

**City of Kelowna
Regular Council Meeting
AGENDA**



Monday, January 30, 2017
1:30 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

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

2. Confirmation of Minutes

3 - 21

PM Meeting - January 23, 2017
 Budget Meeting Minutes - December 15, 2016

3. Development Application Reports & Related Bylaws

3.1 1730 & 1740 Ethel St, Z16-0081 - 1080493 BC Ltd

22 - 44

To rezone the subject property to facilitate the development of multiple dwelling housing on the subject property.

3.2 1730 & 1740 Ethel St, BL11353 (Z16-0081) - 1080493 BC Ltd

45 - 45

To give Bylaw No. 11353 first reading in order to rezone the subject property to facilitate the development of multiple dwelling housing on the subject property

3.3 815, 823-825, 829 & 831 Leon Ave and 814 & 822 Harvey Ave, Z15-0027 - 1409493 Alberta Inc.

46 - 67

To rezone the subject properties from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing Zone to facilitate the future development of an apartment complex.

3.4 815, 823-825, 829 & 831 Leon Ave and 814 & 822 Harvey Ave, BL11354 (Z15-0027)

68 - 68

To give Bylaw No. 11354 first reading in order to rezone the subject properties from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing Zone to facilitate the future development of an apartment complex.

3.5	1945 Bennett Rd, LUC16-0002 - Edward & Linda De Cazalet	69 - 153
	To discharge the Land Use Contracts from the subject property.	
3.6	1945 Bennett Rd, BL11356 (LUC16-0002) - Edward & Linda De Cazalet	154 - 155
	To give Bylaw No. 11356 first reading in order to discharge the Land Use Contracts from the subject property.	
3.7	3510 Spectrum Court, DP16-0300 - K & L Holdings Co. Ltd	156 - 173
	To consider the form and character of the first building in a multi-phase film production studio complex.	
4.	Non-Development Reports & Related Bylaws	
4.1	Homeless-Serving Systems Framework Update	174 - 198
	To provide Council with an overview of the framework for the development of a long-term strategy to address homelessness, and an update of the current community initiatives related to addressing homelessness.	
4.2	Rental Housing Grant Recommendation for 2017	199 - 212
	To consider approval of 11 purpose-built rental housing projects for rental housing grants in 2017, subject to final budget approval.	
4.3	Quarterly Report Update – Q4 2016	213 - 227
	To provide Council with an update of the City’s activities for the fourth quarter of 2016.	
4.4	Sewer Service Contribution Agreement - Ecotex	228 - 237
	The purpose of this report is to authorize a contribution agreement and the funds necessary to pay for the oversizing of a sanitary forcemain and lift station, and to construct a sanitary gravity main.	
5.	Mayor and Councillor Items	
6.	Termination	



City of Kelowna Regular Council Meeting Minutes

Date:	Monday, January 23, 2017
Time:	1:30 pm
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart*, Ryan Donn, Gail Given, Tracy Gray, Brad Sieben, Mohini Singh* and Luke Stack
Members Absent	Councillor Charlie Hodge
Staff Present	City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Urban Planning Manager, Terry Barton*; Planner, Emily Williamson*; Planner, Tracey Hillis*; Planner Specialist, Melanie Steppuhn*, Planner, Lydia Korolchuk*; Planner, Adam Cseke*; Planner, Trisa Brandt*; Suburban & Rural Planning Manager, Todd Cashin*; Community Planning Department Manager, Ryan Smith*; Divisional Director, Active Living & Culture, Jim Gabriel*; Parks & Buildings Planning Manager, Robert Parlane*; Park & Landscape Planner, Lindsay Clement*; Parks, Beaches & Sportsfields Supervisor, Ted Sophonow*; and Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:32 p.m.

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

2. Confirmation of Minutes

Moved By Councillor Stack/Seconded By Councillor Gray

Ro42/17/01/23 THAT the Minutes of the Regular Meetings of January 16, 2017 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 769 Barnaby Rd, Z16-0063 - Cathy Wolf

Councillor Singh joined the meeting at 1:33 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Donn

R043/17/01/23 THAT Rezoning Application No. Z16-0063 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot A District Lot 357 Similkameen Division Yale District Plan 10457, located at 769 Barnaby Rd, Kelowna BC from the RR2 – Rural Residential 2 zone to the RU1 – Large Lot Housing zone and from the RR2 – Rural Residential 2 zone to the RU6 – Two Dwelling Housing zone as shown on Map “B” attached to the report from Community Planning, dated January 23, 2017 be considered by Council;

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

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the issuance of Preliminary Layout Review Letter by the Approving Officer;

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

Carried

3.2 769 Barnaby Rd, BL11341 (Z16-0063) - Cathy Wolf

Moved By Councillor Gray/Seconded By Councillor Donn

R044/17/01/23 THAT Bylaw No. 11341 be read a first time.

Carried

3.3 1050 Kelly Rd, Z16-0043 - Jonathon and Heather Tyre

Staff:

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

Moved By Councillor stack/Seconded By Councillor Singh

R045/17/01/23 THAT Council hear from the Applicant.

Carried

Tara Tschritter, Applicant, San Michelle Court

- Confirmed willingness to reconsider design, however, would like to stick to the proposed design as much as possible for the RU1c designation.
- Advised that verbal support has been received by neighbours and can also obtain written support.

Moved By Councillor Gray/Seconded By Councillor Donn

R046/17/01/23 THAT Rezoning Application No. Z16-0043 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, District Lot 135, ODYD, Plan 18974, located at 1050 Kelly Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council;

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

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

Carried

3.4 1050 Kelly Rd, BL11342 (Z16-0043) - Jonathon and Heather Tyre

Moved By Councillor Donn/Seconded By Councillor Gray

R047/17/01/23 THAT Bylaw No. 11342 be read a first time.

Carried

3.5 4039 Lakeshore Rd, Z16-0060 - Cindy and Thomas Netzlaw

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor Stack

R048/17/01/23 THAT Rezoning Application No. Z16-0060 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot 1 Section 6 Township 26 ODYD Plan 9339, located at 4039 Lakeshore Road Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone as shown on Map "A" attached to the Report from the Community Planning Department dated January 23, 2017, be considered by Council;

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

Carried

3.6 4039 Lakeshore Rd, BL11343 (Z16-0043) - Cindy and Thomas Netzlaw

Moved By Councillor Gray/Seconded By Councillor Given

R049/17/01/23 THAT Bylaw No. 11343 be read a first time.

Carried

3.7 5425 Upper Mission Dr, OCP16-0012 & Z16-0024 - Kestrel Ridge Holdings Ltd

Staff:

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

Moved By Councillor Stack/Seconded By Councillor Given

R050/17/01/23 THAT Official Community Plan Map Amendment Application No. OCP16-0012 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot A Section 24, Township 28 SDYD Plan 18646 except Plans KAP83995, KAP83997, KAP87210, KAP88425 and KAP92762 located at 5425 Upper Mission Drive, Kelowna, BC from S2RES – Single / Two Unit Residential to the S2RESH – Single / Two Unit Residential – Hillside; from S2RESH – Single / Two Unit Residential – Hillside to PARK – Major Park and Open Space; and from PARK – Major Park and Open Space designation to the

S2RESH – Single / Two Unit Residential – Hillside, as shown on Map “A” attached to the Report from the Community Planning Department dated (January 23, 2017), be considered by Council;

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

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated January 23, 2017;

AND THAT Rezoning Application No. Z16-0024 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of *Lot A Section 24, Township 28 SDYD Plan 18646 except Plans KAP83995, KAP83997, KAP87210, KAP88425 and KAP92762* located at 5425 Upper Mission Drive, Kelowna, BC from the

RU₁H – Large Lot Housing (Hillside Area) zone to the RH₂ – Hillside Two Dwelling Zone; and the RU₁H – Large Lot Housing (Hillside Area) zone to the P₃ – Parks and Open Space Zone as shown on Map “B” attached to the Report from the Community Planning Department dated January 23, 2017 be considered by Council;

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

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

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the Development Engineering Manager’s approval.

Carried

3.8 5425 Upper Mission Dr, BL11344 (OCP16-0012) - Kestrel Holdings Ltd

Moved By Councillor Given/Seconded By Councillor Gray

R051/17/01/23 THAT Bylaw No. 11344 be read a first time;

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

Carried

3.9 5425 Upper Mission Dr, BL11345 (Z16-0024) - Kestrel Holdings Ltd

Moved By Councillor Given/Seconded By Councillor Donn

R052/17/01/23 THAT Bylaw No. 11345 be read a first time.

Carried

3.10 170 Drysdale Blvd, Z16-0082 - City of Kelowna

Staff:

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

Moved By Councillor Donn/Seconded By Councillor Given

R053/17/01/23 THAT Rezoning Application No. Z16-0082 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 4 Township 23 ODYD

Plan EPP30767, located at 170 Drysdale Boulevard, Kelowna, BC from the A1 – Agriculture 1 zone and P2 – Education and Minor Institutional zone to the RM3 – Low Density Multiple Housing zone, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated December 6, 2016;

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

3.11 170 Drysdale Blvd, BL11346 (Z16-0082) - City of Kelowna

Moved By Councillor Singh/Seconded By Councillor Sieben

R054/17/01/23 THAT Bylaw No. 11346 be read a first time.

Carried

3.12 CD5 - Multi Purposed Facility Zone Amendments (TA16-0014) - Text Amendment - City of Kelowna

Staff:

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

Moved By Councillor Stack/Seconded By Councillor Gray

R055/17/01/23 THAT Council defer TA16-0014 until further information regarding the CD5 zone is provided.

Carried

3.13 BL11347 (TA16-0014) - Parking Amendments for the CD5 - Multi-Purpose Facility Zone - City of Kelowna

Bylaw No. 11347 was not read due to deferral of TA16-0014.

3.14 4077 & 4079 June Springs Rd (Z16-0065) - Jamie D. Coates

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor Given

R056/17/01/23 THAT Council receives for information, the Supplemental Report from Community Planning dated January 23, 2016 with respect to Rezoning Application No. Z16-0065, for Parcel B (Plan B5939) Lot 77 Section 3 Township 26 ODYD Plan 1247, located on 4077 and 4079 June Springs Road;

AND THAT the rezoning bylaw be forwarded to a Public Hearing;

AND THAT Final Adoption of the rezoning bylaw be subject to the registration of a covenant that restricts the following:

1. Principal uses are restricted to: agriculture; greenhouses and plant nurseries; intensive agriculture and single dwelling housing;
2. Secondary uses are restricted to: carriage house and home based business – rural (existing structures only);
3. Maximum number of permitted dwellings on the property is two (no additional suites are permitted);
4. Secondary uses are permitted when the principal land use on the property includes agriculture, greenhouses and plant nurseries or intensive agriculture;
5. Residential tenancy must be no less than a 30-day period (short term rentals are not permitted);
6. Farm Residential Footprint is restricted to less than 2000 metres²; and
7. The remainder of the property is protected via a No Build Area.

Defeated

Mayor Basran and Councillors Stack, DeHart, Singh, Donn and Gray - Opposed

3.15 4077 & 4079 June Springs Rd, BL11348 (Z16-0065) - Jamie D. Coates

Bylaw No. 11348 was not read due to Z16-0065 being defeated.

3.16 600 Boyton Pl, DP16-0252 - 0725353 BC Ltd

Mayor Basran declared a conflict of interest as he lives in the complex and departed the meeting at 2.39 p.m.

Deputy Mayor Given resided the chair.

Staff:

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

Moved By Councillor Donn/Seconded By Councillor Sieben

R057/17/01/23 THAT Council authorizes the issuance of Development Permit No. DP16-0252 for Lot A, Section 31, Township 26, ODYD, Plan KAP91474 Except Plan KAS3850 (Phases 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10), located at 600 Boynton Place, 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 FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

Mayor Basran returned and resumed the chair at 2:48 p.m.

3.17 1580 Hwy 33 West, DP16-0286 - Coastal Hollypark Properties Ltd

Councillor DeHart declared a conflict of interest as she works in the hotel industry and the hotel is in close proximity of this application and left the meeting at 2:49 p.m.

Staff:

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

Moved By Councillor Stack/Seconded By Councillor Given

R058/17/01/23 THAT Council authorizes the issuance of Development Permit No. DP16-0286 for Lot 1, DL 125, ODYD Plan 8791 Except Plans 39705 and KAP79377, located at 1580 Hwy 33 West, 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 Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated June 24, 2017;

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

Councillor Dehart returned to the meeting at 3:07 p.m.

4. Bylaws for Adoption (Development Related)

- 4.1 (S of) 823 & 890-950 Academy Way, BL10984 (Z13-0030) - Watermark Developments Ltd**

Moved By Councillor DeHart/Seconded By Councillor Stack

R059/17/01/23 THAT Bylaw No. 10984 be adopted.

Carried

4.2 **BL11131 (TA15-0007) - Micro Suite Housing Amendments to Zoning Bylaw**

Moved By Councillor Stack/Seconded By Councillor DeHart

Ro60/17/01/23 THAT Bylaw No. 11131 be adopted.

Carried

5. **Non-Development Reports & Related Bylaws**

5.1 **Allocation of Transitional Grant-in-Aid Funds**

Staff:

- Displayed a PowerPoint Presentation summarizing the Grant in Aid allocation and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor DeHart

Ro61/17/01/23 THAT Council receives for information the report of the Division Director, Active Living & Culture dated January 23, 2017 regarding the allocation of \$100,000 transitional Grant-in-Aid funds for 2017;

AND THAT Council approves the allocation of \$100,000 in transitional Grant-in-Aid funds for 2017 through:

- \$85,000 to the Community Social Development Grant program; and
- \$15,000 to the Organization Development Grant program;

AND THAT Council approves amendments to Council Policy #218 Community Social Development Grants as attached to the report dated January 23, 2017 from the Director of Active Living & Culture;

AND THAT Council directs staff to return with a recommendation for revised program guidelines for 2017 Organization Development Grants;

AND FURTHER THAT Council directs staff report back with recommendations for allocation of transitional Grant-in-Aids funds for 2018 and subsequent years.

Carried

5.2 **Okanagan Basin Water Board**

Staff:

- Provided an overview of the Okanagan Basin Water Board Water Conservation and Quality Project grants.

Moved By Councillor Donn/Seconded By Councillor Given

Ro62/17/01/23 THAT Council receives, for information, the report from the Park and Landscape Planner and Parks, Beaches & Sportsfields Supervisor with respect to two 2017-2018 Okanagan Basin Water Board (OBWB) – Water Conservation and Quality Project Grants.

AND THAT Council authorizes staff to apply for a 2017-2018 OBWB – Water Conservation and Quality Project Grant for 'Boyce-Gyro Park Bio-swale Pilot Project' and also for 'Irrigation Connection Point Retro-fit Project'.

AND FURTHER THAT Council authorizes the Mayor and City Clerk to execute the 2017-2018 OBWB – Water Conservation and Quality Project Grants on behalf of City Council, if the application(s) is successful.

Carried

6. Mayor and Councillor Items

Councillor Given:

- Resides on the Community Council for Salvation Army and stated that organization exceeded their Christmas donations target and confirmed that the Salvation Army has a desire to work with other service providers.

Councillor Donn:

- Spoke to the contributions of Shaw Cable technicians who have worked the afternoon meetings of Council over the past 13 years.

Councillor Gray:

- Spoke to her attendance, on behalf of the Mayor, at the Accelerate Okanagan Connection between local entrepreneurs and the local tech community.

Councillor Singh:

- Spoke to her attendance along with the Lieutenant Governor of BC at two local schools as part of Canada 150 celebrations.
- Spoke to her attendance at the Coast Capital Credit Union Open House and to their head office being located in Kelowna.

Councillor DeHart:

- Spoke to her attendance at the Coast Capital Credit Union Open House along with Councillor Singh.
- Reminder of DKA's After Hours this Wednesday, January 25th at Manhattan Restaurant.

Mayor Basran:

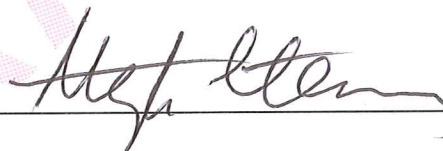
- Spoke to the visit of the Lieutenant Governor and the various events that they attended.

7. Termination

This meeting was declared terminated at 3:33 p.m.

Mayor

/acm



City Clerk



City of Kelowna
Regular Council Meeting
Minutes

Date: Thursday, December 15, 2016
 Location: Council Chamber
 City Hall, 1435 Water Street

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

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Financial Services Director, Genelle Davidson; Financial Planning Manager, George King; Divisional Directors*, Directors*, Department Managers*, Managers* and Supervisors* of the Strategic Services Division, Community Planning & Real Estate Division, Infrastructure Division, Civic Operations Division, Active Living & Culture Division, Corporate & Protective Services Division, Communications & Information Services Division, Human Resources & Corporate Performance Division; and Financial Analyst, Jennifer Grills

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 9:09 a.m.

2. 2017 Financial Plan

Note: Page numbers referenced in the resolutions are from the 2017 Financial Plan Volume 1 – Provisional Notebook.

2.1 Opening Comments

Mayor Basran, the City Manager, and the Financial Services Director each provided opening comments.

2.2 Strategic Services (Operating & Capital Program)

Moved By Councillor Stack/Seconded By Councillor Donn

Boo1/16/12/15 THAT Council star items Fire Capital Engine 5 on page 129 and Fire Operating Fire Department Engine 5 on page 130 for further discussion later in the meeting.

Carried

2.3 Real Estate (Capital Program)

There were no amendments to the Real Estate Capital Program budget as presented.

Mayor Basran suggested Council discuss any P2's at the end of the meeting rather than after each program.

2.4 Building (Capital Program)

Moved By Councillor DeHart/Seconded By Councillor Gray

Boo2/16/12/15 THAT Council star Building Capital City Hall - Phase IV Renovations on page 17 for further discussion later in the meeting.

Carried

Moved By Councillor DeHart/Seconded By Councillor Gray

Boo3/16/12/15 THAT Council star Building Capital Glenmore Firehall No. 8 - Conversion to Career Station on page 20 for further discussion later in the meeting.

Carried

Moved By Councillor DeHart/Seconded By Councillor Gray

Boo4/16/12/15 THAT Council star Strategic Services Fire Department Operating item Glenmore Firehall No. 8 - Conversion to Career Station on page 23 for further discussion later in the meeting.

Carried

Council:

- Discussed deferring the starred capital and operating items on Glenmore Firehall to next year's budget.

Fire Chief:

- Responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Given

Boo5/16/12/15 THAT Council amend the provisional budget by moving the four (4) starred items pertaining to the Glenmore Firehall No. 8 from P1 items to P2 items.

Carried

Councillors Gray, Hodge, Sieben & Singh - Opposed.

The meeting recessed at 10:34 a.m. The meeting reconvened at 10:45 a.m.

2.5 Parks (Capital Program)

Staff:

- Confirmed the grant was unsuccessful for item Capital Projects Parks Capital Laurel Packinghouse Courtyard - Museum Partnership on page 28.

Moved By Councillor Hodge/Seconded By Councillor Singh

Boo6/16/12/15 THAT Council star Capital Projects Parks Capital Laurel Packinghouse Courtyard - Museum Partnership on page 28 for further discussion later in the meeting.

Defeated

Mayor Basran and Councillors DeHart, Donn, Given, Gray, Sieben & Stack - Opposed.

A motion by Councillor Donn to star Capital Projects Parks Capital Lost Creek Park - Neighbourhood Partnership on page 33 for discussion later in the meeting was lost due to lack of a seconder.

Moved By Councillor Sieben/Seconded By Councillor Hodge

Boo7/16/12/15 THAT Council amend the provisional budget by changing the Parks Capital Rutland Centennial Park Improvements - Phases 3 & 4 on page 34 from P1 to P2.

Carried

Moved By Councillor Sieben/Seconded By Councillor Hodge

Boo8/16/12/15 THAT Council star Parks Capital Rutland Recreation Park - Pickleball Courts on page 34 for discussion later in the meeting.

Defeated

Mayor Basran and Councillors DeHart, Donn, Given, Gray & Stack - Opposed.

Moved By Councillor Sieben/Seconded By Councillor Stack

Bo09/16/12/15 THAT Council star Parks Services Operating Rutland Centennial Park Improvements - Phases 3 & 4 on page 36 for discussion later in the meeting.

Carried

2.6 Transportation (Capital Program)

There were no amendments to the Transportation Capital Program budget as presented.

2.7 Solid Waste (Capital Program)

There were no amendments to the Solid Waste Capital Program budget as presented.

2.8 Storm Drainage (Capital Program)

There were no amendments to the Storm Drainage Capital Program budget as presented.

2.9 Information Services (Capital Program)

There were no amendments to the Information Services Capital Program budget as presented.

2.10 Vehicle & Mobile Equipment (Capital Program)

There were no amendments to the Vehicle & Mobile Equipment Capital Program budget as presented.

2.11 Water (Capital Program)

There were no amendments to the Water Capital Program budget as presented.

2.12 Wastewater (Capital Program)

There were no amendments to the Wastewater Capital Program budget as presented.

2.13 Infrastructure (Operating Program)

There were no amendments to the Infrastructure Operating Program budget as presented.

3. LUNCH BREAK

Council deferred the lunch break until later in the meeting.

4. Budget Discussion Schedule (con't)

4.1 Community Planning & Real Estate (Operating Program)

There were no amendments to the Community Planning & Real Estate Operating Program budget as presented.

4.2 Active Living & Culture (Operating Program)

Moved By Councillor Gray/Seconded By Councillor Hodge

Bo10/16/12/15 THAT Council star operating item Active Living & Culture Recreation & Business Services Communications Advisor Position on page 179 for discussion later in the meeting.

Defeated

Mayor Basran and Councillors DeHart, Donn, Given, Singh & Stack - Opposed.

Moved By Councillor Gray/Seconded By Councillor Sieben

Bo11/16/12/15 THAT Council star operating item Active Living & Culture Partnership Manager Position on page 180 for discussion later in the meeting.

Defeated

Mayor Basran and Councillors DeHart, Given, Singh & Stack - Opposed.

Moved By Councillor Hodge/Seconded By Councillor Given

Bo12/16/12/15 THAT Council star operating item Active Living & Culture Paddle Trail Project on page 183 for discussion at final budget, depending upon the outcome of the grant application.

Carried

Moved By Councillor Donn/Seconded By Councillor Given

Bo13/16/12/15 THAT Council amend the provisional budget operating item Active Living & Culture Regional Grant-in-Aid Transitional Funding on page 315 from a P2 to a P1.

Carried

The meeting recessed for the lunch break at 12:31 p.m. The meeting reconvened at 1:08 p.m.

4.3 Civic Operations (Operating Program)

There were no amendments to the Civic Operations Operating Program budget as presented.

4.4 Corporate & Protective Services (Operating Program)

Moved By Councillor Gray/Seconded By Councillor Hodge

Bo14/16/12/15 THAT Council star operating item Bylaw Services Building Licence Manager Position on page 239 for discussion later in the meeting.

Defeated

Mayor Basran and Councillors DeHart, Donn, Given, Singh & Stack - Opposed.

Moved By Councillor Sieben/Seconded By Councillor Donn

Bo15/16/12/15 THAT Council star operating item Financial Services Financial Analyst Position on page 240 for discussion later in the meeting.

Carried

Mayor Basran and Councillors DeHart, Given & Stack - Opposed.

Moved By Councillor Sieben/Seconded By Councillor Hodge

Bo16/16/12/15 THAT Council star operating item Purchasing Procurement Management Supervisor Position on page 241 for discussion later in the meeting.

Defeated

Mayor Basran and Councillors DeHart, Donn, Given & Stack - Opposed.

Moved By Councillor Sieben/Seconded By Councillor Donn

Bo17/16/12/15 THAT Council amend the provisional budget by deleting City Clerk Legislative Services - Material Administrative Reductions on page 247;

AND THAT Council further amend the provisional budget by moving the City Clerk Legislative Services - Material Administrative Reductions item on page 248 from a P3 to a P1.

Carried

Moved By Councillor Given/Seconded By Councillor Stack

Bo18/16/12/15 THAT Council star operating item Police Services RCMP - 2 Regular Member Positions on page 253 for discussion later in the meeting.

Carried

Councillors Donn & Sieben - Opposed.

4.5 Communications & Information Services (Operating Program)

There were no amendments to the Communications & Information Services Operating Program budget as presented.

4.6 Human Resources & Corporate Performance (Operating Program)

Moved By Councillor Gray/Seconded By Councillor Hodge

B019/16/12/15 THAT Council star operating item Corporate Strategy & Performance Improvement Consultant Position on page 290 for discussion later in the meeting.

Defeated

Mayor Basran and Councillors DeHart, Donn, Given, Singh & Stack - Opposed.

Moved By Councillor Gray/Seconded By Councillor Sieben

B020/16/12/15 THAT Council star operating item Human Resources & Corporate Performance Employee Community Involvement Program on page 291 for discussion later in the meeting.

Carried

Councillors DeHart & Stack - Opposed.

4.7 Wrap-Up & Discussion

Mayor Basran invited Council to raise any P2 items for further discussion.

Moved By Councillor Hodge/Seconded By Councillor Donn

B021/16/12/15 THAT Council star P2 operating item Pandosy Street Sidewalk DCC on page 302 for discussion later in the meeting.

Defeated

Mayor Basran and Councillors DeHart, Given, Gray, Sieben & Stack - Opposed.

Moved By Councillor Sieben/Seconded By Councillor Hodge

B022/16/12/15 THAT Council star P2 operating item Bylaw Enforcement Bylaw Enforcement Officer Seasonal Support Positions on Page 319 for discussion later in the meeting.

Carried

The meeting recessed at 2:55 p.m. The meeting reconvened at 3:24 p.m.

