

City of Kelowna

Regular Council Meeting

AGENDA



Monday, March 14, 2022
1:30 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

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

This Meeting is open to the public and all representations to Council form part of the public record. A live audio-video feed is being broadcast and recorded on kelowna.ca.

2. Confirmation of Minutes

4 - 9

PM Meeting - March 7, 2022

3. Development Application Reports & Related Bylaws

3.1. Supplemental Report - Treetop Rd 1870 - Z20-0096 (BL12330) - 1870 Treetop Road Development Ltd., Inc. No. BC1265565

10 - 11

To receive a summary of notice of first reading for Rezoning Bylaw No. 12330 and to give the bylaw further reading consideration.

3.2. Treetop Rd 1870 - BL12330 (Z20-0096) - 1870 Treetop Road Development Ltd., Inc. No. BC1265565

12 - 12

To give Bylaw No. 12330 first, second and third reading in order to rezone the subject property from the A1 - Agriculture 1 zone to the RU1h - Large Lot Housing (Hillside Area) zone.

3.3. Supplemental Report - Lakeshore Rd 5831 - Z21-0097 (BL12331) - Roger D. S. Goldammer and Venice D. Goldammer

13 - 14

To receive a summary of notice of first reading for Rezoning Bylaw No. 12331 and to give the bylaw further reading consideration.

3.4.	Lakeshore Rd 5831 - BL12331 (Z21-0097) - Roger D.S. Goldammer & Venice D. Goldammer	15 - 16
	To give Bylaw No. 12331 first, second and third reading and to adopt in order to rezone the subject property from the A1 – Agriculture 1 & P4 – Utilities zone to the RR1 – Rural Residential 1 with Carriage House & P4 – Utilities zones.	
3.5.	Sexsmith Rd 3030 - Z18-0116 (BL12178) - Vision Excavating Ltd., Inc. No. BCo707315	17 - 22
	To extend the deadline for adoption of Rezoning Bylaw No. 12178 to March 16, 2023.	
4.	Bylaws for Adoption (Development Related)	
4.1.	Bonjou Rd 639 - BL12295 (Z21-0075) - Kevan Kruger and Cary Dawn Kruger	23 - 23
	To adopt Bylaw No. 12295 in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone.	
5.	Non-Development Reports & Related Bylaws	
5.1.	Council Study Tour to the Lower Mainland	24 - 47
	To summarize Council members' Special Meetings that took place while touring the community recreation centres and brownfield waterfront redevelopment sites in the Lower Mainland.	
5.2.	Affordable Housing Land Acquisition Strategy Action Update	48 - 55
	To provide Council with updated information on the Affordable Housing Land Acquisition Strategy as part of the Healthy Housing Strategy implementation.	
5.3.	Infill Design Challenge 2.0 Results	56 - 67
	To provide information about the results of the Infill Challenge Design Competition 2.0.	
5.4.	Complimentary On-Street Saturday Parking for 2022 Small Shop Promotion	68 - 70
	To obtain approval from Council to provide complimentary on-street parking in the downtown area on two (2) Saturdays in 2022.	
5.5.	Mission Transit Network Restructure Study	71 - 84
	To inform Council of a transit planning exercise that will be undertaken in 2022 to investigate future route structure options and associated infrastructure for the Upper and Lower Mission areas of Kelowna.	

5.6. Council Remuneration Review

85 - 87

To consider options to review Council remuneration, expenses, and benefits and amend Council Remuneration and Expenses Bylaw regarding Council member benefits.

6. Bylaws for Adoption (Non-Development Related)

6.1. BL12329 - Housing Agreement Authorization Bylaw - 1994 Springfield Road

88 - 95

To adopt Bylaw No. 12329.

7. Resolutions

7.1. Council Tolko Site Tour

96 - 96

8. Mayor and Councillor Items

9. Termination



City of Kelowna Regular Council Meeting Minutes

Date:	Monday, March 7, 2022
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Gail Given, Charlie Hodge, Brad Sieben*, Luke Stack* and Loyal Wooldridge
Members Absent	Councillors Ryan Donn and Mohini Singh
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith*; Urban Planning Manager, Jocelyn Black*; Planner, Jason Issler*; Corporate Finance Manager, Shelly Little*; Cultural Services Manager, Christine McWillis*; Community Development Coordinator, Nicole Cantley*; Planner Specialist, Daniel Sturgeon*; Long Range Policy Planning Manager, James Moore*
Staff participating Remotely	Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:41 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 face coverings, a mask or face covering must be worn in the gallery of Council Chambers except when presenting to Council.

As an open meeting, a live audio-video feed is being broadcast and recorded on kelowna.ca.

2. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor DeHart

R0156/22/03/07 THAT the Minutes of the Regular Meetings of February 28, 2022 and Special Meetings of February 24 and 25, 2022 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Drysdale Blvd 301 and 305 - Z21-0059 (BL12332) - Will McKay and Co Ltd., INC NO BC0306923

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Wooldridge/Seconded By Councillor Given

R0157/22/03/07 THAT Rezoning Application No. Z21-0059 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 5 Section 33 Township 26 Osoyoos Division Yale District Plan Epp48909, located at 301 Drysdale Blvd, Kelowna, BC and Lot 4 Section 33 Township 26 Osoyoos Division Yale District Plan Epp48909, located at 305 Drysdale Blvd, Kelowna, BC from the RM1 – Four Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone, be considered by Council;

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 March 7, 2022;

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

3.2 Springfield Rd 2241 - Z21-0099 (BL12333) - Ironclad Developments Mission Heights Holdings Inc., Inc. No. A0119488

Councillor Stack declared a conflict of interest due to his employer owning property within the notification area and departed the meeting at 1:45 p.m.

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0158/22/03/07 THAT Rezoning Application No. Z21-0099 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of LOT B DISTRICT LOTS 128 AND 142 OSOYOOS DIVISION YALE DISTRICT PLAN KAP85660, located at 2241 Springfield Road, Kelowna, BC from the C4 - Urban Centre Commercial zone to the C4r - Urban Centre Commercial (Residential Rental Tenure Only) zone, be considered by Council;

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 March 7, 2022;

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

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

Carried

Councillor Stack returned to the meeting at 1:51 p.m.

3.3 Wardlaw Ave 602 - BL12298 (Z21-0034) - 1288537 B.C. Ltd., Inc. No. BC1288537

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R0159/22/03/07 THAT Bylaw No. 12298 be adopted.

Carried

3.4 Wardlaw Ave 602 - DP21-0088 - 1288537 B.C. Ltd., Inc. No. BC1288537

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

R0160/22/03/07 THAT final adoption of Rezoning Bylaw No. 12298 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP21-0088 for Lot 24 District Lot 14 ODYD Plan 3249, located at 602 Wardlaw Ave, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

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

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

Carried

3.5 Pacific and Pasnak Z18-0026 (BL11636) - Pacific Pasnak Holdings Ltd., Inc. No. BC1051633

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R0161/22/03/07 THAT Council receives, for information, the Report from the Development Planning Department dated March 7, 2022 with respect to Rezoning Application No. Z18-0026 for the properties legally described as:

1. Lot 1 Block 2 District Lot 137 ODYD Plan 5042, located at 1211 Pacific Ave, Kelowna, BC;
2. Lot 2 Block 2 District Lot 137 ODYD Plan 5042, located at 1223 Pacific Ave, Kelowna, BC;
3. Lot A District Lot 137 ODYD Plan 23294, located at 1237 Pacific Ave, Kelowna, BC;
4. Lot B District Lot 137 ODYD Plan 23294, located at 1239 Pacific Ave, Kelowna, BC;
5. Lot 3 Block 2 District Lot 137 ODYD Plan 5042, located at 1929 Pasnak St, Kelowna, BC;
6. Lot 4 Block 2 District Lot 137 ODYD Plan 5042, located at 1933 Pasnak St, Kelowna, BC;

AND THAT Bylaw No. 11636 be forwarded for rescindment consideration and the file be closed.

Carried

3.6 Pacific and Pasnak - BL11636 (Z18-0026) - Pacific Pasnak Holdings Ltd., Inc. No. BC1051633

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R0162/22/03/07 THAT Bylaw No. 11636 be rescinded at first, second and third reading.

Carried

3.7 Mugford Rd 550 - Z19-0122 (BL11975) - Dr A Ravindran Inc

Moved By Councillor Given/Seconded By Councillor Stack

R0163/22/03/07 THAT Council receives, for information, the Report from the Development Planning Department dated March 7th, 2022, with respect to Rezoning Application No. Z19-0122 for the property located at 550 Mugford Road;

AND THAT Bylaw No. 11975 be forwarded for rescindment consideration and the file be closed.

Carried

3.8 Mugford Rd 550 - BL11975 (Z19-0122) - Dr A Ravindran Inc

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R0164/22/03/07 THAT Bylaw No.11975 be rescinded at first, second and third reading.

Carried

3.9 Sexsmith Rd 2996 - Z19-0072 (BL12177) - 2996 Sexsmith Holdings Ltd., Inc. No. BC1291161

Moved By Councillor Hodge/Seconded By Councillor DeHart

R0165/22/03/07 THAT in accordance with Development Application and Heritage Procedures Bylaw No. 12310, the deadline for the adoption of Rezoning Bylaw No. 12177, be extended from March 16, 2022 to March 16, 2023.

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

Carried

Mayor Basran moved Items 5.2 and 5.3 up on the Agenda.

5.2 BL12308 - Amendment No. 5 to Parks and Public Spaces Bylaw No. 10680

Moved By Councillor DeHart/Seconded By Councillor Stack

R0166/22/03/07 THAT Bylaw No. 12308 be adopted.

Carried

5.3 BL12312 - Amendment No. 31 to the Bylaw Enforcement Bylaw No. 10475

Moved By Councillor Stack/Seconded By Councillor DeHart

R0167/22/03/07 THAT Bylaw No. 12312 be adopted.

Carried

4. Non-Development Reports & Related Bylaws

4.1 Rotary Centre for the Arts - Value for Money Review

Staff:

- Displayed a PowerPoint Presentation summarizing the results from the Rotary Centre for the Arts Value for Money Review report and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Hodge

Ro168/22/03/07 THAT Council receives, for information, the report from Cultural Services dated March 7, 2022, regarding the Rotary Centre for the Arts Value for Money Review.

Carried

4. Non-Development Reports & Related Bylaws

4.2 Revitalization Tax Exemption and Housing Agreements for Purpose Built Rental Housing - Spring 2022

Staff:

- Provided comments on the proposed Revitalization Tax Exemption and Housing Agreements for purpose built rental housing and responded to questions from Council.

