118,409.00
2022-23	\$68,723.00

The Central Okanagan Journey Home Society agrees to the following provisions:

- Provision for the City of Kelowna to be able to inspect the project on reasonable short notice.

- Provision for withdrawing or withholding funds or resources in consultation with the Central Okanagan Foundation.
- Provision that the City of Kelowna will make payment (s) to the Central Okanagan Journey Home Society upon receipt of applicable invoice (s) specific to the activities outlined in the Reaching Home – Designated Communities Funding Agreement between the Central Okanagan Foundation and the Central Okanagan Journey Home Society.
- Provision for the Central Okanagan Journey Home Society – Reaching Home, DC Coordinated Access (CCI) funds to be segregated from those of the City of Kelowna and for the City of Kelowna to keep separate books and records.

The City of Kelowna may, in its discretion, terminate this Agreement in any of one of the following circumstances:

- persistent failure of Central Okanagan Journey Home Society to address the City's feedback within a reasonable period of time;
- if Central Okanagan Journey Home Society becomes insolvent, enters voluntary or involuntary bankruptcy or receivership proceedings, or makes an assignment for the benefits of creditors;
- if Central Okanagan Journey Home Society obtains CRA charitable status prior to March 31, 2023.

The City of Kelowna
1435 Water St.,
Kelowna, BC V1Y 1J4
Registration #: 12193 7551

Central Okanagan Journey Home Society
Suite 1100, 1631 Dickson Ave
Kelowna, BC
V1Y 0B5

Stephen Fleming, City Clerk

Signature: _____

Date: _____

Stephanie Ball, Executive Director

Signature: Stephanie Ball

Date: _____

Mayor Colin Basran

Signature: _____

Date: _____

Scott Lanigan, Board Chair

Signature: [Signature]

Date: June 16/21

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 14th day of June, 2021.

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