Financial Services Director:

- Displayed a spreadsheet on the ELMO and spoke to the amendments made earlier in the meeting.
- Made copies of the spreadsheet for distribution to Council.
- Responded to questions from Council.

Mayor Basran invited Council to consider items started earlier in the meeting.

Staff:

- Confirmed that the item Rutland Centennial Park Improvements - Phases 3 & 4 Capital was moved from a P1 to a P2 earlier in the meeting due to an unsuccessful grant application.

Council:

- Made comment on the most appropriate time for funding the item.

Moved By Councillor Sieben/Seconded By Councillor Hodge

B023/16/12/15 THAT Council amend the provisional budget by moving capital item Rutland Centennial Park Improvements - Phases 3 & 4 on page 34 from P2 to P1.

Defeated

Mayor Basran and Councillors DeHart, Donn, Given & Stack - Opposed.

Moved By Councillor Stack/Seconded By Councillor Given

B024/16/12/15 THAT Council amend the provisional budget by moving operational item Rutland Centennial Park Improvements - Phases 3 & 4 on page 36 from P1 to P2.

Carried

Staff:

- Displayed sketch plans of the existing and proposed floor changes on the ELMO with respect to the item City Hall - Phase IV Renovations Building Capital.
- Responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor DeHart

B025/16/12/15 THAT Council retain operating item Financial Services Financial Analyst Position on page 240 as a P1.

Carried

Moved By Councillor Donn/Seconded By Councillor Sieben

B026/16/12/15 THAT Council retain operating time Police Services RCMP - 2 Regular Member Positions on page 253 as a P1.

Defeated

Mayor Basran and Councillors DeHart, Given, Gray, Hodge, Singh & Stack - Opposed.

Moved By Councillor Stack/Seconded By Councillor Given

B027/16/12/15 THAT Council amend the provisional budget by moving the operating item Police Services RCMP - 2 Regular Member Positions on page 253 from P1 to P2.

Carried

Councillor Sieben - Opposed.

Moved By Councillor DeHart/Seconded By Councillor Donn

B028/16/12/15 THAT Council amend the provisional budget by moving operating item Bylaw Enforcement Bylaw Enforcement Officer Seasonal Support Positions on Page 319 from P2 to P1.

Carried**Moved By Councillor Given/Seconded By Councillor Donn**

B029/16/12/15 THAT Council retains operating item Human Resources & Corporate Performance Employee Community Involvement Program on Page 291 as a P1.

Carried

Councillors Gray, Hodge, Sieben & Singh - Opposed.

Staff:

- Confirmed the provisional tax increase, based on amendments made today, is 3.86%.

Moved By Councillor Stack/Seconded By Councillor Gray

B030/16/12/15 THAT Council reduce the taxation amount of the item City Hall - Phase IV Renovations by \$300,000 and to defer this amount to 2018.

Defeated

Mayor Basran and Councillors DeHart, Given, Hodge, Sieben & Singh - Opposed.

Moved By Councillor Given/Seconded By Councillor Donn

B031/16/12/15 THAT Council retains the item Building Capital City Hall - Phase IV Renovations on page 17 as a P1.

Carried

Mayor Basran and Councillors DeHart & Sieben - Opposed.

Financial Services Director:

- Confirmed the provisional budget is a 3.86% increase.
- Advised Council that based on today's decisions, the projected increases for the next two (2) budget years are as follows:
 - o 2018 - 2.4% start, 2.76% with Kelowna Fire Department capital and operating items included; and
 - o 2019 - 2.24% start, 2.47% with Kelowna Fire Department capital and operating items included.

5. Termination

This meeting was declared terminated at 4:53 p.m.

 Mayor

/scf/slh



 City Clerk

REPORT TO COUNCIL



Date: February 6, 2017

RIM No. 1250-30

To: City Manager

From: Community Planning Department (LK)

Application: Z16-0081 **Owner:** 1080493 B.C. LTD., INC. No. BC1080493

Address: 1730 & 1740 Ethel Street **Applicant:** New Town Services Inc.

Subject: Rezoning Application

Existing OCP Designation: MRM – Multiple Unit Residential (Medium Density)

Existing Zone: RU6 – Two Dwelling Housing

Proposed Zone: RM5 – Medium Density Multiple Housing

1.0 Recommendation

THAT Rezoning Application No. Z16-0081 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 District Lot 138 ODYD Plan 1942 and Lot 3 District Lot 138 ODYD Plan 1942, located at 1730 Ethel Street and 1740 Ethel Street, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated December 22, 2016;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the registration on the subject property of a Section 219 Tree Protection Covenant to ensure the ongoing preservation of the Registered Heritage Tree located on site;

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

AND 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 properties.

2.0 Purpose

To rezone the subject property to facilitate the development of multiple dwelling housing on the subject property.

3.0 Community Planning

Community Planning Staff supports the proposed rezoning application to the RM5 – Medium Density Multiple Housing zone in order to accommodate a 26-unit multiple dwelling housing project on the subject parcels. The proposed land use is consistent with the Official Community Plan (OCP) Future Land Use Designation of MRM – Multiple Unit Residential (Medium Density).

The proposal consists of two parcels that are located at a prominent location in the Central City area at the intersection of Ethel Street and Saucier Avenue, one block south of Harvey Avenue. Adding density at this location will be supported by the nearby parks, schools, transit bike routes and proximity to the downtown shopping area. The project benefits from the Ethel Street cycling routes with good commuting connections to the Downtown and central parts of the city. The proposed project will help contribute to fulfilling the City's policy of 'Complete Communities' by increasing the residential density of the property and neighbourhood and complementary to several other multi-family buildings in the area. The project is also consistent with several other OCP Urban Infill policies including 'Compact Urban Form' and 'Sensitive Infill'.

In fulfillment of Council Policy No. 367, the applicant completed public notification and consultation with property owners within 50 m of the subject property.

4.0 Proposal

4.1 Background

The existing single family dwelling at 1730 Ethel Street is located on the Kelowna Heritage Register. The homeowner has recently completed the relocation of the house from the subject parcel to 1368 Ethel Street, which will require a future update to the Kelowna Heritage Register. The subject property has a registered heritage tree (mature Copper Beech) located at the southeast corner of the parcel. The proposed building has been designed to embrace and highlight the tree within the development. Should Council support this application, registration of a Tree Protection Covenant will be required prior to final adoption of Rezoning along with the consolidation of the two parcels through a subdivision application.

4.2 Project Description

The proposed development is a 26-unit 4-storey condo building. The intent is to create a strata development, thus allowing the units to be sold individually. The unit breakdown comprises of five studio units, six one-bedroom units and 15 two-bedroom units. The unit sizes range from 518 ft² (42 m²) up to 1,164 ft² (108.1 m²), with private exterior balconies or decks.

The Zoning Bylaw Regulations for parking stall requirements have been met with 26 parking stalls provided underground and 10 stalls at-grade. Secure bicycle parking stalls are provided well in excess of the minimum bylaw requirements, with bicycle spaces provided both within a secure bike room and with wall mounted bike racks. Visitor bicycle stalls are provided near the main building entry.

The architectural style of the building has a contemporary design with stucco siding and wood toned fibre cement accents. Due to the high water table at this location, the building has been designed with the underground parkade structure elevated approximately 1.2 m above natural grade. This has allowed the building design to provide extensive terraced landscaping above the parking structure. This naturally hides the parkade structure while providing large landscaped decks which have at-grade access to the street

facing main floor units. The tiered landscaped planters provide a friendly aesthetic for pedestrians and cyclists along both Ethel and Saucier frontages. If supported, the site development will require a certified Arborist to prepare protection measures for the heritage tree, including temporary construction fencing. This would be included as part of the Development Permit requirements.

Rezoning

The two parcels are currently zoned RU6 – Two Dwelling Housing and the proposed zone is RM5 – Medium Density Multiple Housing. The RM5 zone was created to provide a zone primarily for apartment buildings. It fits within the MRM - Multiple Unit Residential (Medium Density) Future Land Use Designation and is consistent with the adjacent multi-residential parcels which provide developments of similar densities.

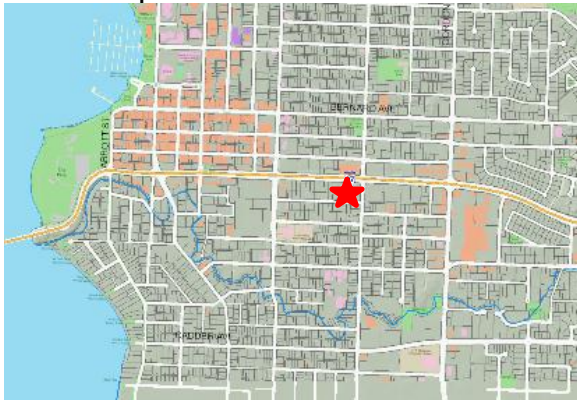
Site Context

The subject properties are located at the Northwest corner of the Ethel Street and Saucier Avenue intersection. The parcels are bordered by existing RM5 – Multi Dwelling Housing sites on the North, East and West sides. The parcels are centrally located between both the City Centre and Capri Landmark Urban Centres. The parcels are designated MRM – Multiple Unit Residential (Medium Density) and are within the Permanent Growth Boundary.

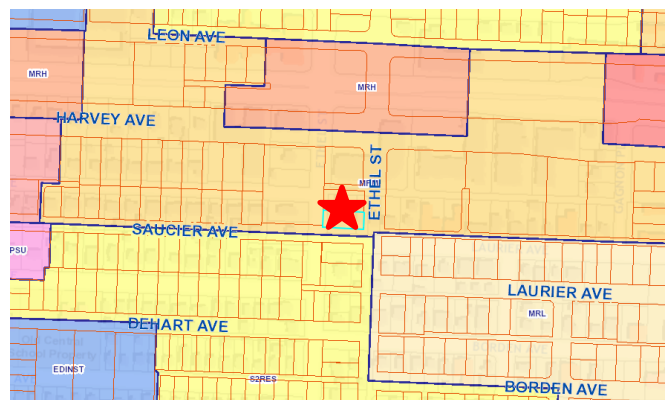
Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM5 – Medium Density Multiple Housing	Multi-Family (Women’s Housing)
East	RM5 – Medium Density Multiple Housing	Multi-Family Condo Building
South	RU6 – Two Dwelling Housing	Single Family Dwelling
West	RM5 – Medium Density Multiple Housing	Multi-Family Condo Building

Context Map



Future Land Use



Subject Property Map: 1730 & 1740 Ethel Street



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM ₅ ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	1.4	1.17
Site Coverage (Building) (incl. Building, parking & driveway)	40 % 65 %	45 % ^❶ 73 % ^❶
Height	18 m or 4.5 storeys	14.7 m & 4 storeys
Front Yard (Ethel Street)	1.5 m (Ground Oriented) 6.0 m	5.72m (to units) 1.5 m (to parkade) ^❷
Side Yard (Saucier Ave)	1.5 m (Ground Oriented) 6.0 m	5.72m (to units) 1.5 m (to parkade) ^❸
Side Yard (north)	4.5 m (under 2.5 storeys) 7.0 m (over 2.5 storeys)	7.0 m
Rear Yard	9.0 m (no lane access)	7.0 m ^❹
Other Regulations		
Minimum Parking Requirements	35 stalls	36 stalls
Bicycle Parking	Class I – 13 stalls Class II – 3 stalls	40 stalls 3 stalls
Private Open Space	503 m ²	750 m ²
^❶ Indicates a requested variance to the site coverage (building only) from 40% maximum to 75% proposed and site coverage, (building, parking & driveway) from 65% maximum to 73% proposed. ^❷ Indicates a requested variance to the front setback from 6.0 m required to 1.5 m proposed. ^❸ Indicates a requested variance to the side yard setback from 6.0 m required to 1.5 m proposed. ^❹ Indicates a requested variance to the rear yard setback from 9.0m (no lane access) to 7.0 m proposed.		

Setback and site coverage variances to the Zoning Bylaw Regulations for RM5 – Medium Density Multiple Housing will be requested as part of the Development Variance Permit. The applicant’s interpretation of ground-oriented housing brings about the requested setback variances with the fourth variance being a request to increase the allowable site coverage.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Complete Communities.¹ Support the development of complete communities with a minimum intensity of approximately 35-40 people and/or jobs per hectare to support basic transit service – a bus every 30 minutes. (approx. 206 people / hectare proposed)

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

Sensitive Infill.³ Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

Healthy Communities.⁴ Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

Ground-Oriented Housing.⁵ Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms so as to provide a family housing choice within the multi-unit rental or ownership markets. High density residential projects in the Downtown area are encouraged to include a ground-oriented housing component, especially where such can be provided on non-arterial and non-collector streets.

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC’s) are required to be paid prior to issuance of any Building Permit(s).
- Demolition Permit required for any existing structures.
- Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.

¹ City of Kelowna Official Community Plan, Policy 5.2.4 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Policy 5.22.7 (Development Process Chapter).

⁵ City of Kelowna Official Community Plan, Policy 5.23.1 (Development Process Chapter).

- A Building Code analysis is required for the structure at time of building permit applications.
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work etc.
- Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s) / area(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
- An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units and all corridors, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits, spatial calculation for any windows in exit stairs, etc.
- Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this complex at time of permit application.

6.2 Development Engineering Department

- Refer to Attachment 'A' dated December 22, 2016.

6.3 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900.
- A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD.
- Sprinkler drawings are to be submitted to the Fire Dept. for review when available.
- Fire Department access is to be met as per BCBC 3.2.5. It appears access to the building is on Saucier - the building shall be addressed off of Saucier.
- Approved Fire Department steel lock box acceptable to the fire dept. is required by the fire dept. entrance and shall be flush mounted.
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- Fire department connection is to be within 45M of a fire hydrant - unobstructed. It shall be clearly marked and visible.
 - standpipes to be located on intermediate landings.
 - sprinkler zone valves shall be accessible as per fire prevention bylaw -no higher than 7 ft.

- dumpster/refuse container must be 3 meters from structures or overhangs or in a rated room in the parking garage.
- Include a copy of the sprinkler system owner's certificate with fire safety plan.
- copy of referenced NFPA 25 document to be on site

6.4 Ministry of Transportation

- No concerns

7.0 **Application Chronology**

Date of Application Received: November 16, 2016
Date of ADT Review: December 15, 2016
Date of Amended Plans Received: November 29, 2016
Date Public Consultation Completed: January 17, 2017

Report prepared by: Lydia Korolchuk, Planner

Reviewed by: Terry Barton, A/ Community Planning Manager

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

Attachments:

Attachment A: Development Engineering Memorandum
Site Plan
Conceptual Elevations
Landscape Plan



CITY OF KELOWNA

MEMORANDUM

Date: December 22, 2016
File No.: Z16-0081
To: Community Planning (LK)
From: Development Engineering Manager(SM)
Subject: 1730 & 1740 Ethel Street

RM5

Development Engineering has the following requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is Sergio Sartori

.1) Domestic Water and Fire Protection

- a) The development site is presently serviced with two 13mm water services. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. Only one service will be permitted for this development.
- b) The applicant, at his cost, will arrange for the removal of the existing service and the installation of one new larger metered water service. The new service should tie in to the main on Saucier Ave. The estimated cost of this construction for bonding purposes is **\$10,000.00**.
- c) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.

.2) Sanitary Sewer

- a) The development site is presently serviced with two 150mm diameter sanitary sewer services. Only one service will be permitted for this development. The developer's consulting civil engineer will determine sanitary sizing for this development. The applicant, at his cost, will arrange for the removal of the existing service (within the lane) and utilize other 150mm service. The estimated cost of this construction for bonding purposes is **\$3,000.00**

.3) Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for these sites which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage

service and recommendations for onsite drainage containment and disposal systems.

- (b) Only one service will be permitted for this development. The applicant, at his cost, will arrange the installation of one overflow service. The estimated cost of this construction for bonding purposes is **\$10,000.00**

.4) Road Improvements

- (a) Ethel Street Rd fronting this development must be upgraded to an urban standard to including barrier curb & gutter, a new separate sidewalk, storm drainage, landscaped boulevard and relocation or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The estimated cost of the road improvements for bonding purposes is **\$25,000.00**

- (a) Saucier Ave fronting this development must be upgraded to an urban standard to including barrier curb & gutter, sidewalk, storm drainage, landscaped boulevard and relocation or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The estimated cost of the road improvements for bonding purposes is **\$22,000.00**

.5) Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- a) Dedicate ~2.4m width along the full frontage of Ethel Street.
- b) Dedicate ~2.2m width along the full frontage of Saucier Ave.
- c) Provide a 6m corner rounding at the intersection of Ethel St and Saucier Ave.
- d) Lot consolidation.
- e) Grant statutory rights-of-way if required for utility services.

.6) Electric Power and Telecommunication Services

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground as this site is located within the South Pandosy urban town centre.
- b) Streetlights must be installed on Ethel Street and Saucier Ave if needed.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- d) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).

.7) Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

.8) 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.

.9) 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

.10) Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

.11) Bonding and Levy Summary

(a) <u>Bonding</u>	
Storm service upgrade	\$10,000.00
Water service upgrade	\$10,000.00
Sanitary service upgrade	\$ 3,000.00
Road Frontage Improvements	<u>\$47,000.00</u>
Total Bonding	<u>\$70,000.00</u>

NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided, and may be in the form of cash or an irrevocable letter of credit, in an approved format. The owner must also enter into a servicing agreement in a form provided by the City.

.12) Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as (3.5% of Total Off-Site Construction Cost plus GST).

14) Development Permit and Site Related Issues


Access and Manoeuvrability

- (i) Access to the site is permitted from the lane as per bylaw. A development variance permit will be required for council approval for the proposed access to Saucier Ave.

15. Geotechnical Report

As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics.
- (b) Site suitability for development, unstable soils, etc.
- (c) Drill and / or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.



Steve Muenz, P. Eng.
Development Engineering Manager
SS

CITY OF KELOWNA


MEMORANDUM

Date: December 22, 2016
File No.: DP16-0289
To: Community Planning (LK)
From: Development Engineer Manager (SM)
Subject: 1730 & 1740 Ethel Street

The Development Engineering comments and requirements regarding this Development Permit application are as follows:

1. **General.**

- a) All the offsite infrastructure and services upgrades are addressed in the Development Engineering Report under file Z16-0081.



Steve Muenz, P. Eng.
Development Engineering Manager

SS

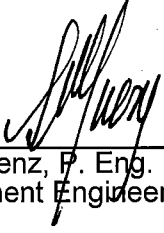
CITY OF KELOWNA

MEMORANDUM

Date: December 22, 2016
File No.: DVP16-0290
To: Community Planning (LK)
From: Development Engineer Manager (SM)
Subject: 1330 St Paul Street

The Development Engineering comments and requirements regarding this DVP application are as follows:

The Development Variance Permit to vary the site coverage, front yard setback, side yard setback and rear yard setback does not compromise any municipal services.



Steve Muenz, P. Eng.
Development Engineering Manager

SS



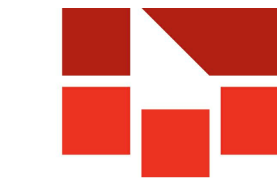
ALL CONTRACTORS ARE REQUIRED TO PERFORM THEIR WORK AND SUPPLY THEIR PRODUCTS IN COMPLIANCE WITH ALL BUILDING CODES AND LAWS OF THE PROVINCE OF BRITISH COLUMBIA

This drawing is an instrument of service and the property of New Town Services. The use of this drawing shall be restricted to the original site for which it was prepared and publication thereof is expressly limited to such use.

This drawing must not be scaled.

Verify all dimensions and datums prior to commencement of work.

Report all errors and omissions to the Architect.



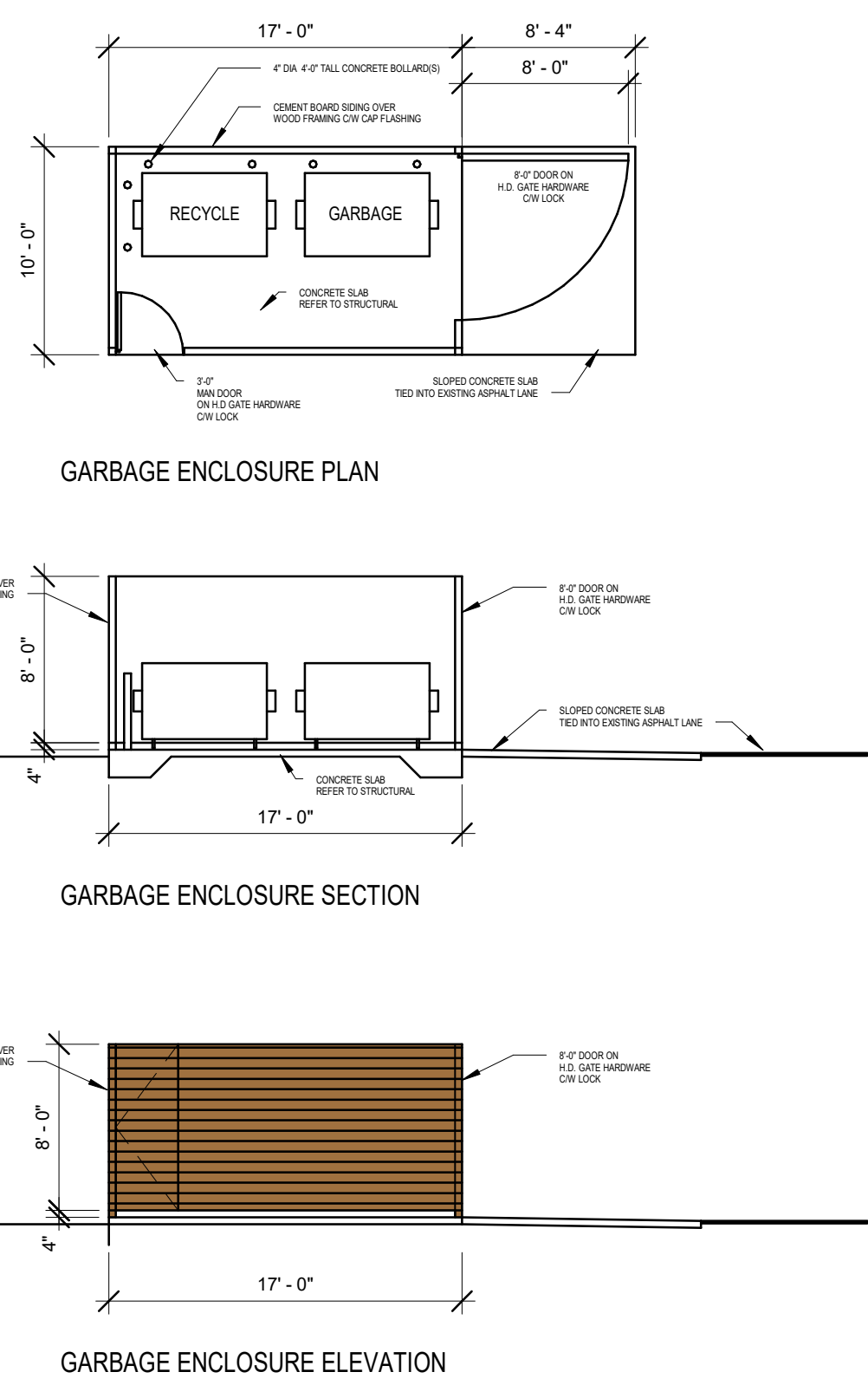
NEW TOWN
ARCHITECTURE
URBAN PLANNING
CIVIL ENGINEERING
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Revisions

No	Date	Description
1	2016-09-23	ISSUED FOR REVIEW
2	2016-08-29	ISSUED FOR DP
3	2016-10-05	REISSUED FOR DP
4	2016-11-04	REISSUED FOR DP
5	2017-01-13	REISSUED FOR DP

NOT FOR CONSTRUCTION



2 GARBAGE ENCLOSURE
1/8" = 1'-0"

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

project title
ETHEL STREET APARTMENTS

project address
1730 AND 1740 ETHEL ST

project no. 1636

file no.

drawing title
SITE PLAN

designed scale 1/8" = 1'-0"

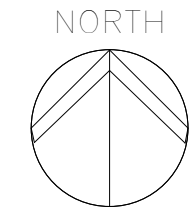
drawn J.F.

checked R.Y.

drawing no. **A2.00**

plotted SEP 23, 2016

NOTES:
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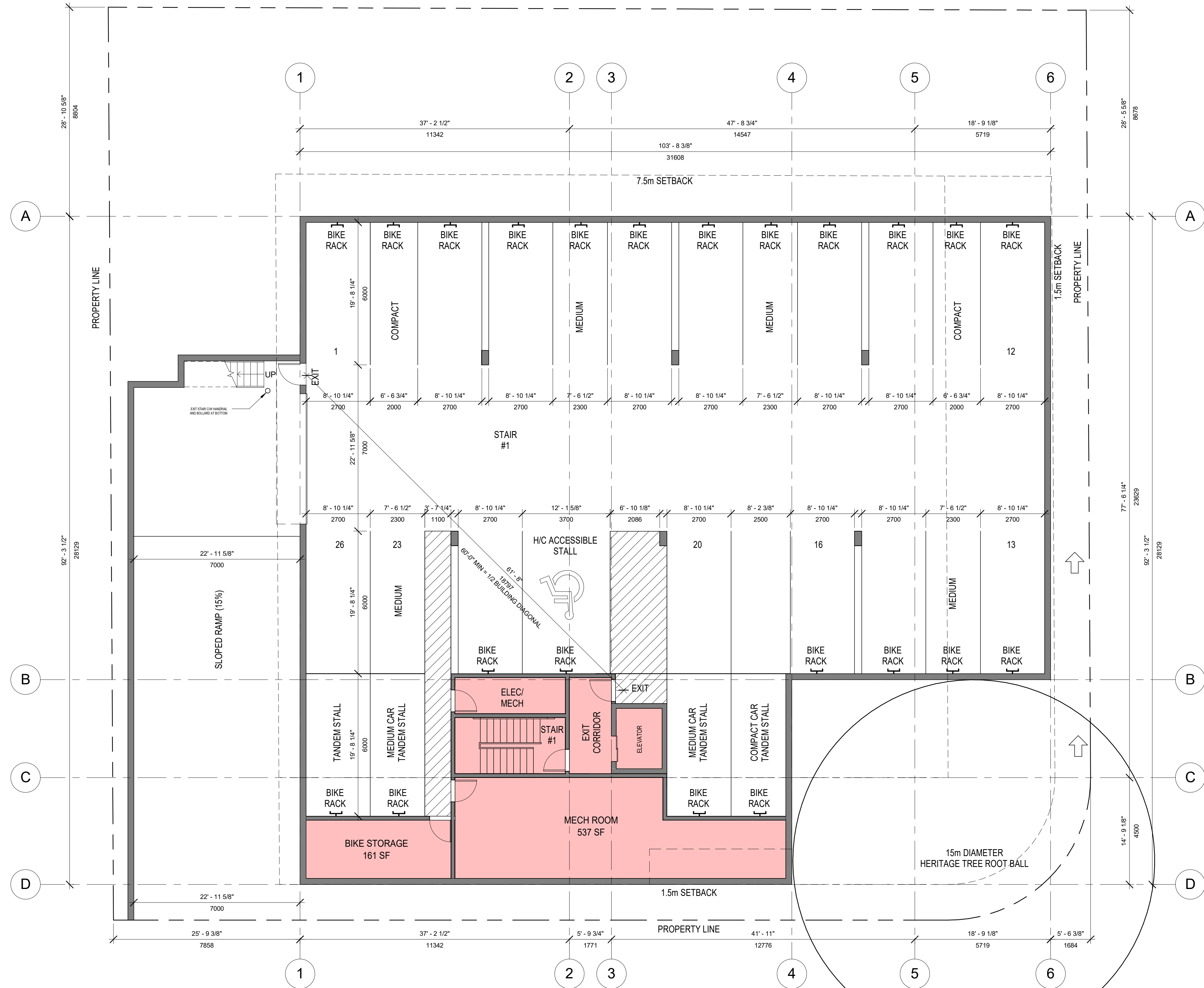
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1 PARKADE FLOOR PLAN
A4.01 1/8" = 1'-0"

NOT FOR CONSTRUCTION

project title
ETHEL STREET APARTMENTS

project address
1730 AND 1740 ETHEL ST

project no. 1636

file no.

drawing title
LEVEL 0 PARKADE PLAN

designed scale As indicated

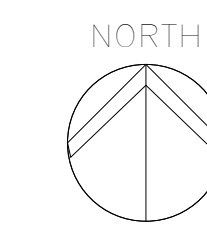
drawn J.F.

checked R.Y.