Moved By Councillor Dehart/Seconded By Councillor Sieben

Ro169/22/03/07 THAT Council approves the City entering into a Revitalization Tax Exemption Agreement with Mission Group Holdings Ltd. Inc. No. BC0993483 for Lot 1 District Lot 139 ODYD Plan EPP96156, Except Plan EPP103477, located at 1488 Bertram Street Kelowna BC, in the form attached to the Report from the Planner Specialist dated March 7, 2022;

AND THAT Council approves the City entering into a Revitalization Tax Exemption Agreement with 1295991 B.C. LTD., INC. No. BC1295991 for Lot 1 District Lot 129 ODYD Plan KAP47562, located at 1994 Springfield Road Kelowna BC, in the form attached to the Report from the Planner Specialist dated March 7, 2022;

AND THAT the Mayor and City Clerk be authorized to execute the Revitalization Tax Exemption Agreements, in the form attached to the Report from the Planner Specialist dated March 7, 2022 on behalf of the City of Kelowna;

AND THAT Bylaw No. 12329 authorizing a Housing Agreement between the City of Kelowna and 1295991 B.C. LTD., INC. No. BC1295991 which requires the owners to maintain 195 dwelling units as rental housing for 10 years for Lot 1 District Lot 129 ODYD Plan KAP47562, located at 1994 Springfield Road Kelowna BC, be forwarded for reading consideration.

Carried

4.3 BL12329 - Housing Agreement Authorization Bylaw - 1994 Springfield Road

Moved By Councillor Sieben/Seconded By Councillor DeHart

Ro170/22/03/07 THAT Bylaw No. 12329 be read a first, second and third time.

Carried

5. Bylaws for Adoption (Non-Development Related)

5.1 Road Closure - Portion of Land Adjacent to Hwy 97 N

Moved By Councillor DeHart/Seconded By Councillor Sieben

R0171/22/03/07 THAT Bylaw No. 12299 be adopted.

Carried

6. Mayor and Councillor Items

Mayor Basran:

- Spoke to their attendance at the rally in support of Ukraine and thanked Councillors DeHart, Given and Wooldridge for attending and spoke against the Russian invasion.
- Spoke to International Women's Day and encouraged the public to celebrate the Day.

Councillor Given:

- Thanked the Mayor for acknowledging the struggles occurring in Ukraine.
- Made comments on family who immigrated from Kyiv, Ukraine.
- Asked the public to consider donating to Ukraine as well as hosting refugees.

Councillor Hodge:

- Acknowledged Mayor Basran's comments regarding Ukraine.
- Encouraged the public to be kind.
- Spoke to their attendance at the Downtown Kelowna Association meeting last week and noted they are looking forward to the summer season.

Councillor Wooldridge:

- Made comments on attending the rally in support of Ukraine.
- Spoke to their attendance at the Kelowna Gospel Mission Stride to End Homelessness Walk fundraiser and acknowledged the organizers efforts where \$50,000 was raised at the Walk.
- Acknowledged International Women's Day.

Councillor Sieben departed the meeting at 2:49 p.m.

Councillor DeHart:

- Made comments on attending the rally in support of Ukraine.

Councillor Stack:

- Fully supportive of Mayor Basran's comments regarding Ukraine.
- Commended current and past women members of Council.

7. Termination

This meeting was declared terminated at 2:51 pm

Mayor Basran

/acm

City Clerk

Report to Council



Date: March 14, 2022

To: Council

From: City Manager

Department: Office of the City Clerk

Application: Z20-0096

Owner: 1870 Tree top Road Development Ltd., Inc. No. BC1265565

Address: 1870 Treetop Road

Applicant: New Town Architecture and Engineering Inc.

Subject: Rezoning Bylaw No. 12330 – Supplemental Report to Council

Existing OCP Designation: S-RES – Suburban Residential

Existing Zone: A1 – Agriculture 1

Proposed Zone: RU1h – Large Lot Housing (Hillside Area)

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated March 14, 2022 with respect to Zoning Bylaw No. 12330;

AND THAT Rezoning Bylaw No. 12330 be forwarded for further reading consideration.

Purpose:

To receive a summary of notice of first reading for Rezoning Bylaw No. 12330 and to give the bylaw further reading consideration.

Background:

Zoning bylaws that are consistent with the OCP do not require a public hearing. Public notice is given before first reading with signage on the subject property, newspaper advertisements, and mailouts in accordance with the Local Government Act and Development Application & Heritage Procedures Bylaw No. 12310.

Discussion:

Rezoning Application Z20-0096 for 1870 Treetop Road was brought forward to Council for initial consideration on [February 28, 2022](#). Notice of first reading was completed as outlined above.

Rezoning Application Z20-0096 received one piece of correspondence through Mayor & Council correspondence. Development Planning staff received one piece of correspondence with concerns about the rezoning application.

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 notice of first reading, staff are recommending that Council give Rezoning Bylaw No. 12330, located at 1870 Treetop 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*, Council may choose to:

- give a bylaw reading consideration,
- give a bylaw first reading and 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: S. Woods, Legislative Technician

Approved for inclusion: S. Fleming, City Clerk

cc:

Development Planning

CITY OF KELOWNA

BYLAW NO. 12330

Z20-0096

1870 Treetop 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 19, Township 27 ODYD, Plan 33849 located on Treetop Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area) 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, 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: March 14, 2022

To: Council

From: City Manager

Department: Office of the City Clerk

Application: Z21-0097

Owner: Roger David Scott Goldammer
and Venice Diane Goldammer

Address: 5831 Lakeshore Road

Applicant: Urban Options Planning Corp.

Subject: Rezoning Bylaw No. 12331 – Supplemental Report to Council

Existing OCP Designation: R-AGR – Rural – Agricultural and Resource

Existing Zone: A1 – Agriculture 1 & P4 – Utilities

Proposed Zone: RR1c – Rural Residential 1 with Carriage House & P4 – Utilities

Recommendation

THAT Council receives, for information, the report from the Office of the City Clerk dated March 14, 2022 with respect to Zoning Bylaw No. 12331;

AND THAT Rezoning Bylaw No.12331 be forwarded for further reading consideration.

Purpose

To receive a summary of notice of first reading for Rezoning Bylaw No. 12331 and to give the bylaw further reading consideration.

Background

Zoning bylaws that are consistent with the OCP do not require a public hearing. Public notice is given before first reading with signage on the subject property, newspaper advertisements, and mailouts in accordance with the Local Government Act and Development Application & Heritage Procedures Bylaw No. 12310.

Discussion:

Rezoning Application Z21-0097 for 5831 Lakeshore Road was brought forward to Council for initial consideration on [February 28, 2022](#). Notice of first reading was completed as outlined above.

Rezoning Application Z21-0097 received zero pieces of correspondence through Mayor & Council correspondence. Development Planning staff received no correspondence for this application.

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 notice of first reading, staff are recommending that Council give Rezoning Bylaw No. 12331, located at 5831 Lakeshore 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*, Council may choose to:

- give a bylaw reading consideration,
- give a bylaw first reading and 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: S. Woods, Legislative Technician

Approved for inclusion: S. Fleming, City Clerk

cc:

Development Planning

CITY OF KELOWNA
BYLAW NO. 12331
Z21-0097
5831 Lakeshore 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:

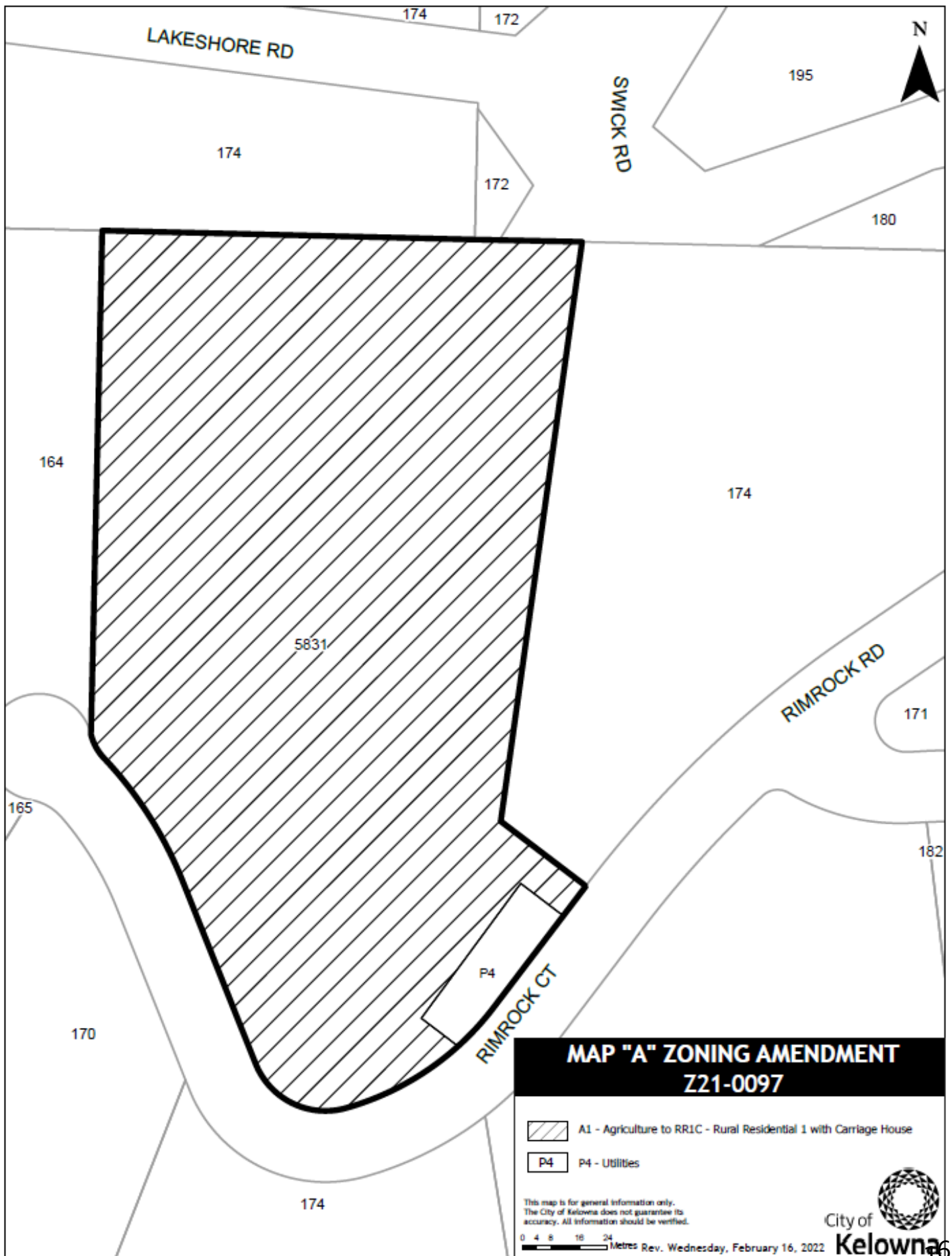
1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 7 Section 16, Township 28 SDYD, Plan 34351 located on Lakeshore Road, Kelowna, BC from the A1 – Agriculture 1 and P4 - Utilities zones to the RR1 – Rural Residential 1 with Carriage House and P4 - Utilities zones as per Map "A" attached to and forming part of this bylaw.
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, 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: March 14, 2022

To: Council

From: City Manager

Department: Development Planning

Application: Z18-0116

Owner: Vision Excavating Ltd., Inc. No.
BC0707315

Address: 3030 Sexsmith Road

Applicant: Urban Options Planning &
Permits

Subject: Rezoning Extension Application

Existing OCP Designation: IND – Industrial

Existing Zone: A1 – Agriculture 1

Proposed Zone: I6 – Low Impact Transitional Industrial

1.0 Recommendation

THAT in accordance with Development Application and Heritage Procedures Bylaw No. 12310, the deadline for the adoption of Rezoning Bylaw No. 12178, be extended from March 16, 2022 to March 16, 2023.