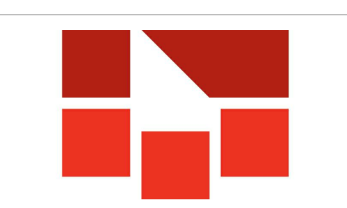
drawing no.
A3.00

plotted SEP 23, 2016

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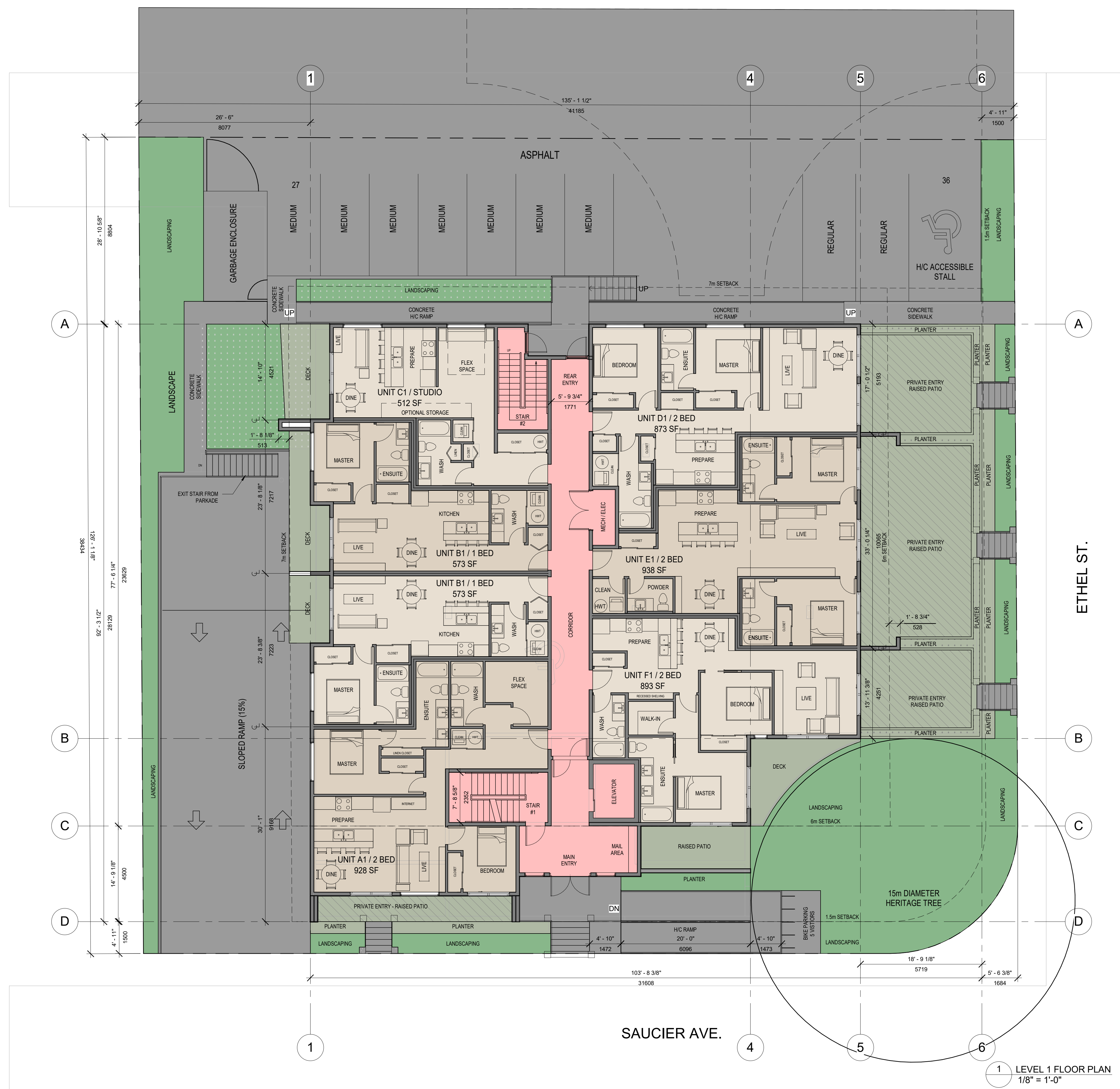


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1 LEVEL 1 FLOOR PLAN
1/8" = 1'-0"

project title
ETHEL STREET APARTMENTS

project address
1730 AND 1740 ETHEL ST

project no. 1636

file no.

drawing title
LEVEL 1 FLOOR PLAN

designed scale As indicated

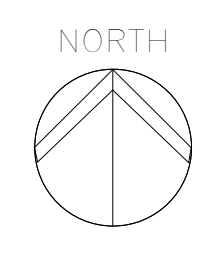
drawn J.F.

checked R.Y.

drawing no.
A3.01

plotted SEP 23, 2016

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NOT FOR CONSTRUCTION

project title
ETHEL STREET APARTMENTS

project address
1730 AND 1740 ETHEL ST

project no. 1636

file no.

drawing title
LEVEL 2 FLOOR PLAN

designed scale As indicated

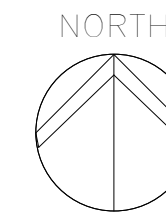
drawn J.F.

checked R.Y.

drawing no.
A3.02

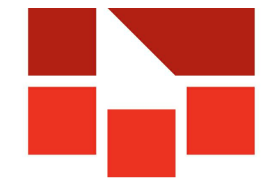
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1 LEVEL 3 FLOOR PLAN
 1/8" = 1'-0"

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project title
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project address
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project no. 1636

file no.

drawing title
LEVEL 3 FLOOR PLAN

designed scale As indicated

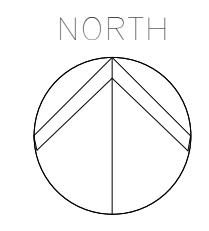
drawn J.F.

checked R.Y.

drawing no.
A3.03

plotted SEP 23, 2016

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1 LEVEL 4 FLOOR PLAN
1/8" = 1'-0"

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project address
1730 AND 1740 ETHEL ST

project no. 1636

file no.

drawing title
LEVEL 4 FLOOR PLAN

designed scale As indicated

drawn J.F.

checked R.Y.

drawing no.
A3.04

plotted SEP 23, 2016

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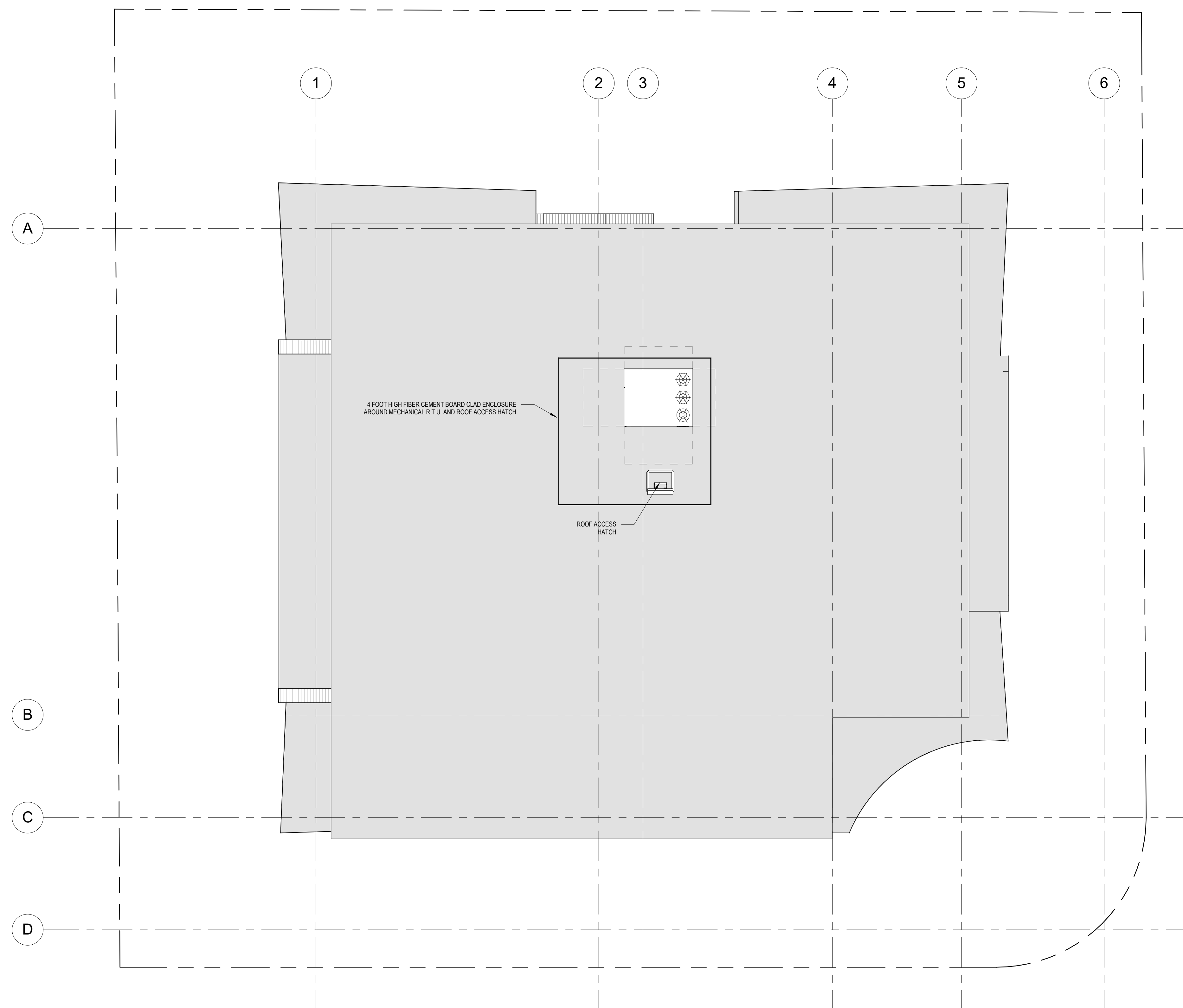
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1	2017-01-13	REISSUED FOR DP

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1 ROOF PLAN
A4.00 1/8" = 1'-0"

project title
ETHEL STREET APARTMENTS

project address
1730 AND 1740 ETHEL ST

project no. 1636
file no.

drawing title
ROOF PLAN

designed scale 1/8" = 1'-0"

drawn J.F.

checked R.Y.

drawing no.

A3.09

plotted SEP 23, 2016

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project title
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project address
1730 AND 1740 ETHEL ST

project no. 1636

file no.

drawing title
BUILDING ELEVATIONS

designed scale As indicated

drawn J.F.

checked R.Y.

drawing no.
A4.00

plotted SEP 23, 2016

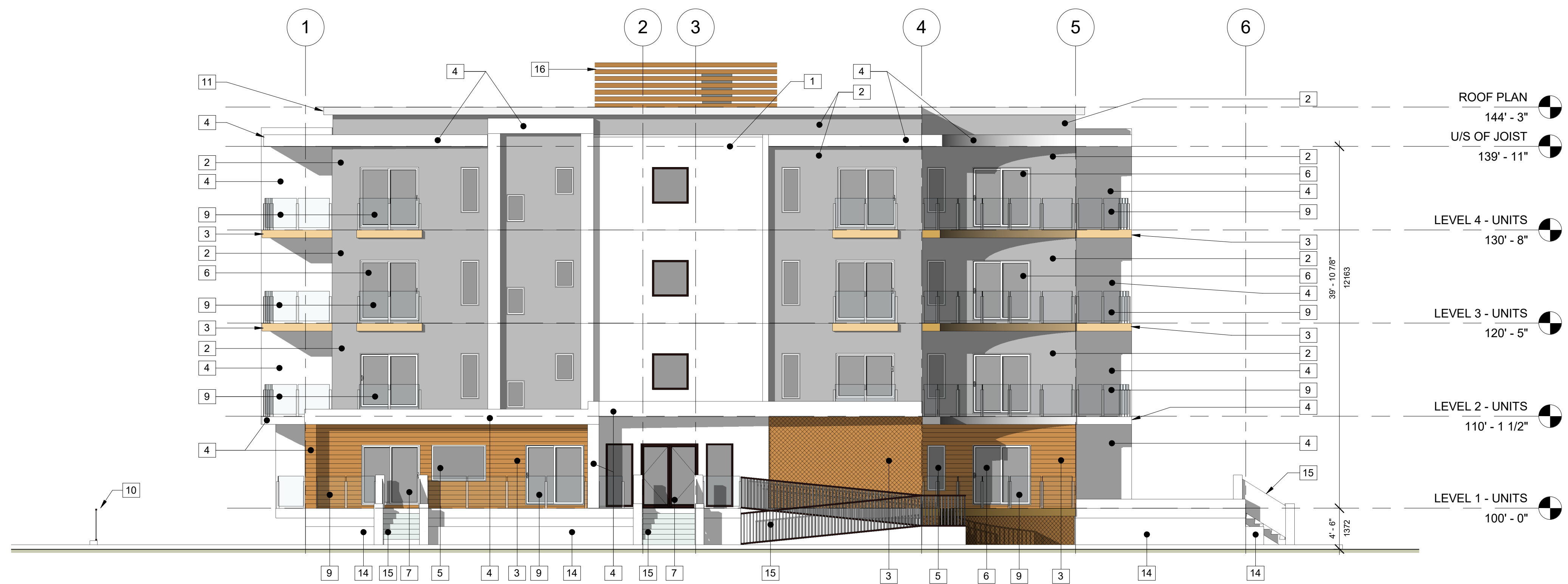
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EXTERIOR MATERIAL LEGEND

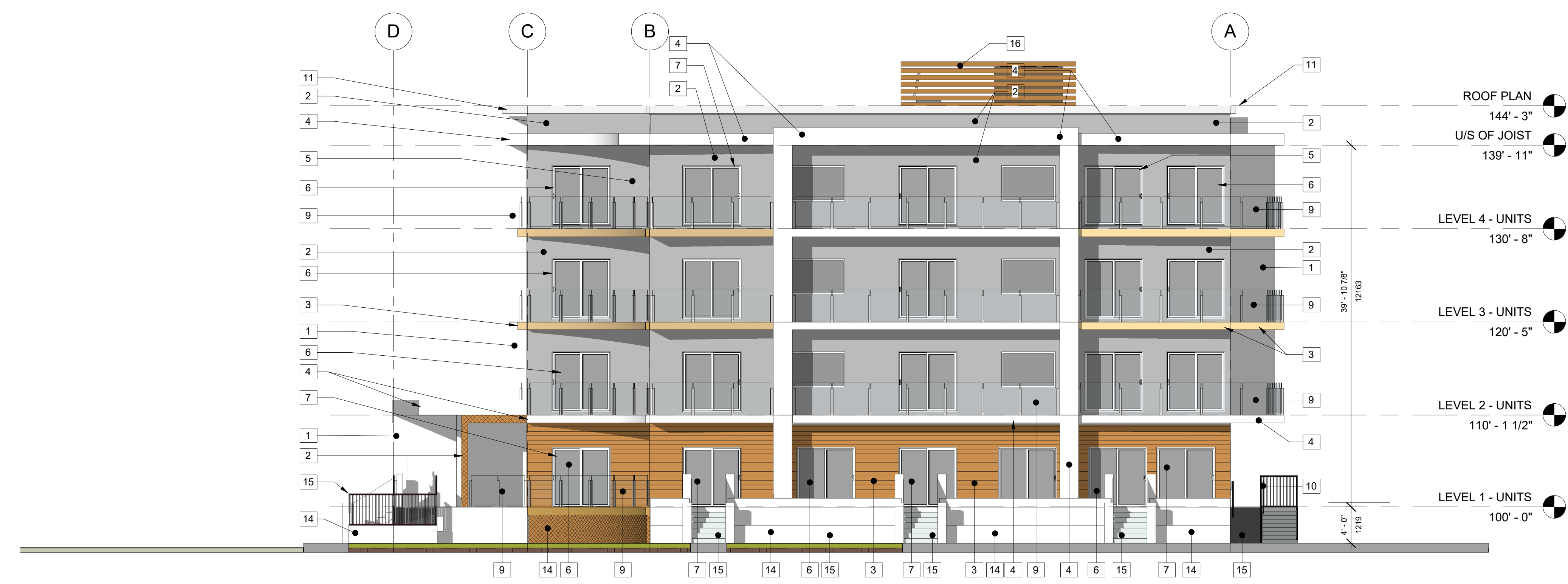
- STUCCO - WHITE
COLOUR: BENJAMIN MOORE OC-67, ICE MIST
- STUCCO - GREY
COLOUR: BENJAMIN MOORE 2124-30, DEEP SILVER
- CEMENT FIBER BOARD - WOOD GRAIN
COLOUR: ALLURA, WOOD GRAIN, MAHOGANY
- CEMENT FIBER BOARD - SOLID WHITE
COLOUR: ALLURA, VANILLA WHITE
- PARGED CEMENT WALL
COLOUR: MED GREY
- PREFINISHED METAL FLASHING - LIGHT GREY
COLOUR: TO MATCH DEEP SILVER
- PREFINISHED METAL FLASHING - MEDIUM GREY
COLOUR: TO MATCH CONCRETE
- PREFINISHED METAL FLASHING - WHITE
COLOUR: TO MATCH WHITE FIBER CEMENT BOARD

EXTERIOR MATERIAL LEGEND

1. STUCCO - WHITE
2. STUCCO - GREY
3. CEMENT FIBER BOARD - WOOD GRAIN
4. CEMENT FIBER BOARD - SOLID WHITE
5. WINDOWS - STYLE / MANUFACTURE TO BE CONFIRMED
6. SLIDING GLASS PATIO DOOR
7. ALUMINUM STORFRONT - GLAZING AND DOORS
8. PAINTED METAL DOORS
9. ALUMINUM / GLASS GUARDRAILS
10. PAINTED METAL GUARDRAILS
11. PREFINISHED METAL FLASHINGS
12. PARGED CONCRETE WALLS
13. WOOD CLAD GARBAGE ENCLOSURE
14. CONCRETE PLANTERS
15. CONCRETE STAIRS / RAMPS C/W PAINTED METAL GUARDRAILS
16. WOOD SCREENING AROUND ROOFTOP UNITS
17. OVERHEAD PREFINISHED GARAGE DOOR
18. CONCRETE RAMP TO PARKADE



1 SOUTH ELEVATION
1/8" = 1'-0"



2 EAST ELEVATION
1/8" = 1'-0"

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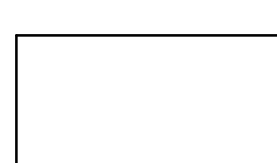


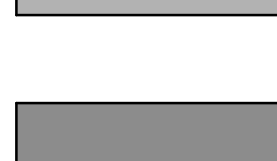
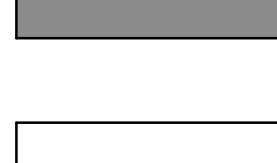
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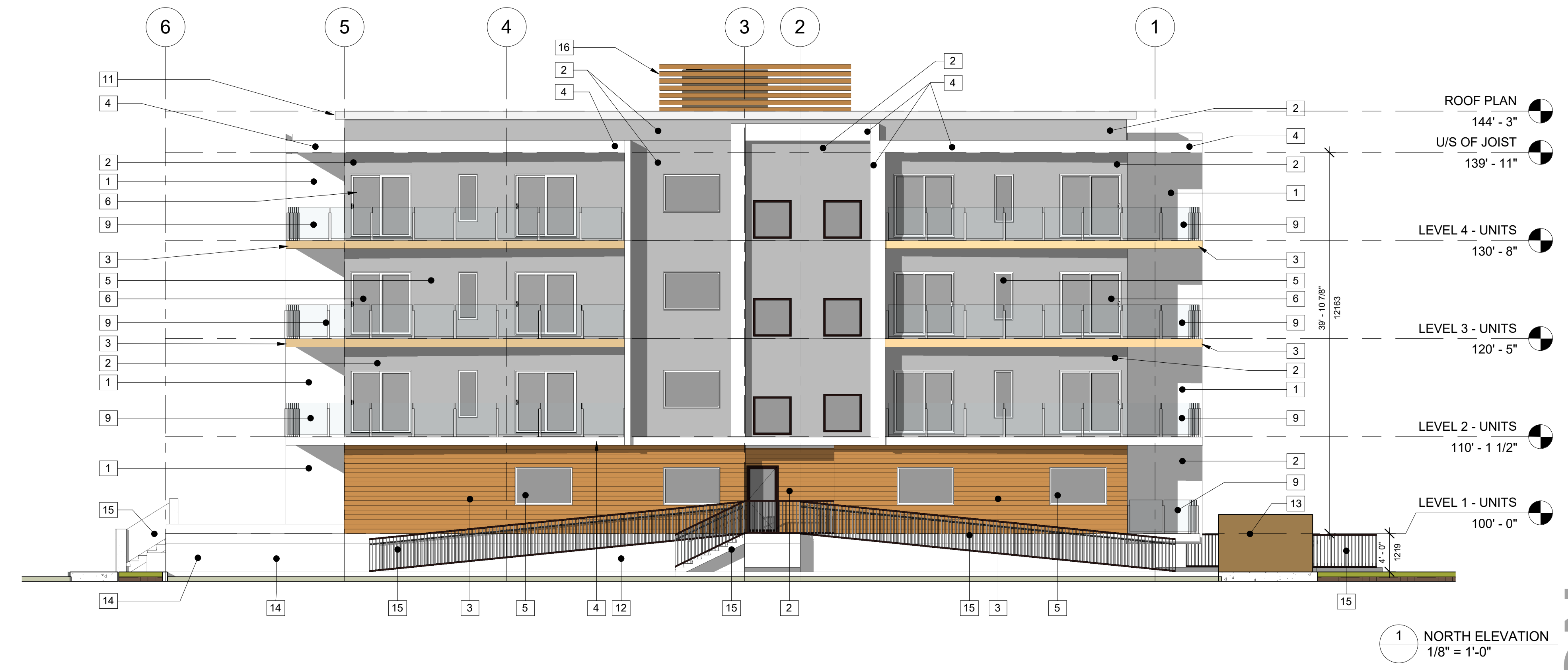
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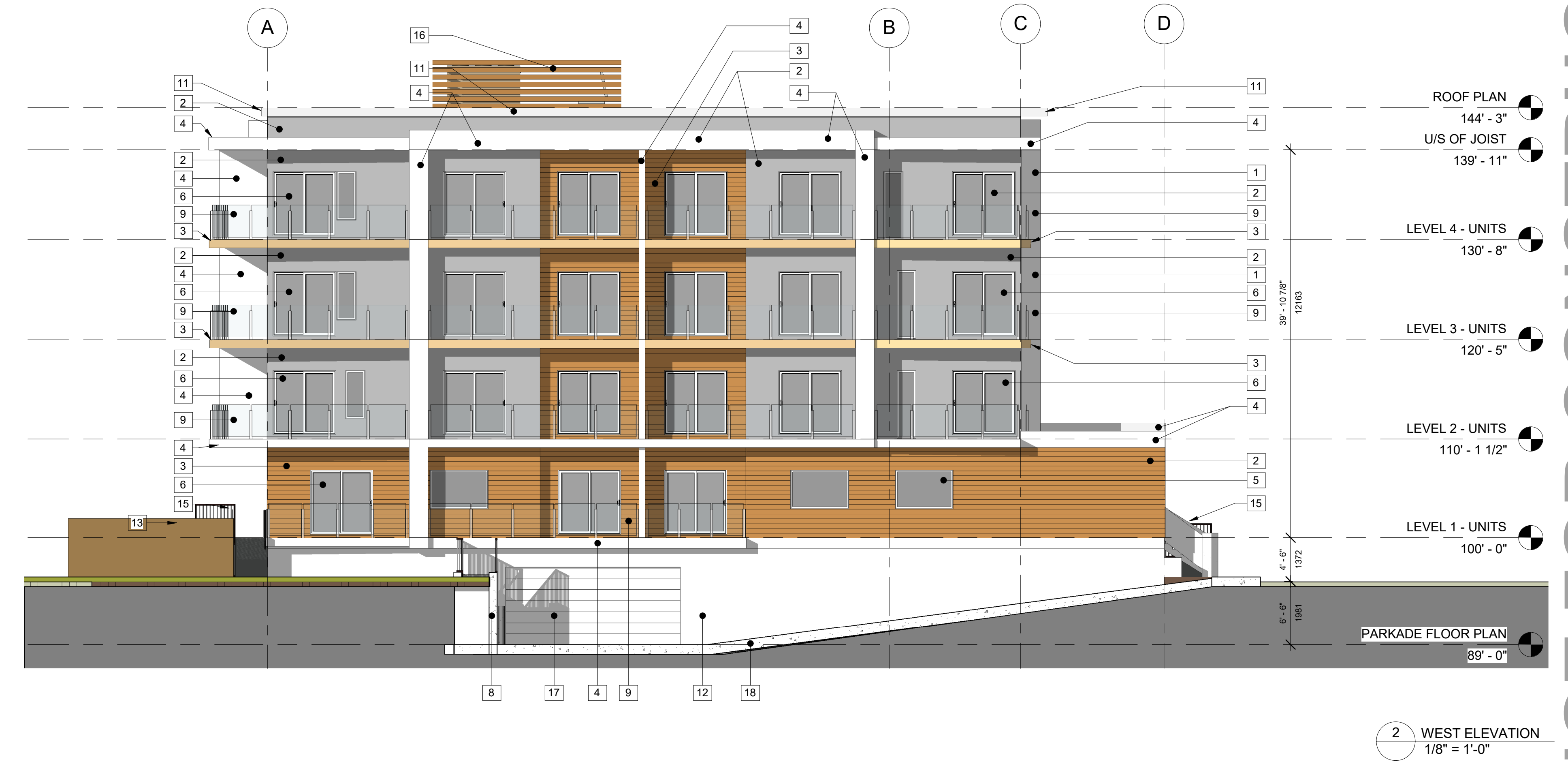
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COLOUR: TO MATCH WHITE FIBER CEMENT BOARD



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18. CONCRETE RAMP TO PARKADE



NOT FOR CONSTRUCTION

project title
ETHEL STREET APARTMENTS

project address
1730 AND 1740 ETHEL ST

project no. 1636

file no.

drawing title
BUILDING ELEVATIONS

designed scale As indicated

drawn J.F.

checked R.Y.

drawing no.
A4.01

plotted SEP 23, 2016



SOUTHEAST VIEW



NORTHEAST VIEW



SOUTHEAST VIEW



EAST VIEW



SOUTHWEST VIEW



NORTHWEST VIEW

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project no. 1636
file no.

drawing title
BUILDING IMAGES

designed _____ scale _____
drawn _____ J.F.
checked _____ R.Y.

drawing no.