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

2.0 Purpose

To extend the deadline for adoption of Rezoning Bylaw No. 12178 to March 16, 2023.

3.0 Development Planning

Rezoning Bylaw No. 12178 received second and third readings at a Regular meeting of Council held on Tuesday, March 16, 2021. Final adoption of the zone amendment bylaw is subject to the applicant meeting the requirements of the Schedule "A": Development Engineering Memorandum. The applicant has been working with Staff on the development plan for the site and has made progress on the rezoning application, however, has not yet met all the engineering requirements. Staff are recommending that Council supports extending the deadline for adoption for the Rezoning Bylaw No. 12178 by one year to March 16, 2023, with no further extension requests granted.

Subject Property Map: 3030 Sexsmith Road



4.0 Application Chronology

Date of Application Accepted:	December 7, 2018
Date of Second and Third Readings:	March 16, 2021
Date of Extension Application Received:	February 10, 2022

Report prepared by: Barbara B. Crawford, Planner II


Reviewed and Approved by Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A – Development Engineering Memorandum

CITY OF KELOWNA

MEMORANDUM

SCHEDULE		A
This forms part of application # Z18-0116		
Planner Initials	BC	 City of Kelowna DEVELOPMENT PLANNING

Date: December 10, 2018
File No.: Z18-0116 Revised
To: Planning & Development Services Department (AC)
From: Development Engineer Manager (JK)
Subject: 3030 Sexsmith Rd., Lots 31, Plan 18861 A1 – I6

Development Engineering has the following comments and requirements associated with this application rezone the subject property from A-1 to I6 are as follows:

1. **General**

- a) Access to the subject lots must ultimately be achieved off of Palomino Road as Sexsmith Road is designated as a 4 lane arterial and access will be restricted. Until such time that Palomino Road is built, the subject property is granted access onto Sexsmith Road under the condition.

2. **Geotechnical Study**

We recommend that a comprehensive geotechnical study be undertaken over the subject property. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyse the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any surface springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays.

3. **Sanitary Sewer System**

- a) The developer's consulting mechanical engineer will determine the development requirements of the proposed development and establish the service needs. Only one service per lot will be permitted for this development. There is an existing 100mm PVC sanitary service to lot.
- a) The Connection Area #35 charge is currently set by Bylaw at \$13,300 per Single Family Equivalent (SFE). This Bylaw was reviewed for and accepted by Council in 2018.

determined by the following formula: the first 0.36 acres of developed land or portion thereof equals 1 SFE. Thereafter 2.8 SFE's per acre of developed land.

The assessed value is 5.144 Acres is **\$68,415.20**

4. **Water Servicing Requirements**

This development is within the service area of the Glenmore Ellison Irrigation District (GEID). The developer is required to make satisfactory arrangements with the GEID for these items. All charges for service connection and upgrading costs are to be paid directly to the GEID. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with the City of Kelowna current Bylaws and Policies.

5. **Storm Drainage**

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual By-Law 7900 is required.

A 1.50m Drainage Statutory Right of Way will be required on West property line.

6. **Road Improvements**

- a.) The frontage of Sexsmith Road will be upgraded to a full 4 lane arterial urban standard (SS-R9) in accordance with Bylaw 7900, complete with curb and gutter, storm works, sidewalk, fillet paving, landscaped and irrigated boulevard, lane markings, street lighting, removal and/or relocation existing utilities as may be required, etc. This construction will be deferred until Sexsmith Road is upgraded to a 4 lane standard and a cash in lieu of construction payment of **\$73,209.38** is required for the combined frontage of the subject property.
- b.) Palomino Road at the rear of the property will be constructed to a full urban Standard (SS-R5) in accordance with Bylaw 7900, complete with curb, gutter, sidewalk, fillet paving, storm drainage works which extends and connects to the municipal system, landscaped and irrigated boulevard, lane markings, street lighting, removal and/or relocation existing utilities as may be required, etc. The developer is responsible for contributing for their half of Palomino road for the combined frontage of the subject property. The cash in lieu of construction for these works is **\$80,546.25**

7. **Road Dedication and Subdivision Requirements**

- (a) The developer is required dedicate 5m of roadway fronting Sexsmith Road to achieve the 4 lane arterial urban standard width in accordance with Bylaw 7900
- (b) Grant Statutory Rights Of Way if required for utility services.
- (c) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

8. **Power and Telecommunication Services**

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

9. **Design and Construction**

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

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

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

11. **DCC Credits**

None of the required improvements qualify for DCC credit consideration, as these levies are collected as cash in lieu.


12. **Bonding and Levies Summary**

Levies

Sexsmith Road upgrades	\$73,209.38
Palomino Road construction	\$80,546.25
Connection. Area #35	\$68,415.20
Total levies	<u>\$222,170.83</u>

Z18-0116
James Kay, P. Eng.
Development Engineering Manager
RO

Dec 10, 2018

SCHEDULE		A
This forms part of application		
# Z18-0116		
Planner Initials	BC	 City of Kelowna <small>DEVELOPMENT PLANNING</small>

Page 4 of 4

CITY OF KELOWNA

BYLAW NO. 12295

Z21-0075

639 Bonjou 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 8 District Lot 357, SDYD, Plan 18280 located on Bonjou Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 1st day of November, 2021.

Public Hearing waived by the Municipal Council this 1st day of November, 2021.

Read a second and third time by the Municipal Council this 22nd day of November, 2021.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: March 14, 2022

To: Council

From: City Manager

Subject: Council study tour to the Lower Mainland

Divisions: Partnerships & Investments, Active Living & Culture, Planning & Development Services

Recommendation:

THAT Council receives, for information, the report from Partnerships and Investment and Planning and Development Services, dated March 14, 2022, recapping the Special Meetings held during Council's tour of community recreation centres and brownfield waterfront redevelopment sites in the Lower Mainland on February 24 and 25, 2022.

Purpose:

To summarize Council members' Special Meetings that took place while touring the community recreation centres and brownfield waterfront redevelopment sites in the Lower Mainland.

Background:

As part of Council's decision-making process for the Kelowna Community Campus/ Parkinson Recreation Centre redevelopment project (KCC) and the redevelopment of the Tolko lands, a tour of prominent community/recreation facilities and redeveloped waterfront brownfield sites was taken. The community recreation centres included in the tour were West Vancouver Community Centre (WVCC), Edmonds Community Centre (ECC) in Burnaby, Minoru Centre for Active Living (MCAL) in Richmond and Hillcrest Aquatic Centre (HAC) in Vancouver. North Vancouver Shipyards and the Olympic Village of False Creek in Vancouver were toured the following day as precedents for the Tolko lands.

Community recreation centres tour:

The following narrative contains the broad themes that emerged from Council's review during the tour of the four Lower Mainland community recreation centres:

Get it right:

This facility will serve our community for the next sixty-plus years and needs to be designed and built with this longevity in mind. While the project needs to be guided in a financially responsible way, the project should be focused on building what will best serve the community for the coming decades. It

was expressed on multiple occasions that there will be no complaints about the facility being too large, but would be concern about building a facility that is too small or missed the the needs of our growing, diverse community. It was also noted that this building cannot be everything to everyone, but for the defined services at this facility, we need to focus on purposeful investment to get it right.

A sense of arrival:

The KCC will be the face of our community to both locals and visitors and needs to have a strong sense of place that lets a user know that they have arrived, which was very well represented at WVCC. The KCC will be more than a community centre, but something special that inspires and creates community. Through optimizing the natural beauty and connection to its surroundings, this facility will embody health as was exemplified at MCAL.

As was shown at WVCC, the internal entrance area needs to serve as a community space that welcomes people with lots of natural light, high ceilings and a sense that this is someplace special. This space will be the "living room" of the community. This communal space could be the location of a revenue-generating food services.

Integration with the outdoors:

This project includes a 48-acres park bisected by Mill Creek and contains all the amenities associated with the Apple Bowl. These are site characteristics to be leveraged and celebrated. A person should see a sea of green from this facility, including fields, the track, Mill Creek, playgrounds, and creative outdoor space.

The facilities that were the most successful had seamlessly connected to the outdoors; this was particularly well done at MCAL. Programmable plazas and paved outdoor spaces surrounded the building. They acted as a place to host events or provide areas for seating where people could watch the activity. Spaces that could be accessed from the outside, such as changerooms and revenue-generating event support space, expanded the facility's capacity to support and host various sport and community events, including tournaments, track meets, and festivals.

Accessibility, inclusivity and safety:

Careful thought and consideration need to be given to ensure the KCC will be accessible, inclusive and safe for all. Universal change rooms are a key component to achieving this goal, and anecdotal evidence from visiting these facilities suggests that the best investment would be to create more universal and family change rooms rather than spend the resources on gender-specific facilities. Having two elevators is critical to ensure that there is always a functional elevator, to serve those with specific needs. A focus on building standards that address this theme is important during design.

Parking:

The location of the building cannot be dictated by vehicle access and parking alone but must be one consideration of the overall site solution. Care and attention need to be focused on encouraging other modes of transportation, including thoughtful and safe bike storage. It was noted the importance of building location integrating with the remainder of the site being a very important factor, after reviewing MCAL.

Tournament hosting:

The building needs to be designed to host indoor and outdoor tournaments, complete with revenue-generating event hosting support space accessed from both. There is an opportunity to be known as a regional leader for aquatics and team sports from this facility. Design should incorporate national level hosting standards to ensure compliance for future events.

Aquatics:

The aquatics centre needs to be built appropriately to engage the needs of health and wellness user and the standards used for aquatic sports. The addition of saunas, cold plunge pool, and steam rooms which were seen at MCAL have been an attractant for wellness in the aquatic centre.

The configuration of a ten-lane pool, as opposed to an 8-lane pool, adds flexibility to what sorts of programs can be provided in the pool. Researching how the community would best maximize the recreational elements, such as lazy rivers are important.

Brownfield waterfront redevelopment site tours:

The purpose of the site visits was to understand some of the key success factors behind two successful brownfield (former industrial) waterfront redevelopment sites in Vancouver/North Vancouver.

Shipyards (mid-1990's, nearing completion)

- Flexibility for change over time but maintained the overall vision
- Good example of trading density for amenities
- Consistency over time (staff)
- Most important amenities were built first (waterfront)
- Primary spaces are pedestrian with very limited vehicle access
- Public spaces heavily programmed (successful)
- Did not provide affordable housing (not a project goal)
- Strong placemaking elements (heritage preservation and public realm elements)
- Separation between public spaces and residential development
- Multi-purpose spaces can adjust to seasons

Olympic Village (built out shortly before 2010 Vancouver Olympics)

- Built out all at once which had some advantages and disadvantages
- Affordable housing components mixed in which was considered a success
- Sold all at once (challenge)
- Able to try some new technology (challenges with stormwater management)
- Lots of pedestrian/shared environments
- Less ground floor commercial/retail than originally planned
- Street treatments brick/stone finishes very high quality (but high maintenance)
- Public art somewhat of an after-thought
- Great access to the waterfront and active modes of transportation

Prior to Council visiting both sites in question, key City staff visited both sites and shared the same experiences and take-aways. As staff seek to incorporate best practices into the Tolko Area

Redevelopment Plan process and the North End Planning process, we will endeavour to highlight area's of consistency for Council.

Total expense of study tour:

The expense for the study tour including airfare, transportation, accommodation and food costs totalled \$16,863.31.

Next Steps:

- KCC report to Council with a recommendation on which site plan layout is the preferred solution
- Council to tour the existing Parkinson Recreation Centre and the H2o
- Council to tour the Tolko site
- North End Plan report to Council with a Vision & Objectives (neighbourhood vision statement and high-level goals) as well as public engagement update. (Spring 2022)
- Tolko site Area Redevelopment Plan initial report. This will include public engagement and Vision & Objectives statement for the Mill Site which would be reviewed by staff and brought to Council for endorsement. (Likely spring 2022)

Internal Circulation:

Partnerships & Investments
Active Living & Culture
Planning & Development Services
Infrastructure
Financial Services Communications

Existing Policy:

Imagine Kelowna called to create great public spaces and opportunities for people of all ages, abilities and identities, grow vibrant urban centres and limit sprawl, build healthy neighbourhoods for all, nurture entrepreneurship and collaboration, support innovation, and take action in the face of climate change.

Council Priorities 2019-2022 identified measures to transform this vision into action. Specifically, relevant to this report:

- Vibrant neighbourhoods, by pro-actively planning key sites.
- Vibrant neighbourhoods, through developing accessible and multipurpose amenities.
- Economic resiliency, through the reduction of the infrastructure deficit.

The accompanying Corporate Priorities also identify:

- Clear direction, encouraging and supporting innovation.
- Community Climate Action Plan.
- Corporate Energy and GHG Emissions plan.

Considerations not applicable to this report:

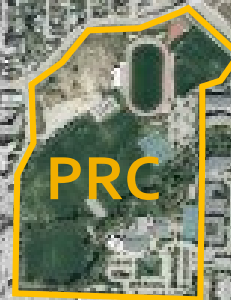
Legal/Statutory Authority:
Legal/Statutory Procedural Requirements:
Financial/Budgetary Considerations:
External Agency/Public Comments:
Communications Comments:

Submitted by: Derek Edstrom, Divisional Director, Partnerships & Investments
Jim Gabriel, Divisional Director, Active Living & Culture
Ryan Smith, Divisional Director, Planning & Development Services

Approved for inclusion: Doug Gilchrist, City Manager



Lower Mainland Study Tour Special Meetings



COMMUNITY RECREATION CENTRES

- WEST VANCOUVER COMMUNITY CENTRE (WEST VANCOUVER)
- EDMONDS COMMUNITY CENTRE (BURNABY)
- MINORU CENTRE FOR ACTIVE LIVING (RICHMOND)
- HILLCREST COMMUNITY CENTRE (VANCOUVER)

GET IT RIGHT



A SENSE OF ARRIVAL



COMMUNITY LIVING ROOM



INTEGRATION WITH THE OUTDOORS



INTEGRATION WITH THE OUTDOORS



PARKING, ACCESSIBILITY, INCLUSIVITY, & SAFETY



TOURNAMENT HOSTING



AQUATICS



KCC next steps

- KCC report to Council with a recommendation on which building location is the preferred solution
- Council to tour the existing Parkinson Recreation Centre and the H2o

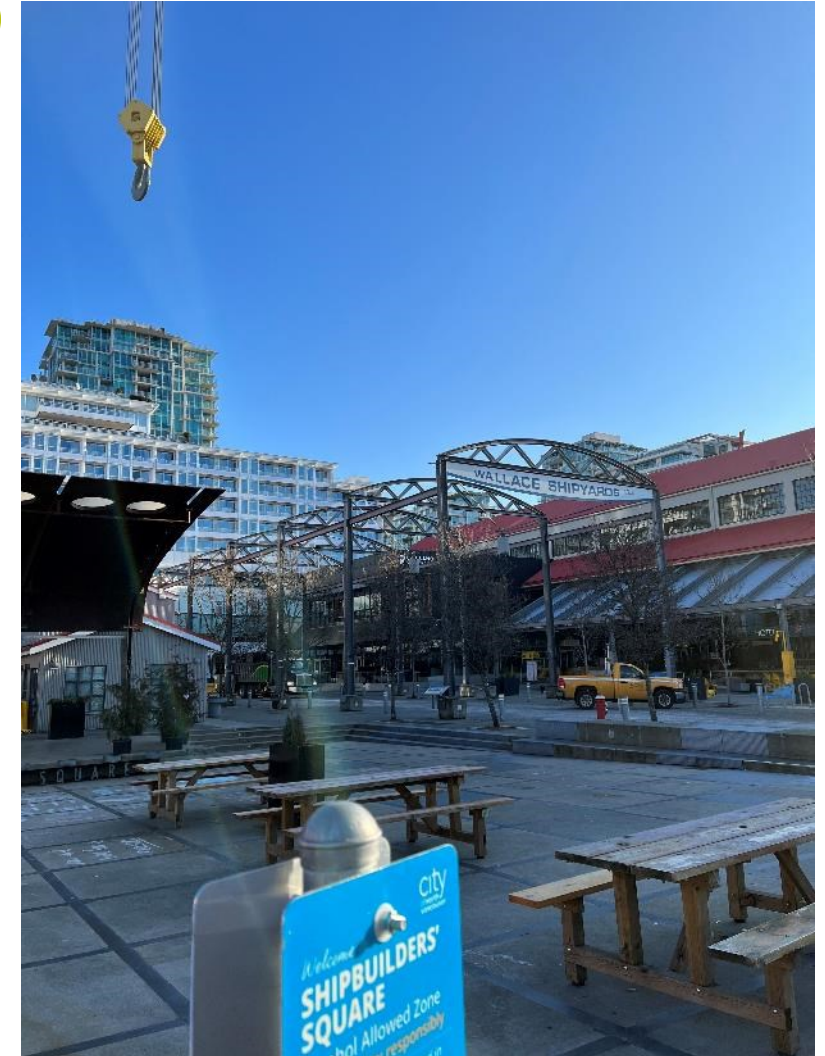
BROWNFIELD WATERFRONT REDEVELOPMENT

■ SHIPYARDS (NORTH VANCOUVER)

■ OLYMPIC VILLAGE (VANCOUVER)

SHIPYARDS (mid-1990's, nearing completion)

- Flexibility for change over time but maintained the overall vision
- Good example of trading density for amenities
- Consistency over time (Staff)
- Most important amenities were built first (waterfront)
- Primary spaces are pedestrian with very limited vehicle access



SHIPYARDS (mid-1990's, nearing completion)

- Public spaces heavily programmed (successful)
- Did not provide affordable housing (not a project goal)
- Strong placemaking elements (heritage preservation and public realm elements)
- Separation between public spaces and residential development
- Multi-purpose spaces can adjust to seasons

SHIPYARDS (mid-1990's, nearing completion)



OLYMPIC VILLAGE (Built-out shortly before 2010 Olympics)

- Built out all at once which had some advantages and disadvantages
- Affordable housing components mixed in which was considered a success
- Sold all at once (challenge)
- Able to try some new technology (challenges with stormwater management)
- Lots of pedestrian/shared environments



OLYMPIC VILLAGE (Built-out shortly before 2010 Olympics)

- Less ground floor commercial/retail than originally planned
- Street treatments brick/stone finishes very high quality (but high maintenance)
- Public art an after-thought
- Great access to the waterfront and active modes of transportation

OLYMPIC VILLAGE (Built-out shortly before 2010 Olympics)



Tolko Site next steps

- Council to tour the Tolko Site
- North End Plan report to Council with a Vision & Objectives (neighbourhood vision statement and high-level goals) as well as public engagement update. (Spring 2022)
- Tolko site Area Re-development Plan initial report. This will include public engagement and Vision & Objectives statement for the Mill Site which would be reviewed by Staff and brought to Council for endorsement. (Likely spring 2022)

Report to Council



Date: March 14, 2022

To: Council

From: City Manager

Subject: Affordable Housing Land Acquisition Strategy Action Update

Department: Policy & Planning

Recommendation:

THAT Council receives, for information, the report from the Policy & Planning Department dated March 14, 2022 with respect to the Affordable Housing Land Acquisition Strategy.

Purpose:

To provide Council with updated information on the Affordable Housing Land Acquisition Strategy as part of the Healthy Housing Strategy implementation.