A4.02

plotted SEP 23, 2016

CITY OF KELOWNA

BYLAW NO. 11353

Z16-0081 – 1730 & 1740 Ethel Street

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2 District Lot 138 ODYD Plan 1942 and Lot 3 District Lot 138 ODYD Plan 1942, located at Ethel Street, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: February 6, 2017

RIM No. 1250-30

To: City Manager

From: Community Planning Department (EW)

Application: Z15-0027 **Owner:** 1409493 Alberta Inc.

Address: 815, 823-825, 829 & 831 Leon Ave
and 814 & 822 Harvey Ave **Applicant:** Meiklejohn Architects Inc.

Subject: Rezoning Application

Existing OCP Designation: MRM – Multiple Unit Residential (Medium Density)

Existing Zone: RU6 – Two Dwelling Housing

Proposed Zone: RM5 – Medium Density Multiple Housing

1.0 Recommendation

THAT Rezoning Application No. Z15-0027 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification from the RU6 – Two Dwelling Housing Zone to the RM5 – Medium Density Multiple Housing Zone, be considered by Council on the following parcels:

- Lot A District Lot 138 ODYD Plan 4974 Except Plan 36604, located at 814 Harvey Ave
- Lot 1 District Lot 138 ODYD Plan 8961 Except Plan 36604, located 822 Harvey Ave
- Lot B District Lot 138 ODYD Plan 4974, located at 815 Leon Ave
- Lot 1 District Lot 138 ODYD Plan 9710, located at 823-825 Leon Ave
- Lot 2 District Lot 138 ODYD Plan 9710, located at 829 Leon Ave
- Lot A District Lot 137 ODYD Plan 11329, located at 831 Leon Ave
- The lane that exists between 797 and 863 Leon Ave;

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

AND THAT Council considers the public processes to be appropriate consultation for the purpose of Council Policy No. 367, as outlined in the Report from the Community Planning Department dated February 6, 2017;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the following:

1. To the outstanding conditions identified in Attachment "A" associated with the report from the Community Planning Department dated February 6, 2017;
2. The lane between 797 Leon Ave and 863 Leon Ave is closed and sold to the applicant;
3. The land and all subject properties are consolidated into one parcel;

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

2.0 Purpose

To rezone the subject properties from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing Zone to facilitate the future development of an apartment complex.

3.0 Community Planning

Staff supports the proposed rezoning application to the RM5 – Medium Density Multiple Housing Zone as it is consistent with the existing MRM – Multiple Unit Residential (Medium Density) Future Land Use designation in the Official Community Plan (OCP). The proposed rezoning and lot consolidation allows a project to be built with a significant amount of residential density in close proximity to the downtown.

If the zoning application is advanced to third reading, a Development Permit will be necessary to approve the form and character of the proposed development. Currently, the proposed development permit drawings show a six storey, 93-unit rental apartment building.

The applicant submitted a public consultation summary report and notes all of the neighbours within a 50 metre radius were notified. Council Policy No. 367 states when an addition of 50 or more dwelling units are proposed the applicant is required to hold a developer run public information session. The public information session was advertised in the Daily Courier newspaper on June 9th and June 11th, 2016 and held at the Italian Club Hall on Lawrence Avenue on June 25, 2016 from 11am to 1pm.

4.0 Proposal

4.1 Project Description

The proposal is for a land use change, to rezone the subject properties from the RU6 – Two Dwelling Housing Zone to the RM5 – Medium Density Multiple Housing Zone. The proposed rezoning and lot consolidation will facilitate the future development of an apartment complex. Drawings submitted for a future development permit show the potential construction of a six storey 93-unit rental apartment complex above a two level parkade structure. The primary access to the parkade would be from the north-west corner of the site along Leon Avenue. A secondary access is proposed from the existing shared easement with the neighbouring 'Dorchester' property. There are five proposed ground oriented units facing Leon Ave. At this time staff are tracking three variances for the project (see Section 4.3 Zoning Analysis Table). Further discussion of the apartment design will occur when a Development Permit and variance application goes to Council.

4.2 Site Context

The subject parcels are located near the downtown 'City Centre' Urban Centre Area, adjacent Harvey Ave and Leon Ave. The subject property is designated as Multiple Unit Residential - Medium Density (MRM) in the OCP and the lot is within the Permanent Growth Boundary. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Residential
East	RM6 – High Rise Apartment Housing	Residential
South	RU6 – Two Dwelling Housing	Residential
West	RM5 – Multiple Unit Residential (Medium Density)	Residential

Subject Properties Map: 815, 823-825, 829, & 831 Leon Ave & 814 & 822 Harvey Ave



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1400 m ²	4,881m ²
Lot Width	30.0 m	87 m
Lot Depth	35.0 m	68 m
Development Regulations		
Site Coverage	40%	59.4% ❗
Site Coverage (Buildings + Driveways + Parking)	65%	60.1 %
Floor Area Ratio	1.2	1.09

Height	18.0 m/4.5 storeys	19.3m / 6 storeys ❷
Front Yard (north)	6.0 m	6.1 m
Side Yard (west)	7.0 m	9.1 m
Side Yard (east)	7.0 m	7.3 m
Rear Yard (south)	9.0 m	7.63 m (parkade)❸ 16.7 m (residential building)
Other Regulations		
Minimum Parking Requirements	116	128
Bicycle Parking	Class 1: 47 Class 2: 10	Class 1: 115 Class 2: 12
Private Open Space	m ²	1,519 m ²
<p>❶ Indicates a requested variance to site coverage from 40% to 59.4%</p> <p>❷ Indicates a requested variance to height from 18.0 m/ 4.5 storeys to 19.3 m/ 6 storeys</p> <p>❸ Indicates a requested variance to setback from parkade structure from 9.0 m to 7.63 m</p>		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

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

Affordable Housing.³ Support the creation of affordable and safe rental, non-market and/or special needs housing.

6.0 Technical Comments

6.1 Building & Permitting Department

- a) Demolition permits are required for any existing structures.
- b) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s).
- c) Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- d) A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.
- e) A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):

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

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

³ City of Kelowna Official Community Plan, Objective 10.3, Chapter 10 (Social Sustainability).

- Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
 - Spatial Calculation required for windows on inside corner of upper floor units
- f) Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings for the enclosed parking storey. The location and noise from these units should be addressed at time of Development Permit.
- g) We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work.
- h) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit. This minimum Geodetic elevation is required for all habitable spaces including parking garages. This building may be designed to low, which may affect the form and character of the building.
- i) Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
- j) An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units, number of required exits per area, accessibility etc.
- k) Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- l) Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure.

6.2 Development Engineering

- See Memorandum dated July 6, 2015 (Attachment A).

6.3 Fire Department

- a) Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- b) Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900.
- c) A visible address must be posted as per City of Kelowna By-Laws - ensure the building is addressed as one address and suites numbers for the various units in the building.
- d) Sprinkler drawings are to be submitted to the Fire Dept. for review when available. Ensure the isolation valves are accessible as per Bylaw 10760.

- e) A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD or DVD to facilitate Fire Department pre-planning for this structure. The fire safety plan should clearly detail the unique requirements for this structure. A copy of the sprinkler system owner's certificate is to be included in the fire safety plan.
- f) Fire Department steel lock box acceptable to the fire dept. is required by the fire dept. entrance. Kurt's Lock & Safe at 100A – 1021 Ellis Street, Kelowna is the approved supplier for flush mount lock boxes.
- g) The standpipes connections are to be installed on the transitional landings of the stairwells as per NFPA 14. 3).
- h) Fire Stairwells to be marked clearly (including roof access) as per Fire Department requirements. This would be standardized and approved by the Kelowna Fire Department (KFD).
- i) All requirements of Bylaw 10760 for high buildings shall be followed.
- j) Fire alarm system is to be monitored by an agency meeting the CAN/ULC S562 Standard.
- k) Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- l) Fire department connection is to be within 45M of a fire hydrant – and that the FD connection is clearly marked and visible from the street.
- m) Do not issue BP unless all life safety issues are confirmed.

6.4 FortisBC Inc – Electric

- There are no primary distribution facilities adjacent to the subject properties. The current improvements appear to be serviced via secondary overhead facilities in the lane between these properties or via secondary underground in Leon Avenue. Based on the preceding information, the cost to extend service to the proposed multiple unit development may be significant. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.
- Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.
- In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

6.5 Ministry of Transportation

- With regard to the above noted zoning file, the Ministry has reviewed and find no objection to the rezoning of the parcel at the above noted civic address on condition there remains no direct access to Highway 97, all access served by Leon Avenue.

7.0 Application Chronology

Date of Application Received: May 15, 2015

Date Public Consultation Completed: June 27, 2016

Report prepared by: Emily Williamson, Planner

Reviewed by: Terry Barton, A/ Community Planning Manager

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

Attachments:

Attachment 'A' – Development Engineering Memorandum dated July 6, 2015

Attachment 'B' – Application Package

CITY OF KELOWNA
MEMORANDUM

Date: July 6, 2015
File No.: Z15-0027

To: Community Planning (AC)

From: Development Engineering Manager

Subject: 815 Leon Ave

ATTACHMENT A

This forms part of application
Z15-0027

Planner
Initials EW



Multi Family Developments

Development Engineering has the following comments and requirements associated with these applications. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

1. Domestic Water and Fire Protection

- a) The existing lots are serviced with small diameter water services (4). The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. The estimated cost of this construction for bonding purposes is **\$10,000.00**
- b) The applicant, at his cost, will arrange for the removal of the existing services and the installation of one new larger metered water service.
- c) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.
- d)

2. Sanitary Sewer

- a) Our records indicate the proposed development lots are connected with four 100mm and one 250mm diameter sewer services. The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish the required size and preferred location of the new service. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal of all existing small diameter services and the installation of a new larger service. The estimated cost of this construction for bonding purposes is **\$8,000.00**

3. Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for these sites which meets the requirements of the City Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems.

- (b) Only one service will be permitted for this development. The applicant, at his cost, will arrange for the installation of one new overflow service. The estimated cost of this construction for bonding purposes is **\$5,000.00**

4. Road Improvements

- a) Leon Avenue fronting this development site must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, sidewalk, traffic calming measures, landscaped boulevard complete with street trees drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The estimated cost of this construction for bonding purposes is **\$64,500.00**
- b) Walkway on the west side of this development is to be constructed to a 3.5m width based on standard SS-R2. The estimated cost of this construction for bonding purposes is **\$10,200.00**

5. Road Dedication and Subdivision Requirements

- a) Provide a walkway allowance of 3.5m along the west boundary of the development from Leon Ave to Harvey Ave.
- b) Lot consolidation.
- c) If any road dedication or closer affects lands encumbered by a Utility right-of-way (such as Gas, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication or closer must be incorporated in the construction drawings submitted to the City's Development Manager.
- d) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

6. Electric Power and Telecommunication Services

- a) All proposed distribution and service connections are to be installed underground.
- b) Streetlights must be installed on all roads.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- d) Re-locate existing utilities, where necessary.

7. Design and Construction

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

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

8. 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.

9. Geotechnical Report

As a requirement of this application and building permit approval the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- a) Area ground water characteristics, including water sources on the site.
- b) Site suitability for development; i.e. unstable soils, foundation requirements etc.
- c) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- e) Additional geotechnical survey may be necessary for building foundations, etc.

10. Development Permit and Site Related Issues

Access and Manoeuvrability

- (i) Driveway access to the site will not be permitted from Harvey Ave or Ethel Street. One access from Leon Ave is permitted.

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

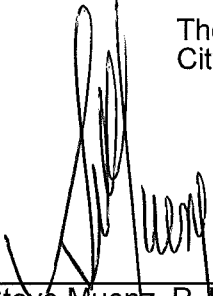
11. Bonding and Levy Summary

a) Bonding

Water service upgrades	\$ 10,000.00
Sanitary sewer service upgrades	\$ 8,000.00
Storm overflow services	\$ 5,000.00
Leon Ave frontage improvements	\$ 64,500.00
Walkway construction improvements	\$ 10,200.00
Total Bonding	\$97,700.00

NOTE: The bonding amount shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided and may be in the form of cash or an irrevocable letter of credit, in an approved format.

The owner must also enter into a servicing agreement in a form provided by the City.



Steve Muenz, P. Eng.
Development Engineering Manager

SS

Project No.: 15017
File No.: 1-L-001

March 16, 2015

Meiklejohn Architects Inc.
233 Bernard Ave.
Kelowna, B.C. V1Y 6N2

COST

TIME

Dear Jim:

QUALITY

**Re: Leon Avenue Residential Development
Traffic Impact Review**

We are pleased to provide the following proposal for the Traffic Impact Assessment of the anticipated traffic generated by the proposed residential development located at 815 Leon Avenue. The development is planned for 115 multifamily units.

A) SITECONTEXT

The site is bound by Leon Avenue and Highway 97, between Richter Street and Ethel Avenue and will replace four existing single family homes, and two vacant lots. Leon Avenue, from Richter Street to Ethel Street is a local roadway that serves both single family, multifamily and senior housing. High rise and low rise multifamily developments are located to the west, a seniors assisted living complex is located to the east, and single family housing is across the street to the north. The Highway 97 corridor is to the south of the site, with a portion of the assisted living site parking to the southeast of the site, as shown on **Figure 1** below.



Figure 1 - Aerial View of Site (City of Kelowna Map Guide)

**Reference: Leon Avenue Residential Development
 Traffic Impact Review**

Richter Street, the first intersection to the west is a four lane arterial. Ethel Street, the first intersection to the east is a two lane arterial, and identified in the City of Kelowna 20 Year Major Road Network and Road Classification Plan as a four lane arterial. Highway 97 is a six lane arterial (including two HOV lanes).

Access to the site is planned off of Leon Avenue at both the western and eastern ends of the site, 120m and 200m to the west of the intersection with Ethel Street.

Traffic impact reviews are based on trip generation rates. The rates are based on information collated from actual traffic studies, and presented for the average weekday Peak Hour volumes the specific land use will generate, during normal operations. The trip generation rates applied for typical residential developments are from the Institute of Transportation Engineers Trip Generation Rates Manual, Volume 9, as follows:

- Low Rise Apartment (ITE Code 221), with an AM rate of 0.46 trips per unit and PM rate of 0.58 trips per unit;
- Town House (ITE Code 230), with an AM rate of 0.44 trips per unit and PM rate of 0.52 trips per unit;

The development is planned with a full build out 110 Low Rise Apartment and 5 Town House units.

Based on the above, the Site is anticipated to generate an average of 53 additional two-way vehicle trips during the AM Peak Hour (10 inbound / 42 outbound) and 66 additional two-way vehicle trips during the PM Peak Hour (42 inbound / 24 outbound), as presented in the following **Table 1**.

815 Leon Ave			Rate	Total	in		out	
5	Town House	AM	0.44	2	17%	0	83%	2
		PM	0.52	3	64%	2	36%	1
110	MF Low	AM	0.46	51	20%	10	80%	40
		PM	0.58	64	64%	41	36%	23
Total		AM		53		10		42
		PM		66		42		24

Table 1 - ITE Trip Generation Rates

Detailed Traffic Impact Analysis Reports are generally completed when a specific development is anticipated to generate upwards of 100 peak Hour Trips, or if the additional trips from the development have the potential to change the adjacent roadway classification. The proposed development will not require a change in classification for Leon Avenue.

**Reference: Leon Avenue Residential Development
Traffic Impact Review**

The site on Leon Avenue is bound by two City arterial roadways and adjacent to the Provincial Highway 97 corridor, and within easy walking distance to the core of downtown Kelowna and the Rapid bus stops on Highway 97 adjacent to the Richter Street intersection.

Based on the above review, we anticipate the addition of the 110 Low Rise Apartment and 5 Town House units within the Leon neighbourhood will not result in any material change to the operation or performance of the Leon Avenue corridor.

Sincerely,

CTQ CONSULTANTS LTD.

Per:



Mr. David D. Cullen, P.Eng.
Transportation Engineer
DDC:

ZONING SUMMARY																							
ADDRESS: 815 LEON AVE. KELOWNA B.C.																							
LEGAL DESCRIPTION: LOT 18 & 19 PLAN #11506, LOT 12 PLAN #11507, LOT 1 PLAN #11504, LOT 1 PLAN #11505, PROPOSED LANE C LOSHR																							
DEVELOPMENT PERMIT AREA	CITY CENTRE																						
EXISTING ZONING	RUB - 2 DWELLING HOUSING																						
PROPOSED ZONING	N/A																						
EXISTING LEGAL USE	VACANT 2 DWELLING HOUSING																						
GRADES	LEVEL																						
NUMBER OF BUILDINGS	ONE																						
EXISTING ZONING: RUB																							
CRITERIA FOR ALL TYPES OF APPLICATION: RMH HIGH RISE APARTMENT HOUSING																							
	ZONING STANDARD	PROPOSAL																					
SITE AREA (sqm)	1,702 sqm	44,381 sqm																					
SITE WIDTH (m)	30.9m	48.7m																					
SITE DEPTH (m)	30.9m	48.7m																					
OFF-STREET PARKING	116 stalls min. (see parking calculations) 132 stalls																						
PRIVATE OPEN SPACE	<table border="1"> <thead> <tr> <th>type</th> <th>sqm</th> <th># units</th> <th>total</th> </tr> </thead> <tbody> <tr> <td>backyard</td> <td>7.8</td> <td>17</td> <td>94 sqm</td> </tr> <tr> <td>1 bed</td> <td>12.0</td> <td>72</td> <td>864 sqm</td> </tr> <tr> <td>1 bed plus</td> <td>16.0</td> <td>9</td> <td>144 sqm</td> </tr> <tr> <td>total</td> <td></td> <td>93</td> <td>1,110 sqm</td> </tr> </tbody> </table> (see building areas calculations) (see building areas calculations)			type	sqm	# units	total	backyard	7.8	17	94 sqm	1 bed	12.0	72	864 sqm	1 bed plus	16.0	9	144 sqm	total		93	1,110 sqm
type	sqm	# units	total																				
backyard	7.8	17	94 sqm																				
1 bed	12.0	72	864 sqm																				
1 bed plus	16.0	9	144 sqm																				
total		93	1,110 sqm																				
HEIGHT OF BUILDING (TOP OF STOREYS)	10m / 10 storeys	41.0 m / 10 storeys																					
SITE COVERAGE (INCLUDING BUILDINGS, DRIVEWAYS AND PARKING (%))	N/A	N/A																					
ADDITIONAL REQUIREMENTS FOR COMMERCIAL, INDUSTRIAL AND MULTIFAMILY INTENDING RESIDENTIAL APPLICATIONS:	RMH HIGH RISE APARTMENT HOUSING																						
NUMBER OF BICYCLE PARKING SPACES	Class 1: 0.52 per dwelling unit x 93 units Total = 47 bike racks	Class 1: 1.15 bike racks within parkade																					
NUMBER OF LOADING SPACES	N/A	N/A																					
DRIFT AISLE WIDTH (m) (IF PROPOSED)	7.5m	7.5m																					
SETBACKS TO PARKING (m):																							
NORTH (FRONT)	3.0m min.	3.0m min.																					
EAST (SIDE)	N/A	N/A																					
SOUTH (REAR)	N/A	N/A																					
WEST (SIDE)	N/A	N/A																					
FLOOR AREA NET	4,829 sqm min. net area	4,831 sqm (97.22% of 4,966 sqm)																					
FLOOR AREA RATIO (F.A.R.)	1.3 x (1153' 1153' + 5.2 parking bonus) = 1.75 max	N/A (4.966 sqm / 2831.7 sqm) = 1.75																					
BUILDING (S) SETBACKS (m):																							
NORTH (FRONT)	6.0m min.	45.1m min.																					
SOUTH (REAR)	9.0m min.	7.0m to parkade (Variance Requested) 16.7m to residential building																					
WEST (SIDE)	4.0m min.	45.1m min.																					
EAST (SIDE)	4.0m min.	45.1m min.																					
DAYLIGHT ANGLE (IF A TOWER)	65° min. (see elev.)	65° min. (see elev.)																					
PODIUM HEIGHT (IF PROPOSED)	N/A	N/A																					
FLOOR PLATE SIZE (IF REQUIRED)	N/A	N/A																					

PARKING CALCULATIONS				
STALL SIZE	WIDTH	LENGTH	HEIGHT	
FULL SIZE STALL	8'-0" (2.44m) min.	18'-0" (5.49m) min.	6'-0" (1.83m) min.	
MEDIUM SIZE STALL (95% max)	7'-0" (2.13m) min.	16'-0" (4.88m) min.	6'-0" (1.83m) min.	
COMPACT SIZE STALL (10% max)	6'-0" (1.83m) min.	11'-2" (3.40m) min.	6'-0" (1.83m) min.	
DISABLED STALL	12'-2" (3.71m) min.	19'-4" (5.91m) min.	6'-4" (1.93m) min.	
DRIVE-ADJUS (2-way 90° stall)				
	12'-2" (3.71m) min.	19'-4" (5.91m) min.	6'-4" (1.93m) min.	
PARKING REQUIREMENTS:				
RESIDENTIAL:	1.0 stall	backyard	12 units	12 stalls
	1.25 stalls	1 bed	72 units	90 stalls
	1.5 stalls	1 bed plus	9 units	14 stalls
TOTAL PARKING REQUIRED: 116 stalls				
TOTAL PARKING PROVIDED:				
WITH PARKADE:	116 stalls			
PARTIALLY COVERED:	19 stalls, including 7 compact			
TOTAL: 135 stalls, including 7 compact				

BUILDING CODE REVIEW				
OCCUPANCY	GROUP C	PACKAGE:	GROUP F3	
ARTICLE	3.2.2.47	PACKAGE:	3.2.2.78	
NO. OF STOREYS	6 STOREYS	MAX. BUILDING AREA	UNLIMITED	
MAX. BUILDING AREA	UNLIMITED			
CONSTRUCTION TYPE	NON-COMBUST.	NON-COMBUST.	NON-COMBUST.	
SPRINKLERED	YES	YES		
ASSEMBLY RATINGS:	YES			
FLOOR	2 HR.	2 HR.		
WALLS / BEARING STRUCTURE	2 HR.	2 HR.		
ROOFS	1 HR.	1 HR.		
INTERCONNECTED FLOOR SPACE	N/A			