Background:

Previous Council Resolution	Date
THAT Council direct staff to report back to Council with key recommendations on financial resources and policies in the Affordable Land Acquisition Strategy.	January 10, 2022

The City of Kelowna is continuously seeking opportunities to address housing affordability challenges. Among these challenges, a shortage of affordable rental housing has been identified as a critical bottleneck in Kelowna's housing system. This report outlines actions specifically related to the *City's Affordable Housing Land Acquisition Strategy*; a comprehensive review of Kelowna's housing system will be provided in the 2021 Annual Housing Report.

The *Affordable Housing Land Acquisition Strategy* (AHLAS) – a key recommendation of the City's *Healthy Housing Strategy* – was received by Council on January 18, 2021. The overarching goal of the AHLAS is to catalyze the development of more affordable rental housing. The strategy is anticipated to have a high level of impact on improving long-term housing affordability in Kelowna. As per Table 1, below, all recommended AHLAS actions are ongoing or complete.

The AHLAS provides guidance for how the City can fund and optimize land acquisition for affordable rental housing and contribute to partnerships in a timely manner. Stakeholders have consistently identified a lack of available land as a roadblock to building affordable rental housing, and non-profit organizations struggle to compete in the open market – the AHLAS is intended to help address these challenges and ultimately increase the supply of affordable rental housing.

Discussion:

Eight recommendations were outlined in the January 18, 2021 report to Council. These recommendations are underway as per Table 1:

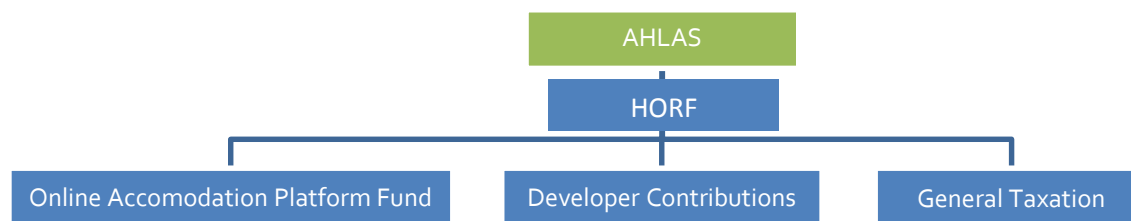
Table 1: Status of AHLAS Actions

	Recommendation	Description	Status
1.	Increase contributions from general taxation	See funding strategy section below	Ongoing
2.	Establish an internal City team to support land acquisitions for housing	Bring together representatives from City departments to identify and prioritize opportunities for land acquisition for emergency shelters, housing with supports and affordable rental housing	Complete
3.	Maximize affordability for households	Work to understand the needs of those responsible for building and operating affordable housing	Ongoing
4.	Engage with partners responsible for implementation	Consider the cost of housing and transportation together to ensure that housing is truly affordable	Ongoing
5.	Distribute and integrate affordable housing	Consider the distribution of affordable housing across Kelowna's Core Area and Urban Centres, while balancing the need for proximity to services and amenities	Ongoing
6.	Maximize outcomes from reserve funds	Maximize acquisition through creative site selection, lot assembly, leveraging other City needs, and using existing City-owned land	Ongoing
7.	Consider community engagement requirements	Ensure that information and education is provided to the community to foster positive relationships and promote acceptance for affordable housing projects	Ongoing
8.	Balance short-term and long-term results	Look to acquire both "shovel ready" land as well as smaller parcels for long term lot assembly	Ongoing

Funding Strategy

The AHLAS funding strategy is based on partnership across the housing sector. The AHLAS recognizes that the City cannot singlehandedly address the significant need for land for affordable housing. Instead, the AHLAS sets out a plan to address a portion of the need (approximately 10 per cent), while catalyzing our partners to play a greater role. That said, addressing even 10 per cent of the growing need for land for affordable housing in Kelowna would cost an estimated \$2.05M annually¹. The AHLAS is funded by the City's Housing Opportunities Reserve Fund (HORF), which currently has three recommended contribution streams shown in Figure 1.

Figure 1: AHLAS Contribution Streams



Based on the January 18, 2021 report to Council, the proposed recommended contributions to the HORF from each funding stream were approximately 20% from Online Accommodation Platforms (OAP), 50% from developer contributions, and 30% from general taxation. Of these funding sources,

¹ Based on providing 10% of land for housing for all new residents from 2021 – 2031 that would be spending more than 30% of their income on rental housing. Based on a 10-year average of \$111/ft² for land; costs assumed to increase by 6%/year.

taxation is the most stable form as OAP funding and developer contributions are subject to fluctuations. Each funding source is described in greater detail below.

OAP: Kelowna is a tourism destination and short-term rental accommodations impact the City's housing system. OAP taxation was permitted by the province and approved by Council to be used to address local housing needs in 2018; OAP contributions are a significant HORF funding source.

Developer Contributions: Currently, the City does not receive developer contributions towards the HORF; however, options are being explored through review of the Zoning Bylaw. In other communities, developers contribute to affordable housing through inclusionary zoning and/or density bonusing policies. Inclusionary zoning requires developers to contribute to affordable housing. Density bonusing provides developers with density in exchange for contributions to affordable housing. Without developer contributions, the AHLAS's impact will likely be limited.

General Taxation: The City currently contributes \$200,000 annually to the HORF from general taxation. The January 18, 2021 AHLAS report to Council identified the possibility of an increased contribution from \$200,000 to \$400,000 in 2022 and to \$600,000 annually in 2023 onwards. This strategy would provide sufficient funding to acquire land for at least one affordable housing project every four years. The funding recommendation to increase the general taxation was put forward to Council and approved, at a \$75,000 increase (Table 2).

Table 2: AHLAS Funding from Taxation

Existing Annual Contribution	2022 AHLAS Identified Budget	2022 AHLAS Identified Total Contribution	2022 Budget Approved	2022 Total Approved Contribution
\$200,000	Additional \$200,000	\$400,000	Additional \$75,000	\$275,000

At the end of 2021, the OAP fund total was \$537,182 with an additional \$250,265 in the HORF. This funding strategy has resulted in the purchase of one property for affordable housing, which is currently available for a project.

Over many years, the City has contributed significant parcels of land for affordable housing projects, developed in partnership with BC Housing. The value of these lands is in the many millions of dollars, which have been leased back to BC Housing for a nominal fee.

Conclusion:

There is an ongoing need to provide land for affordable rental housing projects, which the City has done historically, in support of the Province's mandate regarding this service. The AHLAS is a key initiative that will allow the City to address land acquisition and encourage investments from our partners. Current AHLAS funding levels will provide the opportunity to purchase land to support affordable rental housing projects, although potentially not on a 4-year acquisition cycle. If ALHAS funding was supplemented by revenue from new development, impact would increase significantly. Further funding requests may be brought forward for consideration in 2023. Staff are also in the process of investigating other funding mechanisms to support the AHLAS goals.

Internal Circulation:

Real Estate Services, Social Development, Finance

Considerations applicable to this report:

Existing Policy:

OCP Pillars. Promote more housing diversity, incorporate equity into city building.

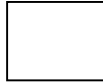
Objectives 4.12 and 5.11. Increase the diversity of housing types and tenures to create inclusive, affordable and complete Urban Centres and Core Area.

Policy 4.13.1. and 5.12.1 Housing with Supports. Prioritize the development of subsidized housing and housing with supports in the [Urban Centres](#) in addition to the [Core Area](#).

Objective 9.1. Incorporate equity into planning decisions and resource allocation in our community.

Submitted by:

A. Janousek, Planner



Approved for inclusion:
Manager

J. Moore, Long Range Policy Planning Range Policy Planning



AHLAS Update

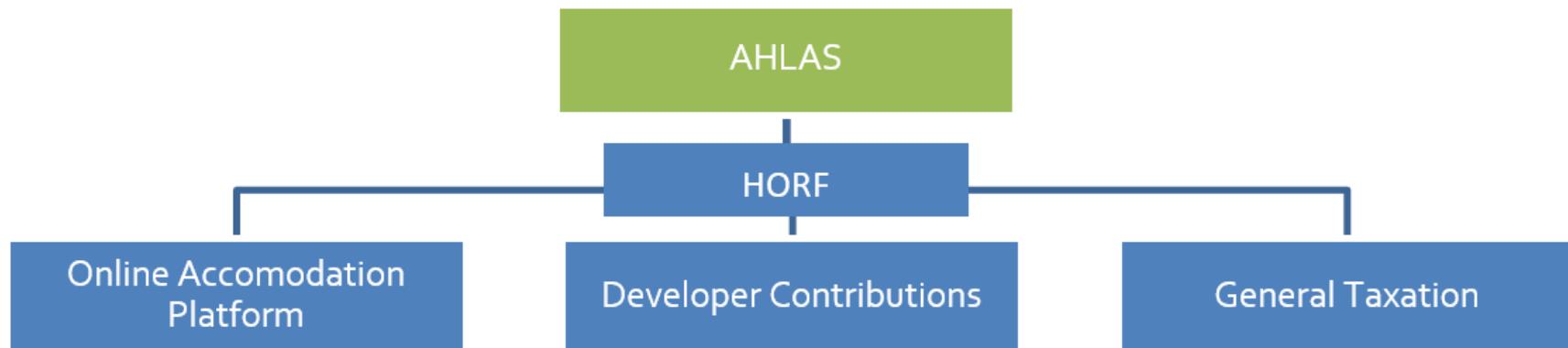
February 28, 2022



AHLAS Overview

- ▶ The *Affordable Housing Land Acquisition Strategy* (AHLAS) is a key recommendation from the *Healthy Housing Strategy*
- ▶ Overarching goal is to increase the development of affordable rental housing
- ▶ 8 AHLAS actions – 7 ongoing, 1 completed

AHLAS Funding



\$200,000 annual
contribution,
increased by \$75,000
in 2022 budget

Example Housing Projects



Report to Council



Date: March 14, 2022
To: Council
From: City Manager
Subject: Infill Challenge Design Competition 2.0 – Results
Department: Policy & Planning

Recommendation:

THAT Council receives, for information, the report from the Policy & Planning Department dated March 14, 2022;

AND THAT Council direct staff to recognize the top submissions as described in the report.

Purpose:

To provide information about the results of the Infill Challenge Design Competition 2.0.

Background:

Infill housing is defined as the addition of new housing into existing neighbourhoods. In Kelowna, infill plays a central role in providing housing diversity in areas where housing forms have typically been limited. Infill is supported by Council's priority of providing an appropriate mix of attainable, context sensitive housing. Infill housing is also supported in the 2040 OCP and the Healthy Housing Strategy.