BUILDING AND FLOOR AREAS:						
UNIT TYPES	UNIT NFA sqf	UNIT NFA sqm	UNIT COUNT	TOTAL NFA sqf	TOTAL NFA sqm	
A BACHELOR	300	30	8	2,560	238	
A1 BACHELOR	240	22	4	1,360	128	
B 1 BEDDEN	575	53	4	2,300	214	
B1 1 BEDDEN	506	46	44	26,220	2,474	
B2 1 BEDDEN	645	60	4	2,580	240	
B3 1 BEDDEN	660	61	4	2,640	245	
B4 1 BEDDEN	630	58	8	5,040	463	
B5 1 BEDDEN	620	58	8	4,960	458	
C1 2 BRD	795	74	4	3,180	295	
T1 2 BRD TOWNHOUSE						
LOWRIR LEVEL	510	48				
UPPER LEVEL	870	82				
TOTAL	1,380	130	5	5,825	561	
TOTAL			93	57,225	5,317	

BALCONIES & COMMON DECK AREAS:		
Parkade 2 Townhouses	92	
Level 1	542	
Level 1 common deck area	196	
Level 2 to 4	431	
Total	1,261	

COMMON / PRIVATE OPEN SPACES:						
	sqm	sqm	sqm	sqm	sqm	sqm
BALCONIES / COMMON DECK AREA						
	13,573	1,281				
LANDSCAPE AREA						
	16,243	1,518				
SITE COVERAGE:						
BUILDING	23,305	2,165				
ASPHALT PAVING	8,235	770				
TOTAL	31,540	2,935				
	GFA sqm	GFA sqm	Res. GFA sqm	NFA sqm	NFA sqm	NFA sqm
P1 LEVEL	20,445	1,899	542			
P2 LEVEL	19,400	1,804				
TOWNHOUSE LOWER	2,790	259	2,575	229		
TOWNHOUSE UPPER	3,350	311	3,350	311		
1ST LEVEL	19,875	1,479	19,875	1,192		
2ND LEVEL	15,825	1,479	12,825	1,192		
3RD LEVEL	15,825	1,479	12,825	1,192		
4TH LEVEL	15,825	1,479	12,825	1,192		
TOTAL RESIDENTIAL GFA	69,340	6,466				
TOTAL NET AREA FOR F.A.R.			57,225	5,317		
EFFICIENCY:	162.0%					

FIRE PROTECTION: 3.2.4 / 3.2.5 / 3.2.6.		
LOCATION OF HYDRANT TO SHAMBLE CONNECTION	45m MAX.	3.2.2.5.
STANDBY/PHONE	YES	3.2.2.6.
SPRINKLERED	YES	
FIRE ALARM SYSTEM	YES	3.2.4.1.2(9)
EXIT LIGHTS	YES	
EMERGENCY LIGHTING	YES	

OCCUPANT LOAD TABLE 3.1.17.1.	
LEVEL 0 (LOWER PARKADE)	46m² PERSON X 1.813/m² = 40 PERSONS
LEVEL 0 (UPPER PARKADE)	46m² PERSON X 1.026/m² = 42 PERSONS
LEVEL 0 (TOWNHOUSES)	2 PERSONS SLEEPING ROOM X 2 (5 UNITS) = 10 PERSONS
LEVELS 1-4 (CONDOS UNITS)	2 PERSONS SLEEPING ROOM X 1 (22 UNITS) = 44 PERSONS PER FLOOR
BUILDING TOTAL	289 PERSONS

EXIT FACILITIES 3.1 TO 3.6		
REQUIRED EXITS	2 MIN. PER FLOOR	
	REQUIRED WIDTHS	PROVIDED WIDTHS
	min. 600mm door width as per 3.4.3.2.(A)	
	min. 1500mm stair width as per 3.4.3.2.(A)	
PARKADE LEVEL 0 (LOWER)	6.1m² person X 40 persons = 244mm	3 doors @ 2'-0" = 9'-0" (2743mm)
PARKADE LEVEL 0 (UPPER)	6.1m² person X 43 persons = 263mm	3 doors @ 2'-0" = 9'-0" (2743mm)
RESIDENTIAL LEVELS:		
LEVEL 1 - 5 (condos)	6.1m² person X 44 persons max. = 269mm	2 doors @ 2'-0" @ each floor width floor = 6'-0" (1829mm)
LEVEL 1 - 5 (park)	6.0m² person X 45 persons max. = 268mm	2 doors @ 2'-0" @ each floor, stair width floor = 7'-0" (2133mm)
RESIDENTIAL UNITS	min. 1 door @ 800mm (each unit)	30" door @ each unit (815mm)
EXIT THROUGH LOBBY	yes (parkade levels only)	3.4.4.2.
PANIC HANDOVER RECD	yes (at bottom of each stair & at lobby)	3.4.8.16.(2)
EXIT EXPOSURE	0	3.2.3.13.
MAX. TRAVEL DISTANCE	45m (Residential) & 60m (Parkade)	3.4.2.6.(1)
EXIT RATINGS REQUIRED:		
STAIR SHAFTS	2 HR.	3.4.4.4.
CORRIDORS	1 HR.	3.2.2.6.(4)

REQUIRED FIRE SEPARATIONS 3.1.3.1.	
TENANTS' MAJOR OCCUPANCES	
GROUP C TO C	1 HR BETWEEN UNITS (2 HR @ EACH FLOOR)
GROUP F3 TO C	1.5 HR (2.5 HR @ EACH FLOOR)
SERVICES ROOMS	1 HR
JANITOR ROOM	Non-Rated Fire Separation

BUILDING FIRE SAFETY		
SOFFIT PROTECTION	N/A	3.2.3.15.
FLAME SPREAD RATINGS	YES	3.1.13.2.
METAL DECK ASSEMBLIES	YES	3.1.14.2.
ROOF COVERING CLASSIFICATION	CLASS 'A'	3.1.15.2.
ATKIC FIRESTOP	N/A	3.1.11.
MAX. ATKIC AREA	N/A	3.1.11.5.
MAX. OPEN SPACE AREA	N/A	3.1.11.6.
CONCEALED FLOOR AREA	N/A	3.1.11.5.

ACCESSIBILITY REQUIREMENTS 3.8.		
ACCESS TO MAIN ENTRANCES	REQUIRED	PROVIDED
ACCESS TO ALL FLOORS	NO	YES
ACCESSIBLE WASHROOM	NO	NO

WASHROOM FIXTURES REQUIREMENTS 3.7.2.2.(1)	
MIN. 1 RECESS DWELLING UNIT	
MIN. 1 WIC PROVIDED IN EACH UNIT	

SPATIAL SEPARATION: 3.2.3.1.D	
WALL AREA	NORTH, EAST, SOUTH & WEST WALL
OPENING AREA	ALL WALLS / OPENINGS ARE UNRESTRICTED.
% PROVIDED	2 BUILDING ELEVATIONS FACE A STREET, AND LIMITING DISTANCES EXCEED 9m IN ALL CASES
LIMITING DISTANCE	
% PERMITTED	
CONSTRUCTION TYPE	
CLADDING MATERIAL	
REQUIRED RATINGS	



ATTACHMENT B

This forms part of application # Z15-0027

Planner Initials

EW

201-19 FROM STREET
WESTON, B.C.
V3A 1K2
113 HUNTER AVENUE
KELOWNA, B.C.
V1Y 1Y6
TEL: 250-861-3000
EMAIL: info@kelowna.ca



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No.	Date	Revision
01	2015-08-25	Issued for BP
02	2015-08-25	Issued for BP

Project Name:
**LEON AVENUE
6-STORY RENTAL
HOUSING - 93 UNITS**

815 LEON AVE, KELOWNA V1Y 6J7

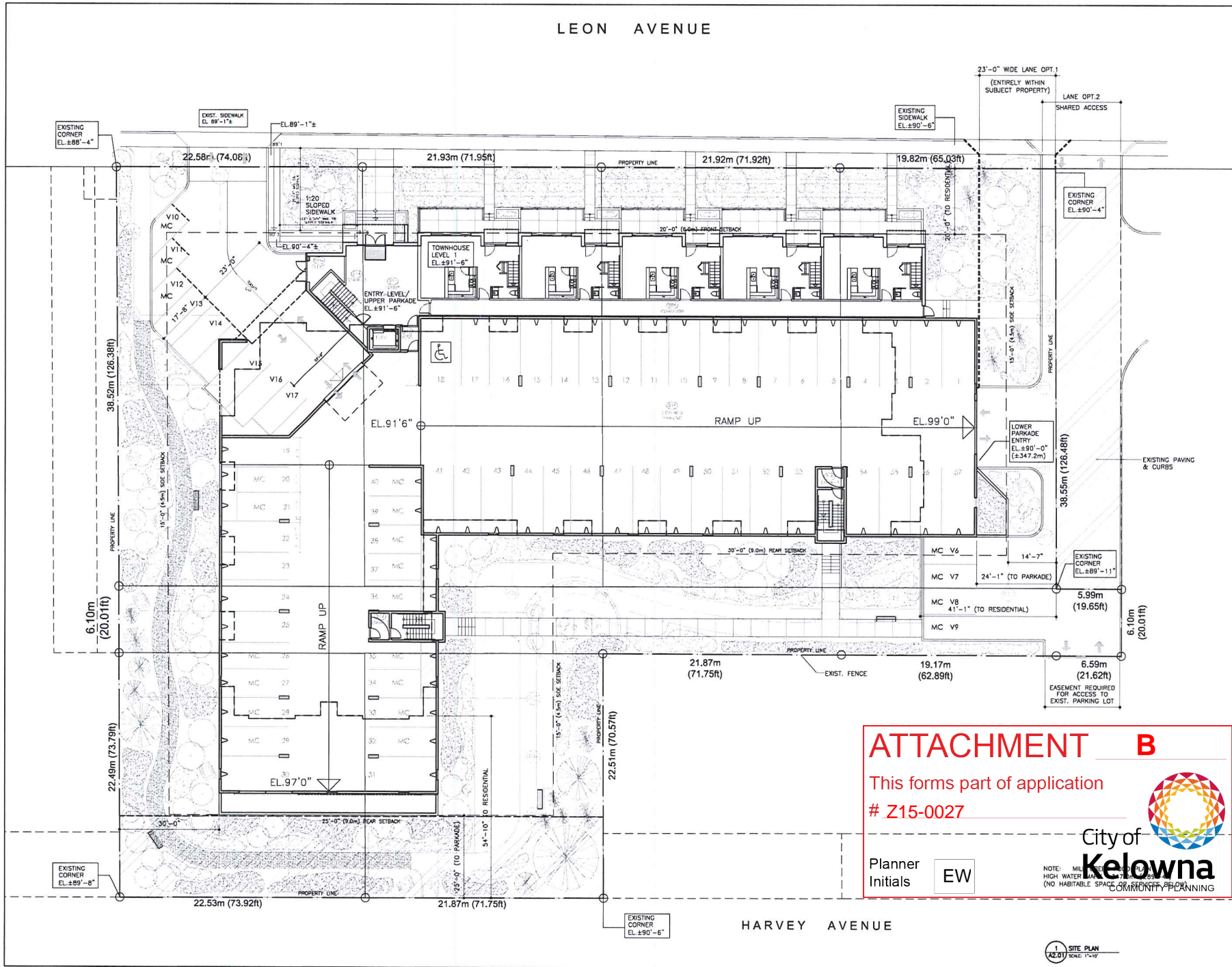
Drawing Number:
A1.01

APPROVALS AND NOTES:
ALL OPERATIONS SHALL BE IN ACCORDANCE WITH THE CITY OF KELOWNA ZONING BY-LAW.

Drawing Title:
ZONING & CODE SUMMARY

Date	2015-07-03
Job No.	1501-1518
Date	14 July 2015
Drawn	SL/CA
Checked	JM

LEON AVENUE



201-733-8800
 201-733-8801
 201-733-8802
 201-733-8803
 201-733-8804
 201-733-8805



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No.	Date	Revision
01	2015-06-27	Issued For RFP
02	2015-06-27	Issued For RFP

Project Title
 LEON AVENUE
 6-STORY RENTAL
 HOUSING - 93 UNITS
 815 LEON AVE, KELOWNA V2Y 4J7
 Drawing Number

A2.01

DATE: 2015-06-27
 DRAWN BY: J. W. WILSON
 CHECKED BY: J. W. WILSON
 PROJECT: LEON AVENUE
 SHEET: A2.01
 TOTAL SHEETS: 20

scale: 1"=10'

Date	By
2015-06-27	J. W. WILSON
2015-06-27	J. W. WILSON
2015-06-27	J. W. WILSON
2015-06-27	J. W. WILSON
2015-06-27	J. W. WILSON

ATTACHMENT B

This forms part of application
 # Z15-0027

Planner Initials **EW**

City of Kelowna
 COMMON PLANNING

NOTE: MILLAGE RATE 0.001%
 HIGH WATER TABLE 171.11 (533.55)
 (NO HABITABLE SPACE COMMON PLANNING)

1 SITE PLAN
 SCALE: 1"=10'

HARVEY AVENUE



ATTACHMENT B

This forms part of application
 # Z15-0027

Planner Initials **EW**

City of Kelowna
 COMMUNITY PLANNING



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

2 BUILDING ELEVATION
 SCALE: 1/8"=1'-0"

- ELEVATION KEY NOTES**
 ALL COLOURS TO BE CHOSEN BY ARCHITECT FROM APPROVED PRODUCT MANUFACTURER'S STANDING LINE OF COLOURS.
- 1 BRICK VENEER
 - 2 STUCCO (3 CONTRASTING COLOURS (SEE COLOUR BOARDS))
 - 3 VINYL WINDOWS
 - 4 ALUM. CLAD WINDOWS
 - 5 FEATURE WALL (SEE COLOUR BOARDS)
 - 6 PREFINISHED METAL GUARDRAILS
 - 7 DECORATIVE WOOD SCREEN
 - 8 PREFINISHED METAL FLASHING
 - 9 ENTRY CANOPY (SEE COLOUR BOARDS)
 - 10 EXPOSED CONCRETE WALLS C/W SACKED RUBBED FINISH
 - 11 CONTROL JOINTS
 - 12 PRECAST CONC. CAP @ 1/2 BRICK
 - 13 LANDSCAPED PARKED SCENE
 - 14 PLANTERS @ 1/2 PARADE SLAB
 - 15 PAINTED METAL DOOR
 - 16 PAINTED O/W PARADE DOOR
 - 17 PREFINISHED METAL AIR GRILLE
 - 18 PARADE FLOOR LEVELS BELOW GRADE
 - 19 SIGN MOUNTING FOR DAYLUM LIGHTING FIXTURE
 - 20 6"X 6" ALUM. CLADDING WITH WOOD GRAIN (LONG BOARD SP. CENTER)

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No.	Date	Revision
01	2015-06-17	Issued for BP
02	2015-06-17	Issued for BP

Project Title
**LEON AVENUE
 6-STORY RENTAL
 HOUSING - 93 UNITS**

815 LEON AVE, KELOWNA V1Y 6J7

Drawing Number

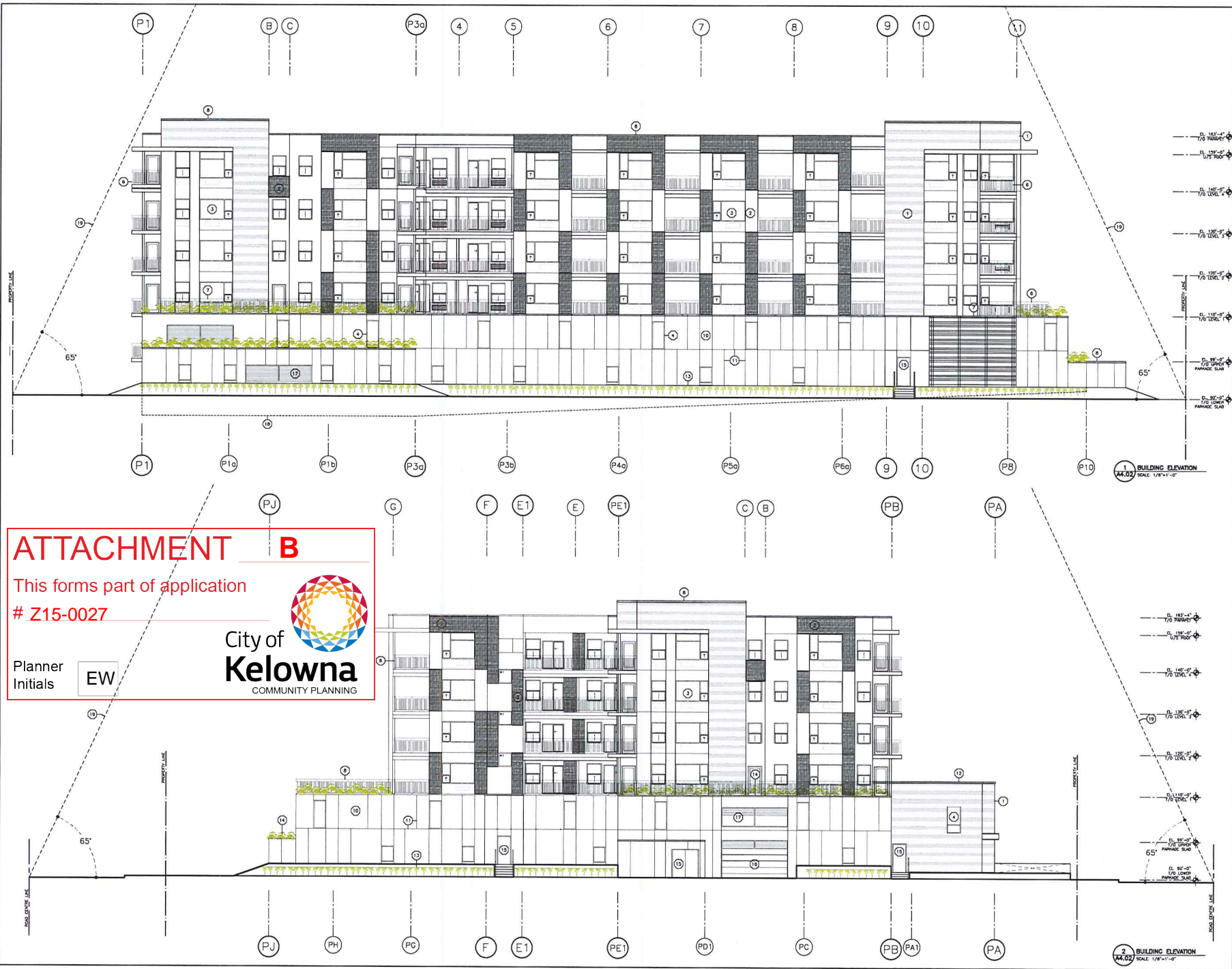
A4.01

DATE: 2015-06-17
 DRAWING NO: A4.01

BUILDING ELEVATIONS

Sheet	2015-06-17
Date	2015-06-17
Scale	AS SHOWN
Drawn	EW
Checked	EW

301-741 HORN STREET
 WILLOWDALE, ONTARIO, CANADA
 TEL: 416-491-3143
 FAX: 416-491-3144
 213 SPINARD AVENUE
 KELOWNA, B.C.
 V7Y 0Y2
 TEL: 250-762-3504
 FAX: 250-762-3505



ATTACHMENT B

This forms part of application
 # Z15-0027

Planner Initials **EW**

City of
Kelowna
 COMMUNITY PLANNING

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No.	Date	Revision
01	2015-04-21	Issued for DP
02	2015-05-25	Approved for DP

Project No: **LEON AVENUE 6-STORY RENTAL HOUSING - 93 UNITS**
 815 LEON AVE, KELOWNA V1Y 637
 Drawing Number

A4.02

THIS PLAN IS NOT TO BE USED FOR CONSTRUCTION. ALL DIMENSIONS SHALL BE SHOWN ON SITES.

BUILDING ELEVATIONS

Date	2016-06-13
Scale	AS SHOWN
Author	AS SHOWN
Checker	

ATTACHMENT B

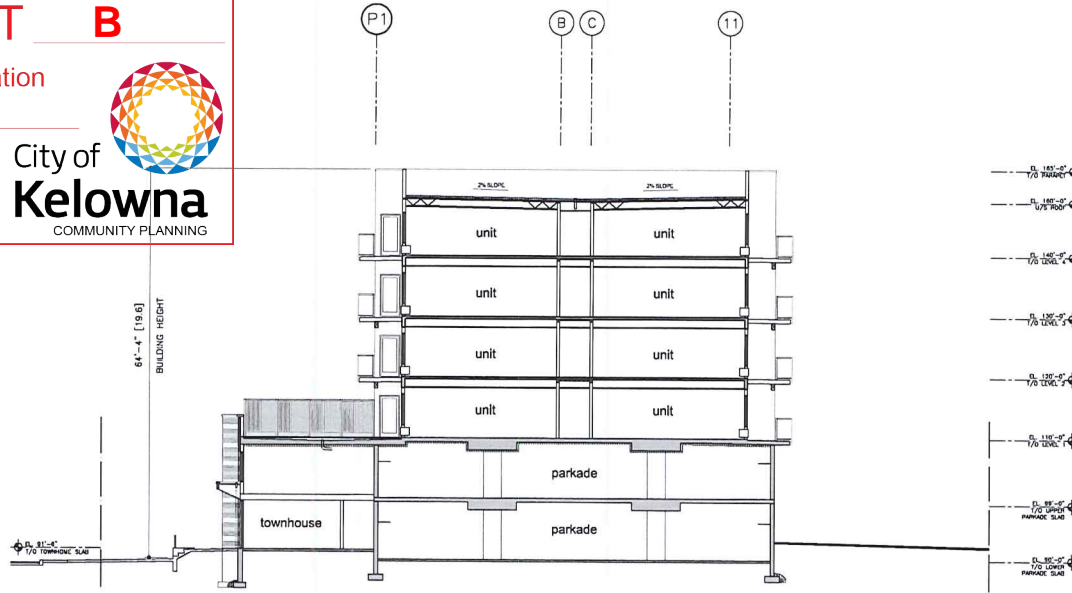
This forms part of application
Z15-0027



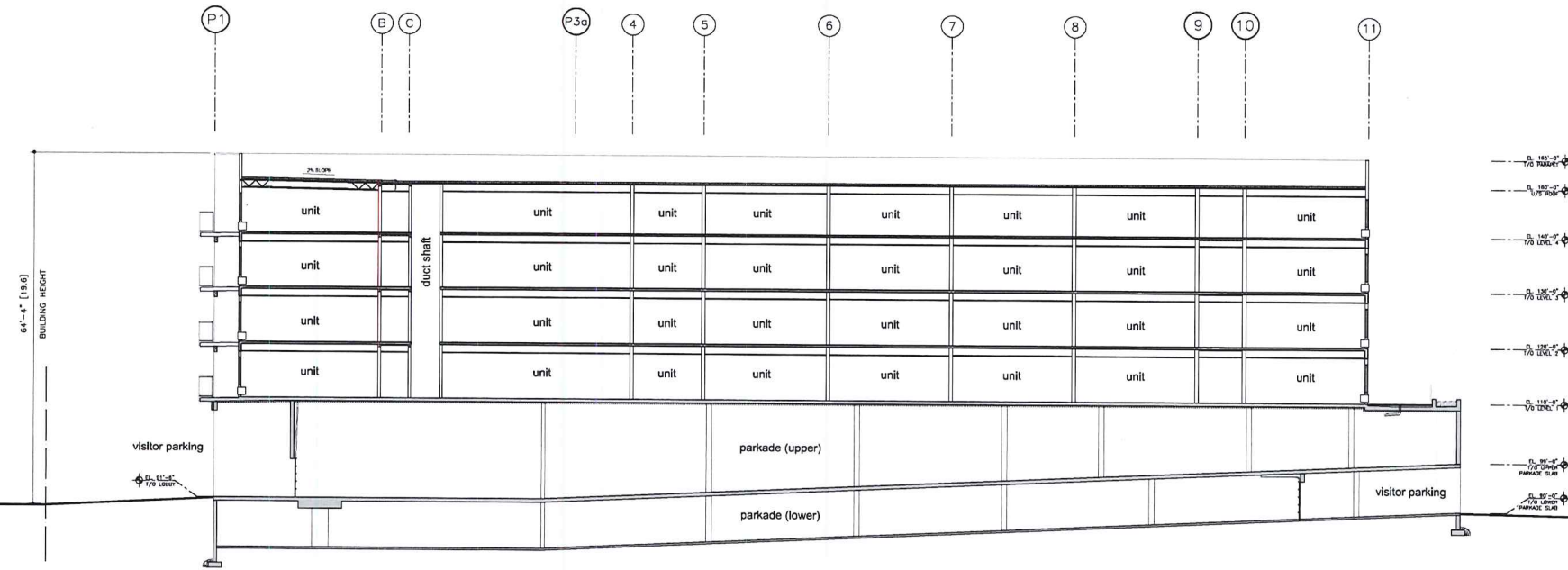
City of
Kelowna
COMMUNITY PLANNING

Planner Initials
EW

64'-4" [19.6]
BUILDING HEIGHT



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



2 BUILDING SECTION
SCALE: 1/8"=1'-0"

201 351 HURST STREET
PO BOX 50
213 215-492-3143
FAX: 250-861-0100
213 BROADWAY AVENUE
KELOWNA, B.C.
V1Y 9T8
TEL: 250-861-0094
EMAIL: info@mmi.ca



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No.	Date	Revised	By
01	2015-06-21	Issued for RP	
02	2015-06-23	Revised for SP	

Project No:
**LEON AVENUE
6-STORY RENTAL
HOUSING - 93 UNITS**
815 LEON AVE, KELOWNA V1Y 6J7

Drawing Number:
A5.01

REVISIONS ARE NOT TO BE SEEN.
ALL DIMENSIONS SHALL BE SHOWN ON THIS

Drawing Title:
BUILDING SECTIONS

Date	By
2015-06-23	mm
2015-06-23	mm
2015-06-23	mm
2015-06-23	mm
2015-06-23	mm

ATTACHMENT B

This forms part of application

Z15-0027

Planner
Initials **EW**



City of
Kelowna
COMMUNITY PLANNING



m+m **a**

Leon Ave rental housing

corner driveway entrance

may 25, 2015

1

ATTACHMENT B

This forms part of application
Z15-0027

Planner
Initials EW



m+m a

Leon Ave rental housing

facing harvey avenue

may 25, 2015

2

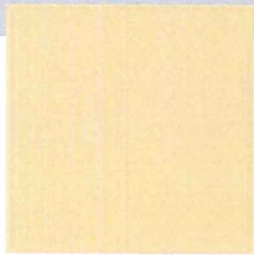
ATTACHMENT B

This forms part of application
Z15-0027

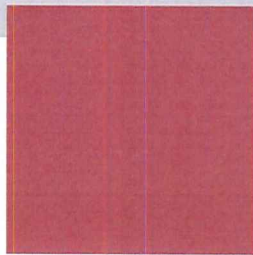


City of
Kelowna
COMMUNITY PLANNING

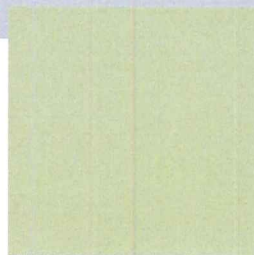
Planner
Initials **EW**



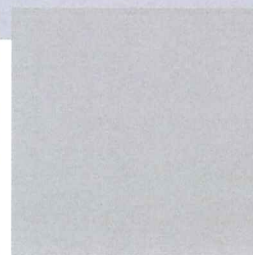
yellow stucco



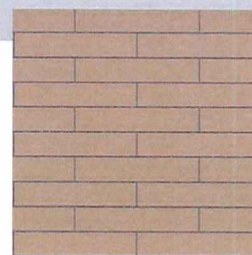
red stucco



green stucco



grey stucco



brick earth-tone

CITY OF KELOWNA

BYLAW NO. 11354

Z15-0027 – 815, 823-825, 829 & 831 Leon Avenue and 814 & 822 Harvey Avenue

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of the following properties located in Kelowna, BC from the RU6 – Two Dwelling Housing Zone to the RM5 – Medium Density Multiple Housing Zone:
 - Lot A District Lot 138 ODYD Plan 4974 Except Plan 36604, located at 814 Harvey Ave
 - Lot 1 District Lot 138 ODYD Plan 8961 Except Plan 36604, located 822 Harvey Ave
 - Lot B District Lot 138 ODYD Plan 4974, located at 815 Leon Ave
 - Lot 1 District Lot 138 ODYD Plan 9710, located at 823-825 Leon Ave
 - Lot 2 District Lot 138 ODYD Plan 9710, located at 829 Leon Ave
 - Lot A District Lot 137 ODYD Plan 11329, located at 831 Leon Ave
 - The lane that exists between 797 and 863 Leon Ave
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: January 30, 2017

RIM No. 1250-40

To: City Manager

From: Community Planning Department (LK)

Application: LUC16-0002 **Owner:** Edward & Linda De Cazalet

Address: 1945 Bennett Road **Applicant:** Edward & Linda De Cazalet

Subject: Land Use Contract Discharge

Existing OCP Designation: S2RES - Single Two Unit Residential

Existing Zone: LUC 78-1024
LUC 76-1088

Proposed Zone: RR3 - Rural Residential 3

1.0 Recommendation

THAT Application No. LUC16-0002 to discharge LUC76-1088 & LUC78-1024 from Lot 46 Section 17 Township 23 ODYD Plan 31701, located at 1945 Bennett Road, Kelowna, BC, be considered by Council;

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

2.0 Purpose

To discharge the Land Use Contracts from the subject property.

3.0 Community Planning

The applicant is proposing to construct a secondary suite within the existing single family dwelling on the subject property. However, the parcel is currently under the regulation of two Land Use Contracts (LUC) which do not permit the development of secondary suites. LUC76-1088 was created in 1977 and LUC78-1024 was created in 1978. The LUC's regulated the subdivision of the land to a maximum of 70 parcels within the McKinley area of Kelowna and stipulate that the provisions of Zoning Bylaw No. 4500 R1 - Single Family Residential - Low Density regulations will apply to the development of the land. Therefore, secondary suites are not an allowable use. Community Planning staff supports the request to discharge the LUC to enact the underlying zoning of RR3 - Rural Residential 3 and permit the secondary suite.

As a result, Community Planning Staff are proposing the termination of the two Land Use Contracts that apply to the 70 parcels within the McKinley Area of Kelowna. This is a separate

process from the discharge of an LUC, as termination eliminates the LUC one year after adoption whereas, a discharge is immediate. The Report to Council for the termination of the contracts will follow as Application LUCT16-0002.

Staff are supportive of increasing density through the addition of secondary suites for proposals which meet the development regulations.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbor consultation by individually contacting the neighbours within 50 m of the subject parcel.

4.0 Proposal

4.1 Background

The province first experimented with contract zoning in 1971. The Land Use Contract was a tool that entered into use in the 1970's before it was eliminated on November 15th 1978. The purpose of the tool was to allow local governments to arrive at agreements with specific developers to grant development rights over and above what was allowed under current zoning. This was typically done in exchange for commitments by developers to help finance the infrastructure costs of development.

However, issues have arisen, specifically with the continued application of land use contracts as they supersede any subsequent bylaw dealing with land use and development including: Zoning Bylaws, Development Cost Charge Bylaws, and Development Permits. From 1978 to 2014, municipalities or the owners of the land could not unilaterally discharge, cancel, or modify the land use contract without the other party's consent. The Local Government Act was amended in 2014 stating all land use contracts in the province will be terminated as of June 30th 2024. Land use contracts will remain in force until that date. This provides property owners with ten years to complete any development authorized by their land use contract unless the LUC is terminated prior to that date. By June 20th 2022, local governments must have appropriate zoning regulations in place to replace land use contracts upon their termination. However, due to this requirement of the Local Government Act, staff are recommending whenever a property owner applies to change land uses within an LUC, that staff initiate the process to eliminate the whole LUC. This approach will help alleviate the future work load of eliminating and rezoning all LUC's at one time.

In addition, local governments must provide notice to each owner that the termination of land use contract is occurring 1 year after adoption and must provide notice of what the new zoning regulations are that apply to the land.

4.2 Project Description

The applicant is proposing to construct a secondary suite within the existing dwelling as this is an allowable secondary use within the RR3 - Rural Residential Zone. To allow the use, the existing LUC's require termination. Compliance with Zoning Bylaw regulations will be reviewed at time of the Building Permit application, as a Development Permit application is not required.

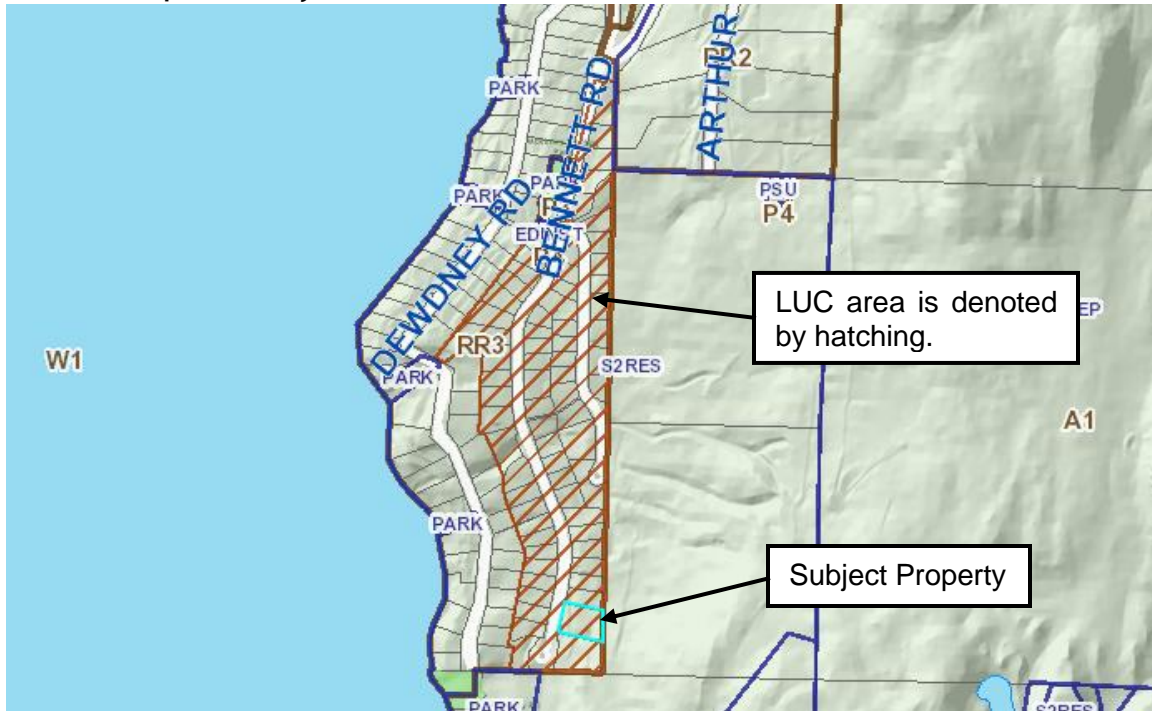
4.3 Site Context

The subject LUC's are located in the McKinley area of Kelowna and applies to 70 parcels which front onto Bennett Road and Paly Road.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR3 - Rural Residential 3	Single Family Residential
East	RR2 - Rural Residential 2 A1 - Agricultural 1	Agriculture
South	A1 - Agricultural 1	Single Family Residential
West	RR3 - Rural Residential 3	Single Family Residential

LUC Area Map: McKinley



Subject Property Map: 1945 Bennett Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

5.2 Land Use Contract Termination Strategy Report to Council dated September 12, 2016

That Staff bring a package of Land Use Contract Terminations to Council approximately every quarter between 2017 and 2022. It is more cost effective from the notification perspective if the Land Use Contracts are bundled together.

6.0 Technical Comments

6.1 Building & Permitting Department

- No comments with respect the LUC discharge application.

6.2 Development Engineering Department

- See Attachment A

6.3 Irrigation District - Glenmore-Ellison

- No issues with respect to the LUC discharge application.

7.0 Application Chronology

Date of Application Received: February 23, 2016

Date Public Consultation Completed: August 25, 2016

Report prepared by: Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Development Engineering Memorandum

Attachment B: GEID Letter

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



CITY OF KELOWNA
MEMORANDUM

Date: May 14, 2016
File No.: LUC16-0002

To: Land Use Management Department (LK)

From: Development Engineering Manager

Subject: 1945 Bennett Road Lot 45 Plan 31701

The subject property is not serviced with Municipal utility services.

The discharge of the Land Use Contract LUC78-1024 does not compromise the Development Services Branch.

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

Steve Muenz, P. Eng.
Development Engineering Manager

jf



Phone: 250-763-6506

Glenmore-Ellison Improvement District

445 Glenmore Road
Kelowna, BC V1V 1Z6

Email: glenmore.ellison@shaw.ca
Website: www.glenmoreellison.com

ATTACHMENT B

This forms part of application # **LUC16-0002**

Planner Initials **LK**



City of **Kelowna**
COMMUNITY PLANNING

Fax: 250-763-5688

OUR FILE No.: 144
CITY OF KELOWNA FILE No.: LUC16-0002
P.I.D.: 002-289-113

April 18, 2016

City of Kelowna
Community Planning and Real Estate
1435 Water Street
Kelowna, BC V1Y1J4

Attention: **Mardelle Corbett** (via email: mcorbett@kelowna.ca; planninginfo@kelowna.ca)

Re: **Application to discharge existing Land Use Contract 78-1024 to allow construction of legal suite under Bylaw 8000
1945 Bennett Rd., Lot 46, Plan 31701**

Glenmore-Ellison Improvement District (GEID) has received a referral for the above noted property. It is our understanding that the current LUC restricts secondary suites on the subject property.

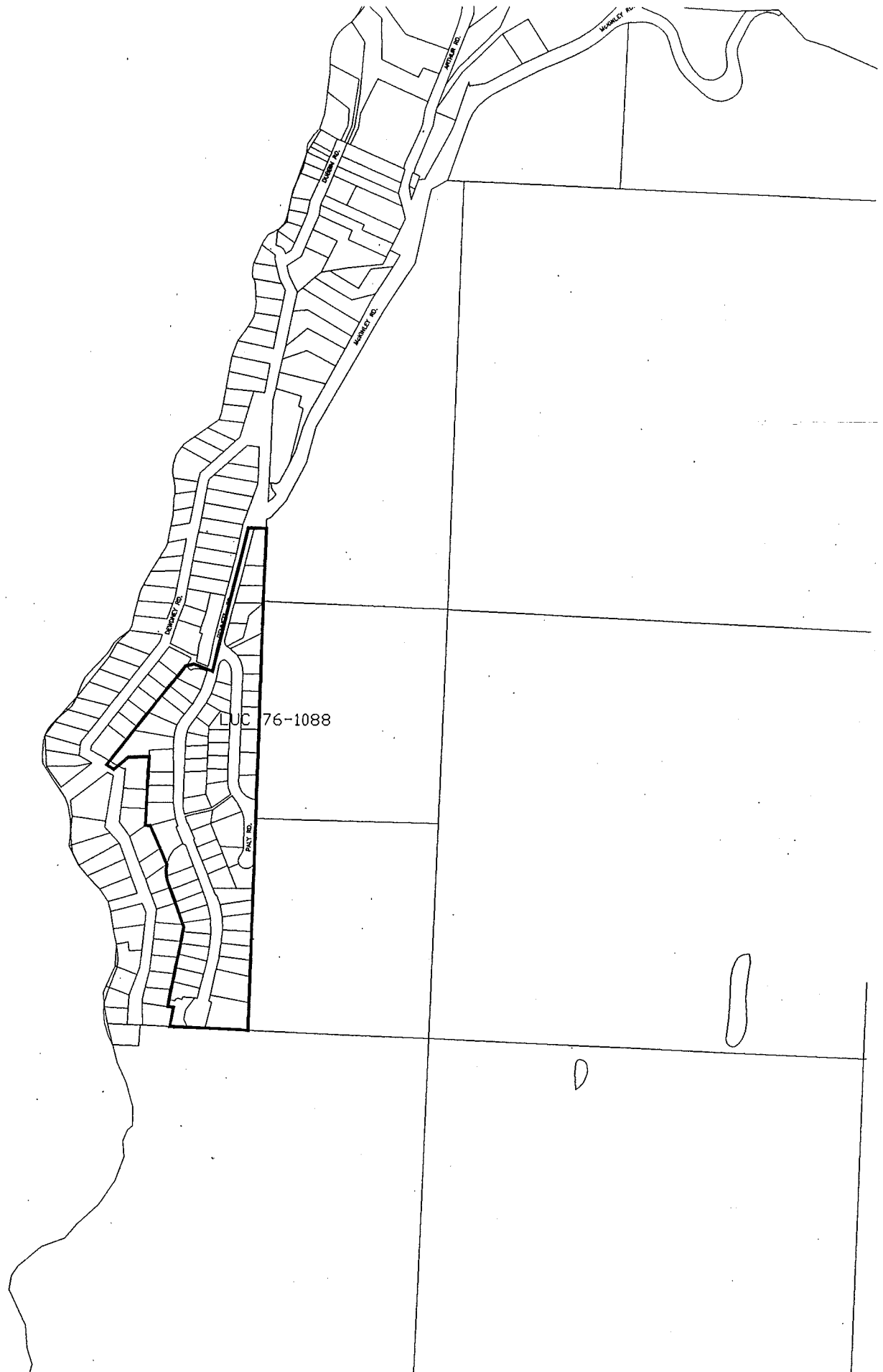
GEID has no concerns with respect to this LUC as it relates to secondary suites.

If you have any questions on this matter, please do not hesitate to contact me.

Sincerely,
**GLENMORE-ELLISON
IMPROVEMENT DISTRICT**

John Bartell, ASCT, B.Sc.
Manager of Engineering and Operations

cc: Edward and Linda Decazelet (via email: eddiecazz@gmail.com)



LUC 76-1088

CITY OF KELOWNA

BY-LAW NO. 4194

A by-law to authorize the entering into of a Land Use Contract.

WHEREAS Subsection (3) of Section 702A of the "Municipal Act" being Chapter 255 of the Revised Statutes of British Columbia, 1960, provides in part that the Council may, by by-law, notwithstanding any by-law of the municipality, or Section 712 or 713 of the "Municipal Act", enter into a Land Use Contract containing such terms and conditions for the use and development of the land as may be mutually agreed upon, and thereafter the use and development of the land shall, notwithstanding any by-law of the municipality, or Section 712 or 713 of the said Act, be in accordance with the Land Use Contract;

AND WHEREAS the Municipal Council of the City of Kelowna is desirous of entering into a Land Use Contract with Pritchard Holdings Limited, 1630 Ellis Street, Kelowna, B.C.

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

1. The Municipal Council of the City of Kelowna hereby authorizes the City of Kelowna to enter into a Land Use Contract with Pritchard Holdings Limited, 1630 Ellis Street, Kelowna, B.C. in the form of Land Use Contract attached hereto and forming part of this By-Law.
2. His Worship the Mayor and the City Clerk are hereby authorized to sign the attached Land Use Contract as well as any conveyances, deeds, receipts and other documents in connection with the attached Land Use Contract and affix the corporate seal of the City of Kelowna to same.
3. This by-law may be cited for all purposes as the "Pritchard Holdings Limited Land Use Contract Authorization By-Law, 1976, No. 4194."

Read a first time by the Municipal Council this 21st day of December, 1976.

Considered at a public hearing on January 18, 1977.

Read a second time by the Municipal Council this 1st day of February, 1977.

Read a third time by the Municipal Council this 1st day of February, 1977.

Reconsidered /

DUNNORTH, TROTTING, WALLEY
& BERG
BARRISTERS & SOLICITORS
KAMLOOPS AGENT

Reconsidered, finally passed and adopted by a vote in favour thereof
of at least two-thirds majority of the members of the Municipal Council
present this 26 day of April, 1977.

John B. Day
Acting Mayor
[Signature]
City Clerk

I hereby certify the foregoing to be a true
copy of By-Law No. 4194 as passed by the
Municipal Council of the City of Kelowna on
the 26th day of April, 1977.

[Signature]
Clerk of the Municipal Council of the City
of Kelowna.

LAND USE CONTRACT

This Agreement made the 26th day of Apr 1978.

BETWEEN;

CITY OF KELOWNA
a municipal corporation having
its offices at 1435 Water Street
in the City of Kelowna, Province
of British Columbia

(hereinafter called the "Municipality")

OF THE FIRST PART

AND:

PRITCHARD HOLDINGS LIMITED
(Incorporation No. 125972) a
company duly incorporated under
the laws of the Province of
British Columbia, having its
office at 1630 Ellis Street,
Kelowna, British Columbia

(hereinafter called the "Developer")

OF THE SECOND PART

WHEREAS as a result of the mass rezoning carried out in the City of Kelowna following the boundary extensions to the City of Kelowna the Land was zoned Rural Residential RR-1 Zone but the Council agreed to consider a Land Use Contract to permit the development of the property into a maximum of seventy (70) lots despite the provisions of the zone and so as to preserve the value of the property and to avoid imposing a hardship upon the Developer;

AND WHEREAS it is acknowledged that this Land Use Contract was agreed upon only because of the extraordinary situation arising out of the mass rezoning that Council of the Municipality deemed to injuriously affect the Developer unless this Contract was entered into;

AND WHEREAS Pritchard Holdings Limited is the registered owner in fee of an undivided interest in and to the Land and whose interest is subject to a mortgage in favour of Berenice Martha Bennett, Jean Elizabeth Morris and Wallace Cormack Bennet registered under number K1578 and a mortgage in favour of The Royal Bank of Canada registered under number K1579.

AND WHEREAS the Land has been designated a development area pursuant to Section 702A(2) of the Municipal Act;

AND WHEREAS the Municipality, pursuant to Section 702A of the Municipal Act, may, notwithstanding any by-law of the Municipality, or Section 712 or 713 of the Municipal Act, enter into a Land Use Contract containing such terms and conditions for the use and development of land as may be agreed upon with a developer, and thereafter the use and development of the land shall be in accordance with the Land Use Contract;

AND WHEREAS the Municipal Act requires that the Municipal Council consider the criteria set out in Section 702(2) and 702A(1) in arriving at the terms, conditions and consideration contained in a Land Use Contract;

AND WHEREAS the Developer has presented to the Municipality a scheme of use and development of the within described lands and premises that would be in contravention of the new zoning of the Municipality and has requested that the Council of the Municipality enter into this Contract under the terms, conditions and for the consideration hereinafter set forth;

AND WHEREAS the Council of the Municipality, having given due consideration to the criteria set forth in Sections 702(2) and 702A(1) of the Municipal Act, have agreed to the terms, conditions and considerations herein contained;

AND WHEREAS the Land is within an area of the Municipality designated as the development area pursuant to Section 702A of the Municipal Act;

AND WHEREAS if the Land is within a radius of one-half mile of the intersection of a controlled access highway and another highway, the approval of the Minister of Highways to the terms hereof must be obtained;

AND WHEREAS the Municipality and the Developer both acknowledge that the Council of the Municipality could not enter into this Agreement, until the Council held a public hearing in relation to this Agreement, and considered any opinions expressed at such hearing, and unless two-thirds of all of the members of the Council voted in favour of the Municipality entering into this Contract;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the conditions and covenants hereinafter set forth, the Municipality and the Developer covenant and agree as follows:

or 1. The Developer is the registered owner of an estate in fee simple of all and singular that certain parcel or tract of land and premises, situate, lying and being in the City of Kelowna in the Province of British Columbia, and being more particularly known and described as:

amended
Held

Lots 2,3,4,5,6 and 7
Sections 17 and 20
Township 23
Osyoos Division
Yale District
Plan 17310

(herein called the "Land")

Consent

2. The Developer has obtained the consent of all persons having a registered interest in the Land as set out in the schedule prefacing the consents to the use and development set forth herein which consents are attached hereto.

Development

3. The Land may be subdivided into a maximum of seventy (70) lots generally as shown on Schedules "A" and "B" annexed hereto, provided each lot and the entire subdivision meet all of the requirements of the Medical Health Officer and all by-laws and policies of the Municipality in effect as at the date of application for preliminary approval of such subdivision except as herein specifically provided. Should the Developer wish to develop the property by phases he shall first file with the Municipality a plan of the entire development and providing such entire development is given preliminary approval by the Municipality he may develop the proposed subdivision by phases provided each phase is in compliance with the approved plans of the entire proposed development and each phase meets the requirements of all the by-laws and policies of the Municipality except as herein specifically provided and all other lawful requirements.

Compliance

4. It is understood and agreed that any development of the Land done by the Developer shall be subject to and in compliance with the by-laws and regulations of the Municipality in effect as at the date of application for preliminary approval of any subdivision of the Land and that the only exception granted to any by-laws or policies of the Municipality by this Contract is the development of the Land into a maximum of seventy (70) lots as permitted in the immediately preceding section.

Construction

5. The Land shall be developed strictly in accordance with the construction requirements annexed hereto as Schedule "C".

Representation

6. It is understood and agreed that the Municipality has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Developer other than those in this Contract.

Registration

7. This Agreement shall be construed as running with the Land and shall be registered in the Land Registry Office by the Municipality pursuant to the provisions of Section 702A(4) of the Municipal Act.

DEDICATION

7A. ~~The Developer shall dedicate as highway Lots 3 and 5, Plan 17310 as shown on Schedule "A". The roadways constructed upon the lots shall be upgraded at the expense of the Developer to the standards set out in Schedule "C" hereto. Following dedication and construction to the standards set out in Schedule "C" these roadways will be maintained by the Municipality but only to that standard as is required for roads of a similar nature constructed out of general revenue funds.~~

PROSPECTUS

[Handwritten initials]

7B. The Developer shall insert in large bold type in the prospectus for the Land required by the Real Estate Act of the Province of British Columbia, the following statement, "Prospective purchasers of the lots in this subdivision are cautioned that this development is located in a rural area of the City of Kelowna, and that normal urban services, including but not restricted to sanitary sewage collection and treatment, public transportation, recreational services, upgrading of arterial roads, snow removal and street cleaning, cannot be expected."

Interpretation

8. Whenever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

Uses

9. For the purpose of determining the use of land, including the surface of water, buildings and structures within the Land and the regulation of the size, shape and siting of buildings and structures and the provision of off-street parking and other zoning regulations the Land shall be deemed to be zoned R-1 - Single Family Residential as described in the new City of Kelowna Zoning By-law, a copy of which regulations are annexed hereto as Schedule "D" and the Land shall be used and developed strictly in compliance with such regulations.

Incorporation

10. Schedule "D" hereinbefore referred to is hereby incorporated into and made a part of this Agreement.

Legal Fees

11. The Developer agrees to pay all of the legal costs incurred by the Municipality in the preparation of this Contract.

Binding

12. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

A public hearing on this Contract was held on the 18 day of January, 1976.

THIS AGREEMENT WAS APPROVED by the affirmative vote of at least two-thirds of all the members of the Council of the Municipality present at the meeting on the 26 day of April, 1976.

IN WITNESS WHEREOF the said parties to this Agreement have hereunto set their hands and seals the day and year first above written.