As per the July 26, 2021 Council report, Policy & Planning staff launched the Infill Challenge Design Competition 2.0 (IDC 2.0) in 2021. This competition built on the City's historically strong leadership on infill housing and lessons learned from the 2016 Infill Design Challenge.

Discussion:

Competition Objectives

IDC 2.0 was intended to generate new housing ideas for existing mature lots without rear laneways in various Core Area neighbourhoods. The overarching goals of the competition were to:

- Introduce new forms of infill housing not presently permitted in Kelowna
- Expand the supply and diversity of housing in new parts of Kelowna's Core Area
- Demonstrate how infill housing can be well designed while meeting various community objectives, including diversity, resiliency, affordability, inclusivity, and livability
- Provide area residents with examples of how infill housing could improve their neighbourhoods
- Reinforce positive relationships between the City, the development and home building industry, and area residents

Competition Process

The competition launched in August 2021, and the original submission deadline was extended until the end of November 2021 at the request of participants. The competition was promoted locally, nationally, and internationally, and received 56 submissions in total. An initial internal review was conducted in collaboration between the Policy & Planning, Development Planning, and Building & Permitting Departments to check submission completeness and compliance with competition rules. Due to the higher-than-anticipated number of submissions, the internal review continued into early 2022. Internally vetted submissions were forwarded to an external jury consisting of local and BC-based infill housing experts for final deliberation.

Competition Results

The external jury selected three winners and an honorable mention:

- **1st Award** - *Unnamed* - MutarQ Architecture
- **2nd Award** - *Mosaic* - Bluegreen Architecture Inc.
- **3rd Award** - *The Garden Cluster* - Twobytwo Architecture Studio
- **Honourable Mention** - *The Kelowna Quilt* - Oh Song Studio

Conclusion & Next Steps:

IDC 2.0 successfully generated new ideas for infill housing in Kelowna, and the winning designs will be used to inform the City's ongoing work on infill including the Zoning Bylaw update. Now that high-quality infill housing concepts have been shown to be feasible on lots without lanes, staff will explore implementation options for new forms of infill housing in more depth. Staff will review issues such as housing affordability as well as the development approval and fast track process. Additionally, staff are working with Small Housing BC and received a grant from the Union of BC Municipalities to support further infill work. Implementation of new infill policies and regulations will involve additional consultation with industry and the public, as well as touchpoints with Council.

Considerations applicable to this report:

2040 Official Community Plan

OCP Pillar: promote more housing diversity

Objective 5.11. Increase the diversity of housing forms and tenure to create an inclusive, affordable and complete Core Area.

Healthy Housing Strategy

Action 3.3 – Build the Right Supply. Support a greater variety of infill housing forms.

Financial/Budgetary Considerations:

The budget for IDC 2.0 is \$56,000. The Policy & Planning Department will fund \$20,000. The remaining \$36,000 has been provided by a grant from CMHC and sponsorships from Jesse East, Dave Alton, and UDI, and will be distributed as awards to the best submissions and to recognize the volunteer support of the judges.

Submitted by:

A. Janousek, Planner

Approved for inclusion:



J. Moore, Long Range Policy & Planning Manager



Infill Challenge Design Competition 2.0



Background

- ▶ Infill can provide a broader diversity of more attainable homes
- ▶ Supported by policy
 - ▶ Council priorities
 - ▶ 2040 OCP
 - ▶ Healthy Housing Strategy.
- ▶ Infill Challenge Design Competition 2.0 (IDC 2.0) was launched in 2021

Objectives

- ▶ Generate ideas for new forms of infill housing in new areas of the City
- ▶ Meet community objectives such as affordability, diversity, resiliency, inclusivity, and livability
- ▶ Showcase well-designed infill examples
- ▶ Reinforce positive relationships between the City, the development and home building industry, and area residents

Process

- ▶ Launch: August 2021
 - ▶ Submission deadline: November 2021
 - ▶ Internal review: December – January 2022
 - ▶ External jury review: February 2022
-
- ▶ 56 submissions total

Results

- ▶ The external jury selected three winners and an honorable mention:
 - ▶ **1st Award** - *Unnamed* - MutarQ Architecture
 - ▶ **2nd Award** - *Mosaic* - Bluegreen Architecture Inc.
 - ▶ **3rd Award** - *The Garden Cluster* - Twobytwo Architecture Studio
 - ▶ **Honourable Mention** - *The Kelowna Quilt* - Oh Song Studio



Results





Results

Underutilized front and side lawns are transformed into lush, productive landscapes: rain-water collecting, agricultural, communal and private outdoor spaces weave between three compact housing units.

Street-side bioswales mitigate stormwater runoff from the streets, and can set the initial stage to support future green infrastructure investment from the city.

Next Steps

- ▶ Staff to review implementation options for adding infill housing into additional parts of Kelowna's Core Area
 - ▶ Zoning Bylaw update, Small Housing BC, UBCM grant
 - ▶ Winning designs to help inform
- ▶ Additional touchpoints with Council to come

Report to Council



Date: March 14, 2022
To: Council
From: City Manager
Subject: Complimentary On-Street Saturday Parking for 2022 Small Shop Promotion
Department: Real Estate

Recommendation:

THAT Council receives, for information, the report from the Real Estate department dated March 14, 2022, with respect to complimentary downtown on-street parking on two (2) Saturdays in 2022;

AND THAT Council approves waiving on-street parking fees in the downtown area on Saturday, April 9, and Saturday September 24, 2022.

Purpose:

To obtain approval from Council to provide complimentary on-street parking in the downtown area on two (2) Saturdays in 2022.

Background:

In 2018, and in prior years, the City of Kelowna (the "City") provided complimentary on-street parking in support of the Downtown Kelowna Association (the "DKA") "Small Shop Saturday" initiative.

Discussion:

Off-street parking in most downtown areas, City-owned lots and parkades is currently no-charge on Saturdays during the off-season (September 16 – May 14), except for the Water Street boat launch, Police Services parking lot and City Hall parking lot and during special events (*that generally occur in the evening*).

Conclusion:

As per the attached letter ("Schedule A"), the DKA has requested approval from the City for complimentary downtown on-street parking on two Saturdays in 2022 to support the re-introduction of their Small Shop Saturday promotion. City staff are in support of this request for 2022 as it aids in pandemic recovery efforts and aligns with Council priorities to create vibrant neighborhoods and

increase the economic resiliency of our community. Staff continue to explore the possibility of a corporate sponsor to allow for enhancements if similar requests are received in the future. Future changes may include offering a maximum 2 hours of complimentary parking per customer/per day, rather than a blanket exemption, to maintain availability of on-street parking for short-term customer use and to minimize the financial impact on the Downtown Parking Reserve.

Considerations applicable to this report:

Financial/Budgetary Considerations:

The total estimated loss of parking revenue as a result of the proposed 2-day complimentary parking promotion, and potential impact on the downtown parking reserve, is +/- \$11,200 (based on average downtown on-street revenues of \$5,600/day).

External Agency/Public Comments:

Request letter received from the Executive Director, Downtown Kelowna Association.

Communications Comments:

Press release will be issued to notify the public.

Considerations not applicable to this report:

Internal Circulation

Legal/Statutory Authority

Legal/Statutory Procedural Requirements

Existing Policy

Submitted by: D. Duncan, Manager, Parking Services

Approved for inclusion: J. Säufferer, Department Manager, Real Estate

Attachment: 1. Schedule A – Request Letter (Downtown Kelowna Association)

cc: T. Wilson, Manager, Media Relations
K. Mead, Manager, Bylaw Services
J. Hamilton, Manager, Sponsorship & Advertising

DOWNTOWN KELOWNA

February 14, 2022

Dave Duncan
City of Kelowna
435 Water Street
Kelowna, BC V1Y 1J4

Re: Complimentary Saturday Parking Request

Dear Dave Duncan,

Please accept this letter as our formal request to offer complimentary Saturday parking in Downtown Kelowna to our visitors in conjunction with the return of Downtown Kelowna Association's Small Shop Saturday program.

Small business has been severely impacted by the Covid-19 pandemic. Downtown Kelowna recognizes that our small businesses play a vital role in Kelowna's local economy by providing jobs and preserving the Downtown neighbourhood. The Downtown Kelowna Association will be coordinating two Small Shop promotional days again in 2022 to promote shopping local, supporting small businesses, create one day of increased foot traffic and support out local economy.

We kindly request complimentary Downtown Kelowna parking all-day on Saturday, April 9, 2022, and Saturday, September 24, 2022. This is an important value-added initiative for our Downtown merchants that we are pleased to re-introduce the program for 2022. We appreciate the City's support and approval on this very important program.

Please do not hesitate to call if you have any questions or concerns. Thank you in advance for your time and attention to this request.

Sincerely,



Mark Burley
EXECUTIVE DIRECTOR

Cc: Councilor Charlie Hodge

200 – 287 Bernard Avenue
Kelowna, British Columbia V1Y 6N2
downtownkelowna.com
T. 250.862.3515 F. 250.862.5204

Report to Council



Date: March 14, 2022
To: Council
From: City Manager
Subject: Mission Transit Network Restructure Study
Department: Integrated Transportation

Recommendation:

THAT Council receives for information, the report from Integrated Transportation, dated March 14, 2022, regarding the Mission Transit Network Restructure Study.

Purpose:

To inform Council of a transit planning exercise that will be undertaken in 2022 to investigate future route structure options and associated infrastructure for the Upper and Lower Mission areas of Kelowna.

Background:

In 2018 the Transit Future Action Plan (TFAP) was endorsed by City Council. That plan provided an update to the 2012 Transit Future Plan recognizing changes in the community and the significant growth in ridership that had occurred¹. Transit service priorities in the TFAP were separated into short (1–3 year), medium (3-5 year) and longer term (5+ years) horizons.

Many short-term priorities within the TFAP have been implemented² however others have been delayed because of the impact that the pandemic has had on the community and transit ridership. Of the few remaining short-term initiatives, Upper and Lower Mission service restructuring is the highest priority. Others include re-alignment of route 11 to serve Rutland Exchange and investing in high-performing existing local transit network routes. Mid to long-term priorities include increased investment in high-performing major transit routes, Rutland area network restructuring and investigating potential new coverage transit services to new areas among others.

¹ 9% ridership growth – 2012-2018 to 5.24 million annual rides. 5.94 million by 2019.

² Completed short term TFAP initiatives – invest in Frequent and Rapid routes, new service to UBCO via John Hindle Dr, introduction of service to Academy Way, and the realignment of most Rutland area routes to the new Rutland Transit Exchange.

Discussion:

Ongoing changes to population, land uses, and road networks, primarily in the Upper Mission, have resulted in travel pattern changes as well as broader travel demand impacts to the surrounding neighborhoods. This study will assess these changes and consider options for restructuring public transit routes to improve the convenience of transit for area residents and address under-performing services. The exercise will seek to determine what changes may be feasible without the need for additional service hours or new buses and which changes may be deferred to a later phase of implementation. This is in recognition that service expansion funding is unavailable from the province this year as well as other capacity challenges.

The opening of the new Canyon Falls Middle School in the fall of 2019 resulted in a significant change in travel patterns in the Mission area. Youth from throughout the Upper and Lower Mission attend this school. Students who reside within 4 kilometres of the school do not qualify for school bussing. While the school is served by a nearby existing transit route, #17 Southridge, many students reside out of reach of it. For these students, taking transit to school requires a long two-route journey with connections made at Mission Exchange. This study will investigate options to improve connections for trips made between Upper Mission neighborhoods as well as trips made to and from the new school from throughout the catchment area.

Lower Mission residents who choose transit for their daily commute must transfer to higher-order services at Mission Exchange and in many cases, make a further transfer elsewhere in the system. The associated long travel times make transit a less attractive travel option as compared to driving. Similarly, students at Okanagan Mission Secondary School (OKM) who reside in the northern reaches of the school catchment must make a transfer at the exchange to travel to the school. To make transit a more attractive and viable option for these commuters, this study will investigate options for extending higher-order service south of the exchange to reduce transfers and overall travel time.

The study will identify a preferred network structure for the Mission area and determine any associated implementation phasing that may be required. It will also identify the supporting infrastructure (bus stops) required to support the network changes. A separate but related study that seeks to reduce or eliminate operational challenges and high costs of routing services into Mission Exchange is currently ongoing.

Approach:

This exercise will include a review of all Mission area routes including route #5 Gordon (south of KLO Road), #15 Crawford, #16 Kettle Valley and #17 Southridge. Analysis will include a review of ridership data, bus stop data (boardings/alightings) and current area population and employment data. New routing will be compared against current and forecasted land uses, and changes to population demographics and take into consideration new roadway links. This process will be led by BC Transit in collaboration with City of Kelowna staff and include engagement with the public and transit staff.

The study will be hosted on BC Transit's *Bang the Table* website where transit users and residents can interact. An online survey will be administered through the website to capture feedback from the public on which routing option they most support, and the site will allow for general ideas submission. Additionally, an online map will complement the survey to capture location-specific notes and comments.

Timeline:

Date*	Deliverable
February 2022	Development of Terms of Reference
March 2022	Initial analysis of routing options and changes to travel demand <ul style="list-style-type: none"> • Development of draft routing options and infrastructure improvements
April 2022	Public engagement <ul style="list-style-type: none"> • Project website kickoff • Online survey and mapping (2-3 weeks)
May 2022	Engagement Summary Report <ul style="list-style-type: none"> • Modify routing options if required
June 2022	Draft report developed based on local government and public feedback
July 2022	<i>Final draft report to key stakeholders and local government elected officials.</i>
September 2022	Project completion – plan endorsement by City of Kelowna Council and BC Transit’s Senior Leadership Team. Explore opportunities for implementation
January 2023	Potential integration of service option into Winter 2023 Service Change
Ongoing	Integration of information into future Annual Service Plans, and Three-year Service and Financial Strategies and ongoing implementation of recommended projects

* NOTE: The completion of deliverables within the timelines outlined above may be subject to change.

Conclusion:

The Transit Future Action Plan details short, medium, and long-term transit service implementation priorities for communities throughout the Central Okanagan. Of the short-term Kelowna priorities not yet implemented, Mission service restructuring is the highest priority. Changes in travel patterns and land-uses warrant evaluation of the structure of the transit network in the area. A study will be undertaken over 2022 that will identify and evaluate options developed through consultation with transit riders, residents, and other stakeholders. This study will deliver detailed ridership analysis, an engagement summary and implementation priorities that consider short and long-term routing options as well as supporting infrastructure improvements.

Internal Circulation:

Communications Advisor
 Strategic Transportation Planning Manager

External Circulation:

Senior Transit Planner, BC Transit

Financial/Budgetary Considerations:

Financial and budget implications are to be determined through the study process and considered in future transit budgets and subsequent Annual Operating Agreements.

Considerations not applicable to this report:

Communications Comments:

Existing Policy:

External Agency/Public Comments:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Submitted by: Mike Kittmer, Transit Service Coordinator

Approved for inclusion: Mac Logan, Infrastructure General Manager

Attachment 1: Mission Transit Network Restructure Study Presentation

cc: C. Weaden, Divisional Director, Corporate Strategic Services
D. Edstrom, Divisional Director, Partnerships and Investments
R. Smith, Divisional Director, Planning and Development Services
G. Davidson, Divisional Director, Financial Services



Mission Transit Network Restructure Study

March, 2022



Purpose

To inform Council that a transit planning exercise will be undertaken this year to investigate future network structure options and associated infrastructures needs in the Mission area.

Transit Future Action Plan

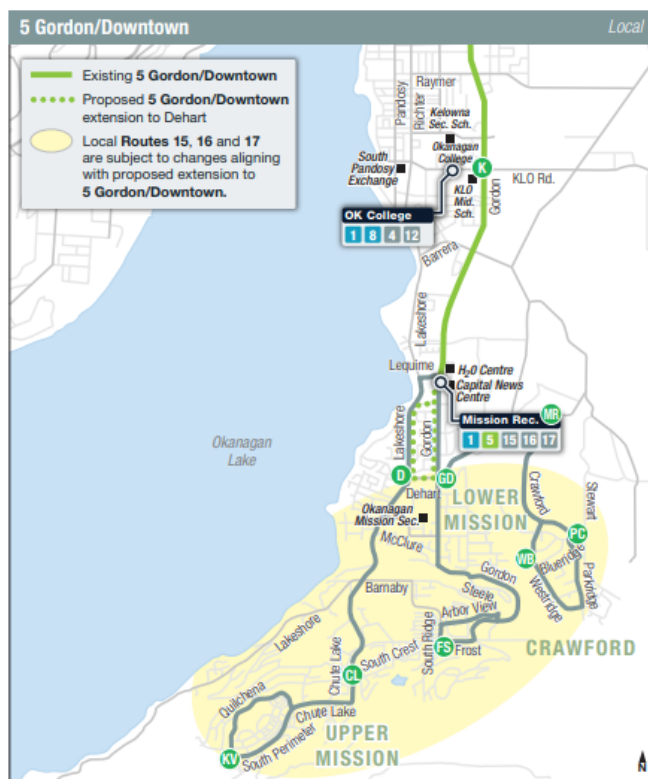
- ▶ Update to the 2012 Transit Future Plan recognizing changes in the community and the significant growth in ridership that had occurred.
- ▶ Short (1-3 year), medium (3-5 year), long-term (5+ year) priorities.
- ▶ A key remaining short-term priority – “Upper and Lower Mission restructure”.



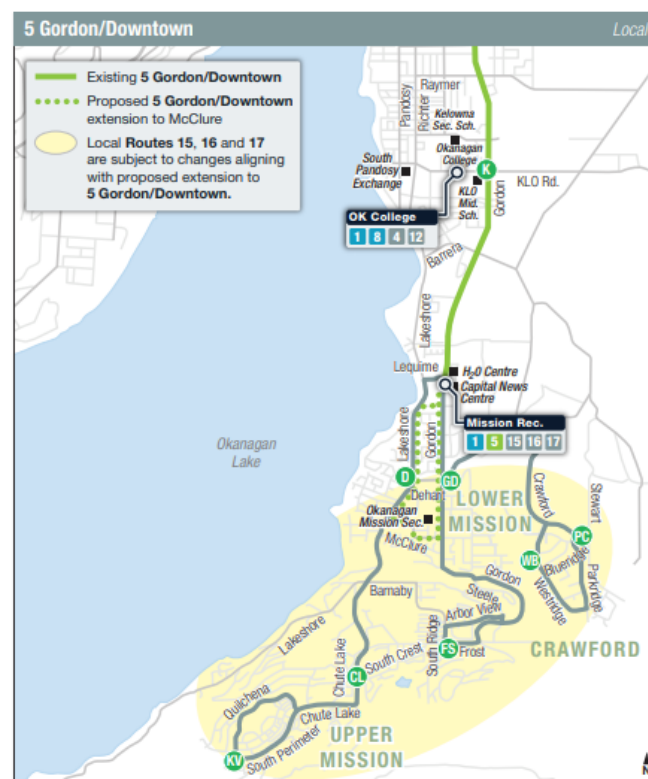
Study Elements

1. Investigate possible extension of route 5 into the Lower Mission.
2. Review Mission routes 15, 16, 17 for restructuring opportunities.

Option 1 – to Dehart



Option 2 – to McClure

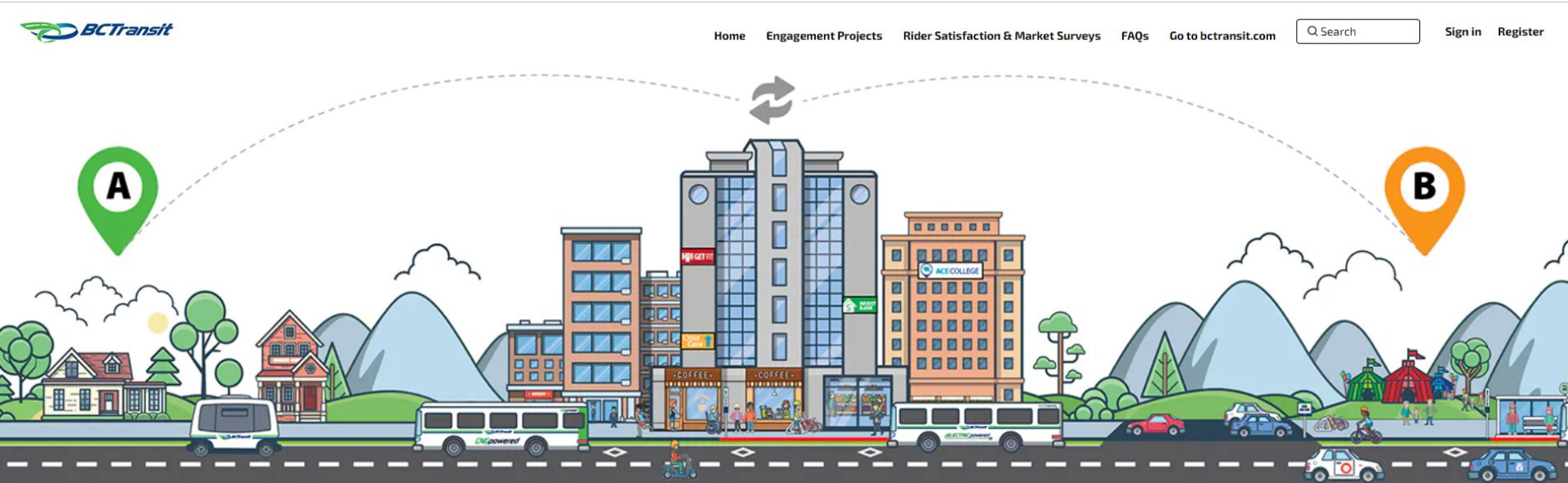


Study Objectives

1. Improve connections to Canyon Falls Middle and Okanagan Mission schools.
2. Improve the convenience of transit for area residents by better linking neighborhoods.
3. Reduce transfers and overall travel time for certain trips.
4. Address under-performing services.
5. Determine phasing and assess changes that may be feasible without adding service hours or new buses.