THE CORPORATE SEAL OF THE CITY OF KELOWNA was hereunto affixed in the presence of:

Acting-Mayor

John Baldry
[Signature]

Clerk

THE CORPORATE SEAL OF PRITCHARD HOLDINGS LIMITED was hereunto affixed in the presence of its proper officers in that behalf:

[Signature]
[Signature]

LAND USE CONTRACT

Schedule of Persons Having a Registered Interest in the Land Whose Consents are Required.

<u>Full Name</u>	<u>Address</u>	<u>Occupation</u>	<u>Nature of Charge</u>
Berenice Martha Benett) Jean Elizabeth Morris) Wallace Cormack Bennett)			Mortgage
The Royal Bank of Canada			Mortgage

CONSENT

KNOW ALL MEN by these presents that:

BERENICE MARTHA BENNETT, JEAN ELIZABETH MORRIS, WALLACE CORMACK BENNETT of
C/O R.R. 1, Kelowna, BRITISH COLUMBIA being

the holder of a charge by way of mortgage registered
in the Land Registry Office at Kamloops under
Number K1578 against all and singular that certain parcel or
tract of land and premises being in the City of Kelowna
in the Province of British Columbia and known and described as:

Lots 2,3,4,5,6 and 7
Sections 17 and 20
Township 23
Osoyoos Division
Yale District
Plan 17310

in consideration of the sum of One Dollar (\$1.00) hereby agrees and consents
to the registration of a Land Use Contract, made between the registered owner
of the said Lands and the City of Kelowna dated
the day of March, 1976, against the aforementioned Lands in priority
to the said charge in the same manner and to the same effect as if it had been
dated and registered prior to the said charges.

SIGNED, SEALED AND DELIVERED)
in the presence of:

Name: RS/Attn
Address: 346 Harrison
Avenue,
Kelowna, B.C.
Occupation: Solicitor
(as for all three signatures)

B.M. Bennett
BERENICE MARTHA BENNETT

Jean Elizabeth Morris
JEAN ELIZABETH MORRIS

Wallace Cormack Bennett
WALLACE CORMACK BENNETT

Acknowledgment of Maker

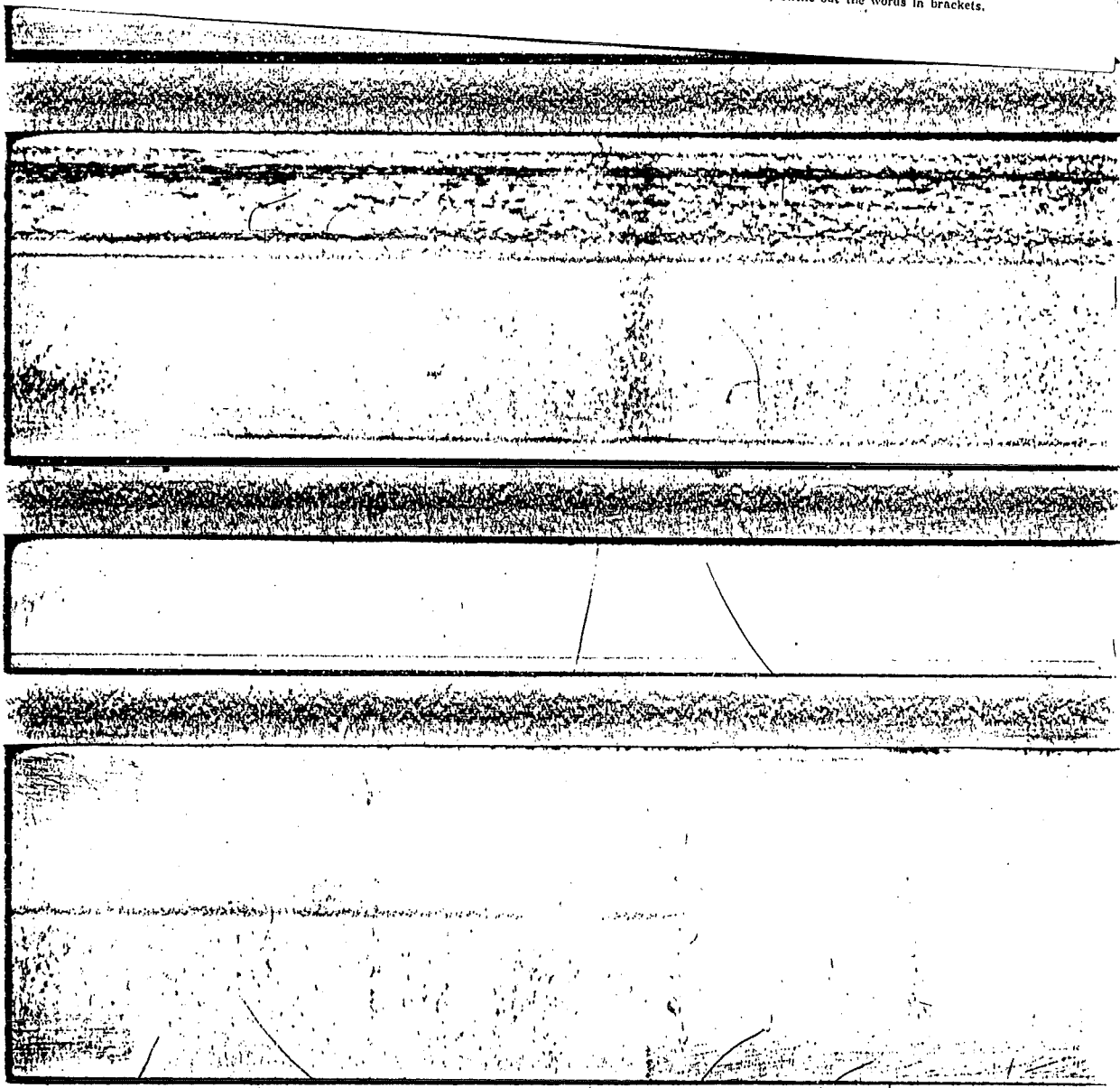
I HEREBY CERTIFY that, on the 13th day of April, 1977, at the City of Kelowna in the Province of British Columbia, BERENICE MARTHA BENNETT, JEAN ELIZABETH MORRIS and WALLACE CORMACK BENNETT, ~~whose identity has been proved by the evidence on oath of the aforesaid parties~~ (who are personally known to me, appeared before me and acknowledged to me that they/are the persons mentioned in the annexed instrument as the maker s thereof, and whose name s are subscribed thereto as part ies that they know the contents thereof, and that they executed the same voluntarily, and they/are that they know the full age of nineteen years.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office, at the City of Kelowna, British Columbia, this 15th day of April, in the Province of in the year of our Lord one thousand nine hundred and seventy-seven.

Robert Stuart Porter

Robert Stuart Porter
 Notary Public in and for the Province of British Columbia
 A Commissioner for taking affidavits within British Columbia.

NOTE.—Where the person making the acknowledgement is personally known to the officer taking the same, strike out the words in brackets.



CONSENT

KNOW ALL MEN by these presents that:

THE ROYAL BANK OF CANADA of _____ being
the holder of a charge by way of _____ mortgage _____ registered
in the Land Registry Office at Kamloops under
Number K1579 against all and singular that certain parcel or
tract of land and premises being in the City of Kelowna
in the Province of British Columbia and known and described as:

Lots 2,3,4,5,6 and 7
Sections 17 and 20
Township 23
Osoyoos Division
Yale District
Plan 17310

in consideration of the sum of One Dollar (\$1.00) hereby agrees and consents
to the registration of a Land Use Contract, made between the registered owner
of the said Lands and the City of Kelowna dated
the _____ day of March, 1976, against the aforementioned Lands in priority
to the said charge in the same manner and to the same effect as if it had been
dated and registered prior to the said charges.

THE CORPORATE SEAL OF THE
ROYAL BANK OF CANADA was
hereunto affixed in the
presence of its proper
officers in that behalf:

IN WITNESS WHEREOF THE ROYAL BANK OF CANADA has caused these presents to be signed by its
duly authorized attorneys in that behalf at Vancouver, British Columbia, this

..... 8th day of March 9.....

77

SIGNED, SEALED AND DELIVERED
in the presence of::

.....
.....
.....

THE ROYAL BANK OF CANADA
BY ITS DULY AUTHORIZED ATTORNEYS:

.....
.....

.. (Witness as to both signatures)

The Royal Bank of Canada and
Pritchard Holdings Limited
STATUTORY DECLARATION OF ATTORNEYS

We, Thomas Bernard Smith and Joseph Rene Denis Fontaine
of the City of Vancouver in the Province of British Columbia,
SEVERALLY DO SOLEMNLY DECLARE:

1. That we are the attorneys for The Royal Bank of Canada.
2. That we are the persons who subscribed the name of The Royal Bank of Canada in the annexed instrument as the maker thereof.
3. That at the time of the execution of the said instrument the power of attorney had not been revoked by or on behalf of The Royal Bank of Canada and we had not received any notice or information of the bankruptcy or dissolution of The Royal Bank of Canada.
4. That we know the contents of the said instrument and subscribed the name of the said The Royal Bank of Canada thereto voluntarily as the free act and deed of the said The Royal Bank of Canada.

AND WE make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act".

SEVERALLY DECLARED before me at the City
of Vancouver, in the Province of British Columbia,

this 8th day of March A.D. 1977.

M. W. Keenan
A Commissioner for oaths & Notaries within British Columbia

[Signature]
[Signature]

H. W. H. H. H.

CITY OF KELOWNA

BY-LAW NO. 4666-78

(Pritchard Holdings Ltd. Land Use Contract Modification Agreement
Authorizing By-Law - LUC78-1024 - McKinley Landing)

WHEREAS Subsection (3) of Section 702A of the "Municipal Act", being Chapter 255 of the Revised Statutes of British Columbia, 1960, provides in part that the Council may, by by-law, notwithstanding any by-law of the Municipality, or Section 712 or 713 of the "Municipal Act", enter into a land use contract containing such terms and conditions for the use and development of the land as may be mutually agreed upon, and thereafter the use and the development of the land shall, notwithstanding any by-law of the municipality, or Section 712 or 713 of the said Act, be in accordance with the Land Use Contract;

AND WHEREAS the Municipal Council of the City of Kelowna is desirous of entering into a Land Use Contract with Pritchard Holdings Ltd, of 1630 Ellis Street, Kelowna, B.C.;

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

1. The Municipal Council of the City of Kelowna hereby authorizes the City of Kelowna to enter into a Land Use Contract with Pritchard Holdings Ltd., 1630 Ellis Street, Kelowna, B.C., in the form of Land Use Contract attached hereto and forming part of this by-law.
2. His Worship the Mayor and the City Clerk are hereby authorized to sign the attached Land Use Contract as well as any conveyances, deeds, receipts, and other documents in connection with the attached Land Use Contract and affix the corporate Seal of the City of Kelowna to same.

Read a first time by the Municipal Council this 26th day of September, 1978.

Considered at Public Hearing on the 10th day of October, 1978.

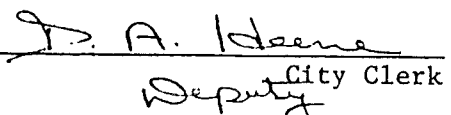
Read a second time by the Municipal Council this 10th day of October, 1978.

Read a third time by the Municipal Council this 10th day of October, 1978.

Reconsidered, finally passed and adopted by the Municipal Council of the City of Kelowna this 19th day of December, 1978.



Mayor



Deputy City Clerk

THIS AGREEMENT made the 23rd day of October , A.D., 1978.

BETWEEN:

CITY OF KELOWNA

a municipal corporation having its
municipal offices at 1435 Water Street,
in the City of Kelowna, Province of
British Columbia

(hereinafter called the "Municipality")

OF THE FIRST PART

AND:

PRITCHARD HOLDINGS LTD.

(Incorporation No. 125972)

a body corporate duly incorporated
under the laws of the Province of
British Columbia having its registered
office at 1630 Ellis Street, in the
City of Kelowna, Province of British
Columbia

(hereinafter called the "Developer")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of an estate in fee simple of ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Kelowna, in the Province of British Columbia and being more particularly known and described as:

Firstly: Lot 7
 Sections 17 and 20
 Township 23
 Osoyoos Division Yale District
 Plan 17310

Secondly: Lots 2, 4 and 6
 Section 17
 Township 23
 Osoyoos Division Yale District
 Plan 17310

(hereinafter called the "Land")

AND WHEREAS the Municipality and the Developer have entered into a land use contract respecting the Land which said Land Use Contract was registered in the Land Registry Office at the City of Kamloops, in the Province of British Columbia on the 17th day of May, A.D., 1977 under number M27805;

AND WHEREAS the Developer has applied to the Municipality for a modification of the Land Use Contract as hereinafter appearing;

AND WHEREAS the Municipality and the Developer mutually acknowledge and agree that the Council of the Municipality cannot enter into this Agreement for the modification of the said Land Use Contract until the Council has held a public hearing thereon in the manner prescribed by law, has duly considered the representations made and the opinions expressed at such hearing and unless a majority of all of the members of Council present at the meeting and entitled to vote on the authorizing by-law, vote in favour of the Municipality entering into this Agreement for the modification of the said Land Use Contract;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the conditions and covenants hereinafter set forth the Municipality and the Developer covenant and agree as follows:

1. The said Land Use Contract is amended and modified by deleting therefrom Schedule "C" thereof and by substituting therefor the Schedule attached hereto and marked Schedule "1" and forming a part hereof.
2. The Developer has obtained the consent of all persons holding any registered interest in the Land as set out in the Schedule of Consents set forth herein which consents are attached hereto.
3. It is understood and agreed that the Municipality has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Developer other than those contained in this Agreement and in the said Land Use Contract.
4. This Agreement shall have the force and effect of a restrictive covenant running with the Land and shall, when registered in the Land Registry Office by the Municipality pursuant to the provisions of Section 702A(4) of the Municipal Act, be construed as an amendment and modification to the Land Use Contract hereinbefore described.
5. Wherever the singular or masculine is used herein the same shall be construed as meaning the plural, feminine or body corporate or politic where the parties so require.

6. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

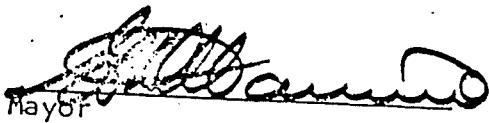
A public hearing on this Agreement was held on the _____ day of _____, A.D., 1978.

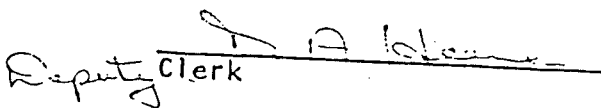
The terms of this Contract were approved by the Ministry of Highways and Public Works on the _____ day of _____, A.D., 1978.

This Agreement was approved on the _____ day of _____ A.D., 1978 by a majority vote of all the members of the Council present at the meeting at which the vote was taken and entitled to vote on the authorizing by-law.

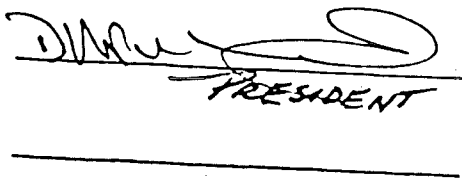
IN WITNESS WHEREOF the said parties to this Agreement have hereunto set their hands and seals the day and year first above written.

THE CORPORATE SEAL OF THE CITY OF KELOWNA was hereunto affixed in the presence of:


Mayor


Deputy Clerk

THE CORPORATE SEAL OF PRITCHARD HOLDINGS LTD. was hereunto affixed in the presence of its proper officers in that behalf:


PRESIDENT

Acknowledgment of Officer of a Corporation

I HEREBY CERTIFY that, on the 30th day of November, 19 78
 at Kelowna, in the Province of British Columbia,
 Dudley Acheson Pritchard (whose identity has been proved by the evidence on
 oath of , who is) personally known to me,
 appeared before me and acknowledged to me that he is the President of
 Pritchard Holdings Ltd. , and that he is the person
 who subscribed his name to the annexed instrument as *President* of the said
 Pritchard Holdings Ltd. and affixed the seal of the
 Pritchard Holdings Ltd.
 to the said Instrument, that he was first duly authorized to subscribe his name as aforesaid, and affix the said seal to
 the said Instrument, and that such corporation is legally entitled to hold and dispose of land in the Province of
 British Columbia.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,
 at *Kelowna* in the Province of
 British Columbia, this *30th* day of *November*
 one thousand nine hundred and *Seventy-eight*

[Signature]
 A Notary Public in and for the Province of British Columbia.
 A Commissioner for taking Affidavits for British Columbia.

*E—WHERE THE PERSON MAKING THE ACKNOWLEDGMENT IS PERSONALLY KNOWN TO THE OFFICER TAKING THE SAME, STRIKE OUT THE WORDS IN BRACKETS.

CONSENT

KNOW ALL MEN by these presents that:

THE ROYAL BANK OF CANADA of
510 Bernard Avenue, Kelowna, B.C. being
the holders of a charge by way of mortgage registered
in the Land Registry Office at Kamloops under
Number L31952 against all and singular that certain parcel of
tract of land and premises being in the City of Kelowna
in the Province of British Columbia and known and described as:

Firstly: Lots 2, 3, 4, 5, and 6,
Section 17
Township 23
Osoyoos Division Yale District
Plan 17310

Secondly: Lot 7
Section 17 and 20
Township 23
Osoyoos Division Yale District
Plan 17310

in consideration of the sum of One Dollar (\$1.00) hereby agrees and consents
to the registration of a Land Use Contract, made between the Registered Owner
of the said Lands and the City of Kelowna dated the

day of _____ 197 , against the aforementioned

Lands in priority to the said charge in the same manner and to the same effect
as if it had been dated and registered prior to the said charges.

IN WITNESS WHEREOF The Royal Bank of Canada has caused these presents to be
signed by its duly authorized attorneys in that behalf at Vancouver, B.C. this
23rd day of October, 1978.

SIGNED, SEALED AND DELIVERED
in the presence of:

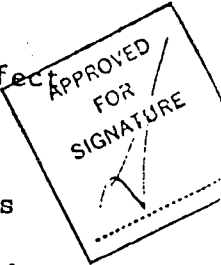
Doreen Ann Wymann

DOREEN ANN WYMAN
208 - 2275 OXFORD STREET
VANCOUVER, B.C.

SECRETARY

THE ROYAL BANK OF CANADA by its
lawful attorneys:

[Signature]



STATUTORY DECLARATION OF ATTORNEYS

We, Harvey Thomas Botham and Clive Roland Schindler
of the City of Vancouver in the Province of British Columbia.

SEVERALLY DO SOLEMNLY DECLARE:

1. That we are the attorneys for The Royal Bank of Canada.
2. That we are the persons who subscribed the name of The Royal Bank of Canada in the annexed instrument as the maker thereof.
3. That at the time of the execution of the said instrument the power of attorney had not been revoked by or on behalf of The Royal Bank of Canada and we had not received any notice or information of the bankruptcy or dissolution of The Royal Bank of Canada.
4. That we know the contents of the said instrument and subscribed the name of the said The Royal Bank of Canada thereto voluntarily as the free act and deed of the said The Royal Bank of Canada.

AND WE make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act".

SEVERALLY DECLARED before me at the City
of Vancouver, in the Province of British Columbia,

this 23rd day of October A.D. 19 78.

H. W. Henson
A Commissioner for taking affidavits within British Columbia

H. W. HENSON

[Signature]
[Signature]

CONSENT

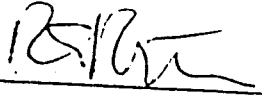
KNOW ALL MEN by these presents that:

WALLACE CORMACK BENNETT of
Post Office Box 169, Kelowna, British Columbia being
the holder of a charge by way of Mortgage registered
in the Land Registry Office at Kamloops under
Number K1578 against all and singular that certain parcel or
tract of land and premises being in the City of Kelowna
in the Province of British Columbia and known and described as:


Lots Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7)
Sections Seventeen (17) and Twenty (20),
Township Twenty-three (23)
Osoyoos Division Yale District
Plan Seventeen Thousand Three Hundred and Ten (17310)

in consideration of the sum of One Dollar (\$1.00) hereby agrees and consents
to the registration of a Land Use Contract, made between the registered owner
of the said Lands and the City of Kelowna dated
the 23rd day of October, 1978, against the aforementioned Lands in priority
to the said charge in the same manner and to the same effect as if it had been
dated and registered prior to the said charges.

SIGNED, SEALED AND DELIVERED
in the presence of:



Name _____)
F. S. POWER)
BARRISTER & SOLICITOR)
Address 346 Lawrence Avenue)
KELOWNA, B.C.)
Occupation _____)


Wallace Cormack Bennett

Acknowledgment of Maker

I HEREBY CERTIFY that, on the
Kelowna

27th

day of November, 19 78, at
in the Province of British Columbia

WALLACE CORMACK BENNETT

~~Oath of Oath~~

before me and acknowledged to me that he is the person
maker thereof, and whose name is subscribed thereto as party
thereof, and that he has executed the same voluntarily, and

(whose identity has been proved by the evidence on ~~oath~~
) , who is personally known to me, appeared
mentioned in the annexed instrument as the
that he know S the contents
is of the full age of nineteen years.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,
at Kelowna in the Province of
British Columbia, this 27th day of November 1978 .

Robert Stuart Porter

~~A Notary Public in and for the Province of British Columbia.
A Commissioner for taking Affidavits for British Columbia.~~

ROBERT STUART PORTER

NOTE.—Where the person making the acknowledgement is personally known to the officer taking the same, strike out the words in brackets.

CONSENT

KNOW ALL MEN by these presents that:

BERENICE MARTHA BENNETT

of

Post Office Box 169, Kelowna, British Columbia

being

the holder of a charge by way of Mortgage registered
in the Land Registry Office at Kamloops under
Number K1578 against all and singular that certain parcel or
tract of land and premises being in the City of Kelowna
in the Province of British Columbia and known and described as:

Lots Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7)
Sections Seventeen (17) and Twenty (20)
Township Twenty-three (23)
Osoyoos Division Yale District
Plan Seventeen Thousand Three Hundred and Ten (17310)

in consideration of the sum of One Dollar (\$1.00) hereby agrees and consents
to the registration of a Land Use Contract, made between the registered owner
of the said Lands and the City of Kelowna dated
the 23rd day of October, 1978, against the aforementioned Lands in priority
to the said charge in the same manner and to the same effect as if it had been
dated and registered prior to the said charges.

SIGNED, SEALED AND DELIVERED
in the presence of:

Name

R. S. [Signature]

Address

R. S. [Signature]
BARRISTER & SOLICITOR
346 Lawrence Avenue
KELOWNA, B.C.

Occupation

B.M. Bennett
Berenice Martha Bennett

CONSENT

KNOW ALL MEN by these presents that:

JEAN ELIZABETH MORRIS

_____ of
P.O. 169 KELLOWNA B.C. being
the holder of a charge by way of MORTGAGE registered
in the Land Registry Office at KAMLOOPS B.C. under
Number K1578 against all and singular that certain parcel or
tract of land and premises being in the CITY OF KELLOWNA B.C.
in the Province of British Columbia and known and described as:

LOTS - 2, 3, 4, 5, 6, 7.

SECTION - 17 AND 20.

TOWNSHIP - 23.

OSOYOOS DIVISION YALE DISTRICT.

PLAN - 17310.

in consideration of the sum of One Dollar (\$1.00) hereby agrees and consents
to the registration of a Land Use Contract, made between the registered owner
of the said Lands and the CITY OF KELLOWNA B.C. dated
the 23 day of OCT. 1978, against the aforementioned Lands in priority
to the said charge in the same manner and to the same effect as if it had been
dated and registered prior to the said charges.

SIGNED, SEALED AND DELIVERED

IN THE PRESENCE OF:

Wayne Mullins

200-4545 KINGSWAY

BURNABY, B.C.

SOLICITOR

Jean Elizabeth Morris
JEAN ELIZABETH MORRIS

This is Schedule "I" to a Land Use Contract Modification Agreement between City of Kelowna and Pritchard Holdings Ltd., dated the _____ day of _____ A.D., 1978.

MP

SCHEDULE "I"

CONSTRUCTION REQUIREMENTS

The quality of material and workmanship provided for all utilities and services shall be equivalent to City of Kelowna Standards and as approved by the City Engineer.

Construction requirements shall include:

BENNETT ROAD - from McKinley Road south, to the southerly boundary of the development and more particularly:

- (a) Reconstruct the Bennett Road-McKinley Road intersection.
- (b) Curb and gutter on both sides. (See note on page 3 hereof).
- (c) Twenty-eight foot (28') width hot mix asphaltic concrete. (See note below).
Forty-four foot (44') radius paved turnaround complete with an eighteen foot (18') radius traffic island at the south end.
 -) Rough grade the boulevard.
 -) Approved drainage facilities.
 -) Fire protection (hydrants).
 - i) Underground wiring (power and communication).
 - i) Street lighting at the corner of Bennett Road and McKinley Landing Road, at the north corner of Lot 27, at the north corner of Lot 12, and at the end of the cul-de-sac on Bennett Road.
 - (j) Traffic control and street name signs.

NOTE: Bennett Road from McKinley Road, south to the intersection of Lot 5 and Bennett Road and more particularly:

eighteen foot (18') width of hot mix asphaltic concrete

The above eighteen foot (18') construction must be completed prior to November 15, 1978, and be bonded in the form of a Letter of Credit in the amount of Thirty-One Thousand Two Hundred and Fifty Dollars (\$31,250.00) before final reading of the By-Law.