Engagement

- ▶ BC Transit project website
- ▶ Online survey
- ▶ Online comments and suggestions mapping tool

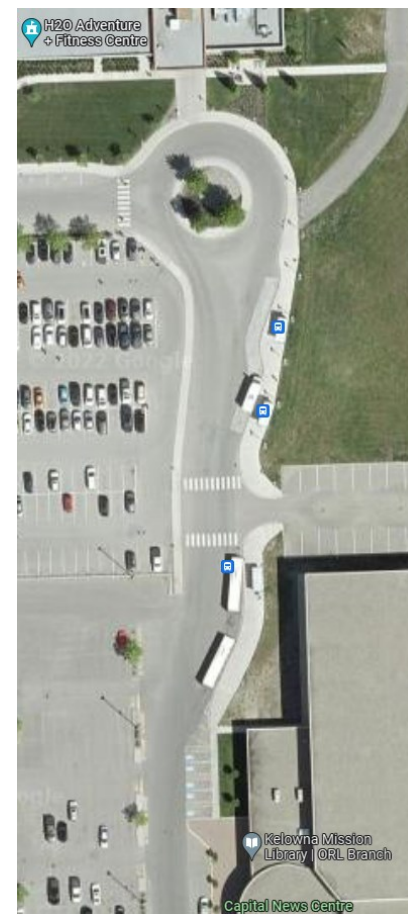


Study schedule

Date*	Deliverable
February 2022	Development of Terms of Reference
March/April 2022	Initial analysis of routing options and changes to travel demand <ul style="list-style-type: none"> Development of draft routing options and infrastructure improvements
April/May 2022	Public engagement <ul style="list-style-type: none"> Project website kickoff Online survey and mapping (2-3 weeks)
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Ongoing	Integration of information into future Annual Service Plans, and Three-year Service and Financial Strategies and ongoing implementation of recommended projects

Mission Rec Exchange

- ▶ Ongoing operational challenges of current layout.
- ▶ high operating costs of servicing the exchange in current configuration.
- ▶ Study underway to identify a preferred layout for possible ICIP application.



Recommendation

THAT Council receives for information, the report from Integrated Transportation regarding the forthcoming Mission transit network restructuring study.



Questions?

Report to Council



Date: March 14, 2022
To: Council
From: City Manager
Subject: Council Remuneration Review
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated March 14, 2022 with respect to Council remuneration review options;

AND THAT Council direct staff to bring forward amendments to the Council Remuneration and Expense Bylaw No. 7547 as identified in the report from the Office of the City Clerk regarding Council Remuneration Review Options dated March 14, 2022

Purpose:

To consider options to review Council remuneration, expenses, and benefits and amend Council Remuneration and Expenses Bylaw regarding Council member benefits.

Background:

Council typically considers reviewing Council remuneration options in the first quarter of the final year of its term, with any changes coming into effect in the following Council term. The last comprehensive Council remuneration review happened in 2011. A citizen task force reviewed and made recommendations on the annual indemnity, vehicle allowance, expenses, annual adjustments, and benefits. Council amended several provisions following that review. The Bylaw was last amended in 2018 to reflect changes to federal tax legislation.

Council remuneration is established in Council Remuneration and Expense Bylaw No. 7547 (the Bylaw). Beginning in 2019, the Mayor's annual indemnity was \$107,525.22 and it was \$36,543.33 for Councillors. The indemnity is adjusted annually based on the previous year's Consumer Price Index (CPI) for Vancouver. In 2022, the Mayor's indemnity is \$113,690.61 and it is \$38,638.69 for Councillors.

The Union of BC Municipalities (UBCM) [Council & Board Remuneration Guide](#) outlines options and best practices regarding who should conduct reviews, timing and frequency of reviews, and factors to determine reasonable remuneration. This report references several principles and best practices from

the Guide. Should Council choose to undertake a review of remuneration any changes would come into effect for the 2022-2026 Council term.

Discussion:

A review of Council remuneration typically includes consideration of pay, expenses, and benefits. Council has several options in determining how such a review should be conducted. The most common options are a review by staff, a consultant, or a citizen task force, or keep the current Bylaw provisions in place for another Council term. A consultant or task force generally offer a more independent process and bring in external perspectives. Terms of reference guide the review scope and requirements and staff act as a liaison through the review process. Previous Council Remuneration Task Forces have each created significant governance challenges, and staff are not recommending Council strike a Task Force at this time.

Two core principles of Council remuneration are that remuneration should reflect and compensate elected officials for the time needed to perform their duties, and that it should reduce barriers to participating as an elected official. Municipalities are responsible for increasingly numerous and complex services, and Council members are responsible for setting policies and priorities and making funding decisions around public participation and service delivery. The time required to participate as a member of Council reduces time available for other paid work. Remuneration should be fair and adequate to support the opportunity for diverse representation.

In addition to direct financial compensation, the Bylaw also accounts for expenses and benefits. As with other sectors, benefits for local elected officials have changed over time and now may include parental leave, childcare, RRSP contributions, and education allowances in addition to health coverage. Seven BC municipalities have also introduced a transition allowance or pension to account for time needed to transition to other employment and for reduced earnings and benefits elsewhere.

The Bylaw currently authorizes the City to enter into agreements for benefits with members of Council and their dependents. The optional benefit package currently includes extended health, dental, life, and accidental death and dismemberment insurance coverage. Councillors pay the premiums for their benefit package and the City pays 50% of premiums for the Mayor, should they choose to make use of this option.

Best practices suggest benefits be available to members of Council with all or part of the cost covered by the City. This recognizes that members of Council may have limited opportunities to access benefits through other employment. Staff recommend amending the Bylaw to clarify the current provisions and make benefits available to all members of Council and their dependents, with the cost fully paid for by the City. The annual cost is approximately \$50,000 if all members of Council chose to make use of this provision.

Conclusion:

Council remuneration and benefits should be structured to fairly compensate elected officials for the time needed to do their job and to reduce barriers to those considering running for office. Staff recommend amending the Council Remuneration and Expense Bylaw to provide benefits for all members of Council and their dependents, paid for by the City. The changes will come into effect for

the 2022-2026 Council term. Staff are not recommending a broader review of Council remuneration at this time. Adjustments to pay will follow the existing bylaw and be indexed with inflation.

Internal Circulation:

Financial Services
Human Resources

Considerations applicable to this report:

Existing Policy:

[Council Remuneration and Expense Bylaw No. 7547](#)

[Council Reimbursement of Out-of-Pocket Expenses for Attending Functions or Special Training within the Region Policy No. 287](#)

Financial/Budgetary Considerations:

The annual cost for benefit packages for all of Council is approximately \$50,000 annually. Staff will include this at Final Budget for Council's consideration.

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

External Agency/Public Comments:

Communications Comments:

Submitted by:

L. Bentley, Deputy City Clerk

Approved for inclusion: S. Fleming, City Clerk

cc:

G. Davidson, Divisional Director, Financial Services

S. Leatherdale, Divisional Director, Corporate & Protective Services

CITY OF KELOWNA

BYLAW NO. 12329

Housing Agreement Authorization Bylaw – 1295991 B.C. LTD. 1994 Springfield 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 1295991 B.C. Ltd., Inc.No. BC1295991 for the lands known as Lot 1 District Lot 129 ODYD Plan KAP47562 located on Springfield 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 7th day of March, 2022.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule A

Page 1

PURPOSE-BUILT RENTAL HOUSING AGREEMENT

THIS AGREEMENT dated for reference _____ affects:

LEGAL DESCRIPTION OF PROPERTY SUBJECT TO THE AGREEMENT:

PID: 017-834-724; Lot 1 District Lot 129 ODYD Plan KAP47562

("Land")

And is

BETWEEN:

1295991 B.C. LTD.
612 Bernard Avenue
Kelowna, BC V1Y 2G3

("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 195 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 ten (10) 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 tenth (10th) 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)

Alexa Reynolds

Print Name)

612 Bernard Ave

Address)

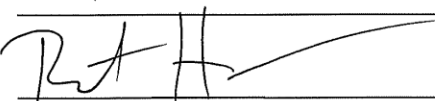
Controller

Occupation)

1295991 B.C. LTD.
by its authorized signatories:



Corey Makus)



Rob Haberman)

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

Signature of Witness)

Print Name)

Address)

Occupation)

CITY OF KELOWNA
by its authorized signatories:

Mayor

City Clerk

DRAFT RESOLUTION

Re: Council Tour of the Kelowna Mill Site

THAT a portion of the Regular AM Council Meeting scheduled for Monday March 21, 2022 be at a location other than City Hall Council Chamber, being the Kelowna Mill Site – 820 and 945 Guy St, Kelowna BC starting at 9:15 am;

AND THAT the public not be permitted to attend this portion of the Meeting in-person due to its location and facility requirements.

BACKGROUND:

A Council tour of the Kelowna Mill Site is arranged as part of Council's decision-making process for the redevelopment of the Tolko lands. The tour itself is considered a Council meeting since a quorum of Council members will be participating, and the information received is part of their decision-making process for this initiative.

Every effort will be made to broadcast the tour on the City website and in Council Chamber as a Council meeting. It is assumed the technology and weather will cooperate to the extent that video footage can be broadcast. The public can watch the broadcast at Kelowna.ca/council.

Date: March 14, 2022