MP

PALY ROAD - from Bennett Road in a southerly direction to the cul-de-sac and more particularly:

- (a) Curb and gutter on both sides.
- (b) Twenty-five foot (25') width hot mix asphaltic concrete.
- (c) Forty-four foot (44') radius paved turnaround complete with an eighteen foot (18') radius traffic island centered on the bulb.
- (d) Rough grade the boulevard areas.
- (e) Approved drainage facilities.
- (f) Domestic water system.
- (g) Fire protection (hydrants).
- (h) Underground wiring (power and communication).
- (i) Street lighting at the end of the cul-de-sac on Paly Road.
- (j) Traffic control and street name signs.

PRIVATE ACCESS ROAD - from the south end of Paly Road south for a distance of 600' ±.

- A) Eighteen foot (18') hot mix asphaltic concrete centered on a twenty-two foot (22') surface.
- B) Approved drainage facilities.
- C) Traffic control signs.

PRIVATE ACCESS ROAD - serving the southerly lots on the east side of Bennett Road.

- A) Eighteen foot (18') hot mix asphaltic concrete centered on a twenty-two foot (22') surface.
- B) Approved drainage facilities.
- C) Traffic control sign.

PRIVATE ACCESS ROAD - serving the northerly lots on the east side of Paly Road.

- A) Twelve foot (12') hot mix asphaltic concrete centered on a sixteen foot (16') surface.
- B) Approved drainage facilities.
- C) Traffic control sign.

WALKWAY - at the southerly end of Paly Road west to Bennett Road.

WUP

- (a) Construct and pave a ten foot (10') width.
- (b) Traffic control sign "Walkway".

LOTS 3 AND 5, PLAN 17310 AS SHOWN ON SCHEDULE "A"

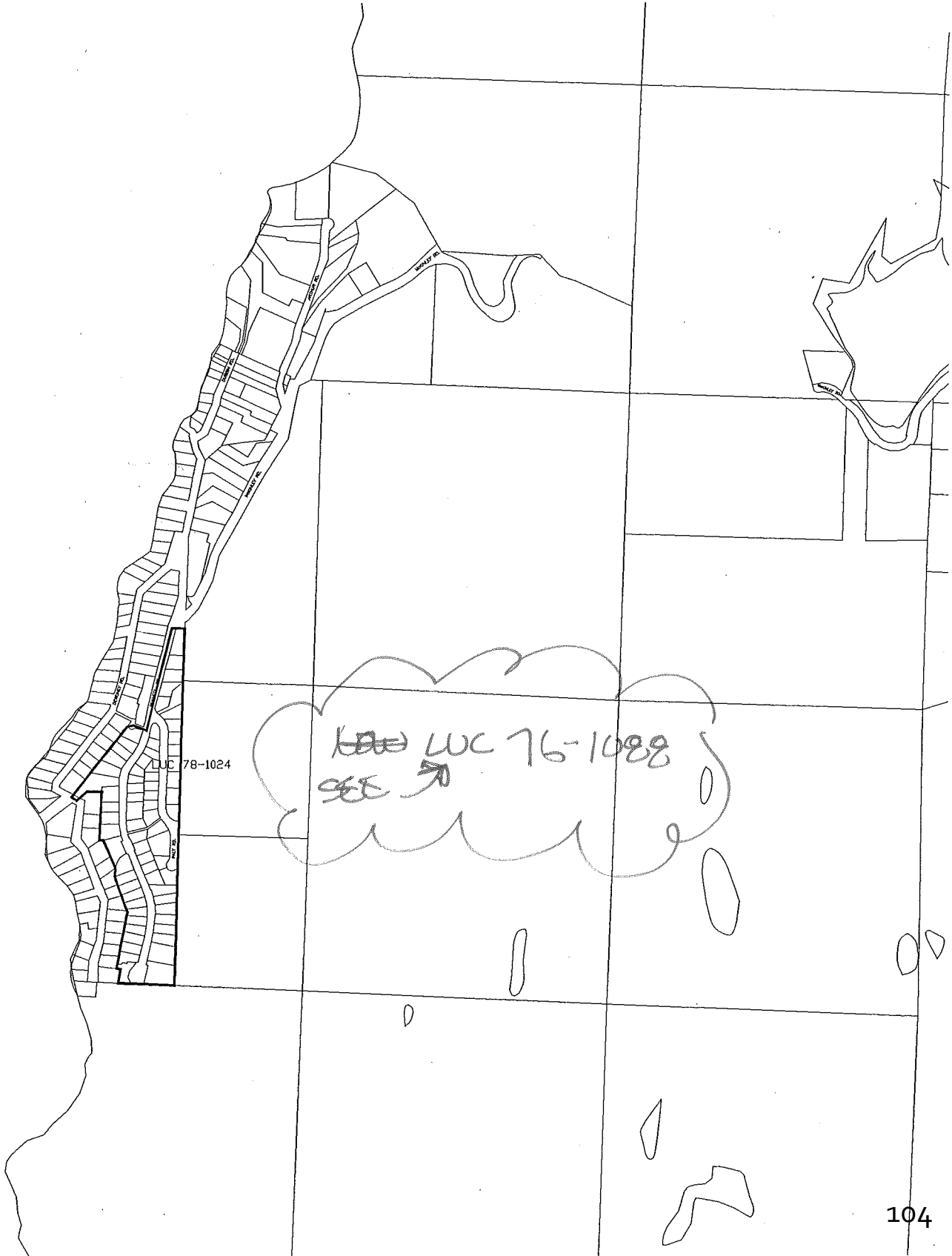
That Lots 3 and 5, Plan 17310, remain as private roads (with right of access for all abutting property owners), and that the road surfaces be paved to appropriate standards, as approved by the Director of Engineering, for this type of road.

WUP

CURB AND GUTTER ON BOTH SIDES OF BENNETT ROAD

WUP

The provision of curb and gutter on both sides of Bennett Road from the north property line of proposed Lot 1, south, to the termination point of Bennett Road will be accomplished by the Developer ~~petitioning the City for a Local Improvement By-Law. The Developer covenants and agrees to petition the City pursuant to Part XVI of the Municipal Act to have the works done by Local Improvement and such petition shall be sufficient pursuant to Section 592 of the Municipal Act and shall be delivered to the Clerk of the Municipality prior to the final adoption of this By-Law.~~ petitioning the City for a Local Improvement By-Law for the portion of the said works fronting the land and by paying for the construction of the curb and gutter on the west side of Bennett Road from the north property line of the proposed Lot 1 on the west side of Bennett Road north to a point opposite the north boundary of Lot 7, Plan 17310 within sixty (60) days of completion of work by the City.



LUC 78-1024

~~LUC~~ LUC 76-1088
SEE →

BY-LAW NO. 4666

LAND USE CONTRACT
NO. 78-1024

NAME: PRITCHARD HOLDINGS LTD.

LOCATION: BENNETT RD. (MCKINDLEY)

AMENDMENTS:

BY-LAW/DP/DVP NO.	DATE	LEGAL	COMMENTS
BY-LAW 5033-80	80.11.03	N $\frac{1}{2}$ of E $\frac{1}{2}$ of NW $\frac{1}{4}$	Sec 17, Twp. 23
SEE B/LAW 4194 (276-1088) FOR COMPLETE L.U.C.			
Lot 4	31701	23-17	

QUIT CLAIMS:

BY-LAW NO. DATE LEGAL COMMENTS

COMMENTS

4666 Amended 4194

CITY OF KELOWNA

BY-LAW NO. 4666-78

(Pritchard Holdings Ltd. Land Use Contract Modification Agreement
Authorizing By-Law - LUC78-1024 - McKinley Landing)

WHEREAS Subsection (3) of Section 702A of the "Municipal Act", being Chapter 255 of the Revised Statutes of British Columbia, 1960, provides in part that the Council may, by by-law, notwithstanding any by-law of the Municipality, or Section 712 or 713 of the "Municipal Act", enter into a land use contract containing such terms and conditions for the use and development of the land as may be mutually agreed upon, and thereafter the use and the development of the land shall, notwithstanding any by-law of the municipality, or Section 712 or 713 of the said Act, be in accordance with the Land Use Contract;

AND WHEREAS the Municipal Council of the City of Kelowna is desirous of entering into a Land Use Contract with Pritchard Holdings Ltd, of 1630 Ellis Street, Kelowna, B.C.;

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

1. The Municipal Council of the City of Kelowna hereby authorizes the City of Kelowna to enter into a Land Use Contract with Pritchard Holdings Ltd., 1630 Ellis Street, Kelowna, B.C., in the form of Land Use Contract attached hereto and forming part of this by-law.
2. His Worship the Mayor and the City Clerk are hereby authorized to sign the attached Land Use Contract as well as any conveyances, deeds, receipts, and other documents in connection with the attached Land Use Contract and affix the corporate Seal of the City of Kelowna to same.

Read a first time by the Municipal Council this 26th day of September , 1978.

Considered at Public Hearing on the 10th day of October, 1978.

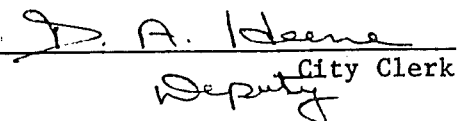
Read a second time by the Municipal Council this 10th day of October , 1978.

Read a third time by the Municipal Council this 10th day of October , 1978.

Reconsidered, finally passed and adopted by the Municipal Council of the City of Kelowna this 19th day of December , 1978.



Mayor


Deputy City Clerk

THIS AGREEMENT made the 23rd day of October , A.D., 1978.

BETWEEN:

CITY OF KELOWNA

a municipal corporation having its
municipal offices at 1435 Water Street,
in the City of Kelowna, Province of
British Columbia

(hereinafter called the "Municipality")

OF THE FIRST PART

AND:

PRITCHARD HOLDINGS LTD.

(Incorporation No. 125972)

a body corporate duly incorporated
under the laws of the Province of
British Columbia having its registered
office at 1630 Ellis Street, in the
City of Kelowna, Province of British
Columbia

(hereinafter called the "Developer")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of an estate in fee simple of ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Kelowna, in the Province of British Columbia and being more particularly known and described as:

Firstly: Lot 7
 Sections 17 and 20
 Township 23
 Osoyoos Division Yale District
 Plan 17310

Secondly: Lots 2, 4 and 6
 Section 17
 Township 23
 Osoyoos Division Yale District
 Plan 17310

(hereinafter called the "Land")

AND WHEREAS the Municipality and the Developer have entered into a land use contract respecting the Land which said Land Use Contract was registered in the Land Registry Office at the City of Kamloops, in the Province of British Columbia on the 17th day of May, A.D., 1977 under number M27805;

AND WHEREAS the Developer has applied to the Municipality for a modification of the Land Use Contract as hereinafter appearing;

AND WHEREAS the Municipality and the Developer mutually acknowledge and agree that the Council of the Municipality cannot enter into this Agreement for the modification of the said Land Use Contract until the Council has held a public hearing thereon in the manner prescribed by law, has duly considered the representations made and the opinions expressed at such hearing and unless a majority of all of the members of Council present at the meeting and entitled to vote on the authorizing by-law, vote in favour of the Municipality entering into this Agreement for the modification of the said Land Use Contract;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the conditions and covenants hereinafter set forth the Municipality and the Developer covenant and agree as follows:

1. The said Land Use Contract is amended and modified by deleting therefrom Schedule "C" thereof and by substituting therefor the Schedule attached hereto and marked Schedule "1" and forming a part hereof.
2. The Developer has obtained the consent of all persons holding any registered interest in the Land as set out in the Schedule of Consents set forth herein which consents are attached hereto.
3. It is understood and agreed that the Municipality has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Developer other than those contained in this Agreement and in the said Land Use Contract.
4. This Agreement shall have the force and effect of a restrictive covenant running with the Land and shall, when registered in the Land Registry Office by the Municipality pursuant to the provisions of Section 702A(4) of the Municipal Act, be construed as an amendment and modification to the Land Use Contract hereinbefore described.
5. Wherever the singular or masculine is used herein the same shall be construed as meaning the plural, feminine or body corporate or politic where the parties so require.

DM

6. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

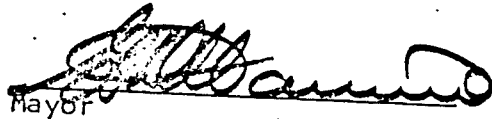
A public hearing on this Agreement was held on the _____ day of _____, A.D., 1978.

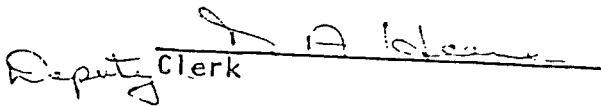
The terms of this Contract were approved by the Ministry of Highways and Public Works on the _____ day of _____, A.D., 1978.

This Agreement was approved on the _____ day of _____, A.D., 1978 by a majority vote of all the members of the Council present at the meeting at which the vote was taken and entitled to vote on the authorizing by-law.


IN WITNESS WHEREOF the said parties to this Agreement have hereunto set their hands and seals the day and year first above written.

THE CORPORATE SEAL OF THE CITY OF KELOWNA was hereunto affixed in the presence of:


Mayor


Deputy Clerk

THE CORPORATE SEAL OF PRITCHARD HOLDINGS LTD. was hereunto affixed in the presence of its proper officers in that behalf:


PRESIDENT

12/27/78

Acknowledgment of Officer of a Corporation

I HEREBY CERTIFY that, on the 30th day of November, 19 78
 at Kelowna, in the Province of British Columbia,
 Dudley Acheson Pritchard (whose identity has been proved by the evidence on
 oath of , who is) personally known to me,
 appeared before me and acknowledged to me that he is the President of
 Pritchard Holdings Ltd. , and that he is the person
 who subscribed his name to the annexed instrument as *President* of the said
 Pritchard Holdings Ltd. and affixed the seal of the
 Pritchard Holdings Ltd.
 to the said Instrument, that he was first duly authorized to subscribe his name as aforesaid, and affix the said seal to
 the said Instrument, and that such corporation is legally entitled to hold and dispose of land in the Province of
 British Columbia.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,
 at *Kelowna* in the Province of
 British Columbia, this *30th* day of *November*
 one thousand nine hundred and *seventy-eight*

 A Notary Public in and for the Province of British Columbia.
 A Commissioner for taking Affidavits for British Columbia.

*E-WHERE THE PERSON MAKING THE ACKNOWLEDGMENT IS PERSONALLY KNOWN TO THE OFFICER TAKING THE SAME, STRIKE OUT THE WORDS IN BRACKETS.

CONSENT

KNOW ALL MEN by these presents that:

THE ROYAL BANK OF CANADA of
510 Bernard Avenue, Kelowna, B.C. being
the holders of a charge by way of mortgage registered
in the Land Registry Office at Kamloops under
Number L31952 against all and singular that certain parcel of
tract of land and premises being in the City of Kelowna
in the Province of British Columbia and known and described as:

Firstly: Lots 2, 3, 4, 5, and 6,
 Section 17
 Township 23
 Osoyoos Division Yale District
 Plan 17310

Secondly: Lot 7
 Section 17 and 20
 Township 23
 Osoyoos Division Yale District
 Plan 17310

in consideration of the sum of One Dollar (\$1.00) hereby agrees and consents
to the registration of a Land Use Contract, made between the Registered Owner
of the said Lands and the City of Kelowna dated the
day of _____ 197 , against the aforementioned

Lands in priority to the said charge in the same manner and to the same effect

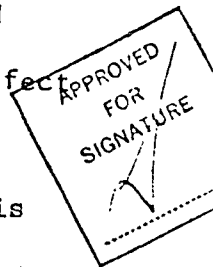
as if it had been dated and registered prior to the said charges.
IN WITNESS WHEREOF The Royal Bank of Canada has caused these presents to be
signed by its duly authorized attorneys in that behalf at Vancouver, B.C. this
23rd day of October, 1978.

SIGNED, SEALED AND DELIVERED
in the presence of:

Doreen A. Weyman
DOREEN ANN WYMAN
208-2275 OXFORD STREET
VANCOUVER, B.C.
SECRETARY

THE ROYAL BANK OF CANADA by its
lawful attorneys:

[Signature]



STATUTORY DECLARATION OF ATTORNEYS

We, Harvey Thomas Botham and Clive Roland Schindler

of the City of Vancouver in the Province of British Columbia,

SEVERALLY DO SOLEMNLY DECLARE:

1. That we are the attorneys for The Royal Bank of Canada.
2. That we are the persons who subscribed the name of The Royal Bank of Canada in the annexed instrument as the maker thereof.
3. That at the time of the execution of the said instrument the power of attorney had not been revoked by or on behalf of The Royal Bank of Canada and we had not received any notice or information of the bankruptcy or dissolution of The Royal Bank of Canada.
4. That we know the contents of the said instrument and subscribed the name of the said The Royal Bank of Canada thereto voluntarily as the free act and deed of the said The Royal Bank of Canada.

AND WE make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act".

SEVERALLY DECLARED before me at the City of Vancouver, in the Province of British Columbia,

this 23rd day of October A.D. 19 78.

H. W. Henson

A Commissioner for taking affidavits within British Columbia

H. W. HENSON

[Signature]

[Signature]

CONSENT

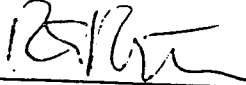
KNOW ALL MEN by these presents that:


WALLACE CORMACK BENNETT of
Post Office Box 169, Kelowna, British Columbia being
the holder of a charge by way of Mortgage registered
in the Land Registry Office at Kamloops under
Number K1578 against all and singular that certain parcel or
tract of land and premises being in the City of Kelowna
in the Province of British Columbia and known and described as:

Lots Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7)
Sections Seventeen (17) and Twenty (20),
Township Twenty-three (23)
Osoyoos Division Yale District
Plan Seventeen Thousand Three Hundred and Ten (17310)

in consideration of the sum of One Dollar (\$1.00) hereby agrees and consents
to the registration of a Land Use Contract, made between the registered owner
of the said Lands and the City of Kelowna dated
the 23rd day of October, 1978, against the aforementioned Lands in priority
to the said charge in the same manner and to the same effect as if it had been
dated and registered prior to the said charges.

SIGNED, SEALED AND DELIVERED
in the presence of:


Name R. S. FOWLER
BARRISTER & SOLICITOR
Address 346 Lawrence Avenue
KELOWNA, B.C.
Occupation _____


Wallace Cormack Bennett

CONSENT

KNOW ALL MEN by these presents that:

BERENICE MARTHA BENNETT of

Post Office Box 169, Kelowna, British Columbia being

the holder of a charge by way of Mortgage registered

in the Land Registry Office at Kamloops under

Number K1578 against all and singular that certain parcel or tract of land and premises being in the City of Kelowna

in the Province of British Columbia and known and described as:

Lots Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7)
Sections Seventeen (17) and Twenty (20)
Township Twenty-three (23)
Osoyoos Division Yale District
Plan Seventeen Thousand Three Hundred and Ten (17310)

in consideration of the sum of One Dollar (\$1.00) hereby agrees and consents to the registration of a Land Use Contract, made between the registered owner of the said Lands and the City of Kelowna dated the 23rd day of October, 1978, against the aforementioned Lands in priority to the said charge in the same manner and to the same effect as if it had been dated and registered prior to the said charges.

SIGNED, SEALED AND DELIVERED
in the presence of:

Name

R. S. P. 187
BARRISTER & SOLICITOR

Address

346 Lawrence Avenue
KELOWNA, B.C.

Occupation

B.M. Bennett
Berenice Martha Bennett

Acknowledgment of Maker

I HEREBY CERTIFY that, on the
Kelowna

27th

day of November, 19 78, at
, in the Province of British Columbia

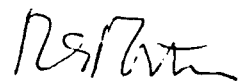
WALLACE CORMACK BENNETT

~~oath of Kev~~

before me and acknowledged to me that he is the person
maker thereof, and whose name is subscribed thereto as party
thereof, and that he has executed the same voluntarily, and

(whose identity has been proved by the evidence on ~~oath~~ ✓
) , who is personally known to me, appeared
mentioned in the annexed instrument as the
that he know s the contents
is of the full age of nineteen years.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,
at Kelowna in the Province of
British Columbia, this 27th day of November 1978 .



~~A Notary Public in and for the Province of British Columbia.~~
A Commissioner for taking Affidavits for British Columbia.
ROBERT STUART PORTER

NOTE.—Where the person making the acknowledgement is personally known to the officer taking the same, strike out the words in brackets.

CONSENT

KNOW ALL MEN by these presents that:

JEAN ELIZABETH MORRIS

_____ of
P.O. 169 KELOWNA B.C. being
the holder of a charge by way of MORTGAGE registered
in the Land Registry Office at Kamloops B.C. under
Number K1578 against all and singular that certain parcel or
tract of land and premises being in the CITY of KELOWNA B.C.
in the Province of British Columbia and known and described as:

LOTS - 2, 3, 4, 5, 6, 7.
SECTION - 17 AND 20.
TOWNSHIP - 23.
OSOYOOS DIVISION YALE DISTRICT.
PLAN - 17310.

in consideration of the sum of One Dollar (\$1.00) hereby agrees and consents
to the registration of a Land Use Contract, made between the registered owner
of the said Lands and the CITY of KELOWNA B.C. dated
the 23 day of OCT. 1978, against the aforementioned Lands in priority
to the said charge in the same manner and to the same effect as if it had been
dated and registered prior to the said charges.

SIGNED, SEALED AND DELIVERED }
IN THE PRESENCE OF :
Wayne Mullins
200 - 4545 KINGSWAY
BURNABY, B.C.
SOLICITOR

Jean Elizabeth Morris
JEAN ELIZABETH MORRIS

Acknowledgment of Maker

I HEREBY CERTIFY that, on the 28th day of NOVEMBER, 19 78, at
~~Kelowna~~ BURNABY, in the Province of British Columbia

JEAN ELIZABETH MORRIS

~~(whose identity has been proved by the evidence on oath of~~
) who is personally known to me, appeared
before me and acknowledged to me that she is the person mentioned in the annexed instrument as the
maker thereof, and whose name is subscribed thereto as party that she knows the contents
thereof, and that she has executed the same voluntarily, and is of the full age of nineteen years.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,
at ~~Kelowna~~ BURNABY in the Province of
British Columbia, this 28th day of NOVEMBER 1978.

Wayne Mullins

A Notary Public in and for the Province of British Columbia.
A Commissioner for taking Affidavits for British Columbia.

NOTE.—Where the person making the acknowledgement is personally known to the officer taking the same, strike out the words in brackets.

This is Schedule "I" to a Land Use Contract Modification Agreement between City of Kelowna and Pritchard Holdings Ltd., dated the _____ day of _____, 1978.

12/2

SCHEDULE "I"

CONSTRUCTION REQUIREMENTS

The quality of material and workmanship provided for all utilities and services shall be equivalent to City of Kelowna Standards and as approved by the City Engineer.

Construction requirements shall include:

BENNETT ROAD - from McKinley Road south, to the southerly boundary of the development and more particularly:

- (a) Reconstruct the Bennett Road-McKinley Road intersection.
- (b) Curb and gutter on both sides. (See note on page 3 hereof).
- (c) Twenty-eight foot (28') width hot mix asphaltic concrete. (See note below).
- (d) Forty-four foot (44') radius paved turnaround complete with an eighteen foot (18') radius traffic island at the south end.
- (e) Rough grade the boulevard.
- (f) Approved drainage facilities.
- (g) Fire protection (hydrants).
- (h) Underground wiring (power and communication).
- (i) Street lighting at the corner of Bennett Road and McKinley Landing Road, at the north corner of Lot 27, at the north corner of Lot 12, and at the end of the cul-de-sac on Bennett Road.
- (j) Traffic control and street name signs.

NOTE: Bennett Road from McKinley Road, south to the intersection of Lot 5 and Bennett Road and more particularly:

eighteen foot (18') width of hot mix asphaltic concrete

The above eighteen foot (18') construction must be completed prior to November 15, 1978, and be bonded in the form of a Letter of Credit in the amount of Thirty-One Thousand Two Hundred and Fifty Dollars (\$31,250.00) before final reading of the By-Law.

12/2

PALY ROAD - from Bennett Road in a southerly direction to the cul-de-sac and more particularly:

- (a) Curb and gutter on both sides.
- (b) Twenty-five foot (25') width hot mix asphaltic concrete.
- (c) Forty-four foot (44') radius paved turnaround complete with an eighteen foot (18') radius traffic island centered on the bulb.
- (d) Rough grade the boulevard areas.
- (e) Approved drainage facilities.
- (f) Domestic water system.
- (g) Fire protection (hydrants).
- (h) Underground wiring (power and communication).
- (i) Street lighting at the end of the cul-de-sac on Paly Road.
- (j) Traffic control and street name signs.

PRIVATE ACCESS ROAD - from the south end of Paly Road south for a distance of 600' ±.

- A) Eighteen foot (18') hot mix asphaltic concrete centered on a twenty-two foot (22') surface.
- B) Approved drainage facilities.
- C) Traffic control signs.

PRIVATE ACCESS ROAD - serving the southerly lots on the east side of Bennett Road.

- A) Eighteen foot (18') hot mix asphaltic concrete centered on a twenty-two foot (22') surface.
- B) Approved drainage facilities.
- C) Traffic control sign.

PRIVATE ACCESS ROAD - serving the northerly lots on the east side of Paly Road.

- A) Twelve foot (12') hot mix asphaltic concrete centered on a sixteen foot (16') surface.
- B) Approved drainage facilities.
- C) Traffic control sign.

WALKWAY - at the southerly end of Paly Road west to Bennett Road.

11/17

- (a) Construct and pave a ten foot (10') width.
- (b) Traffic control sign "Walkway".

LOTS 3 AND 5, PLAN 17310 AS SHOWN ON SCHEDULE "A"

That Lots 3 and 5, Plan 17310, remain as private roads (with right of access for all abutting property owners), and that the road surfaces be paved to appropriate standards, as approved by the Director of Engineering, for this type of road.

11/17

CURB AND GUTTER ON BOTH SIDES OF BENNETT ROAD

The provision of curb and gutter on both sides of Bennett Road from the north property line of proposed Lot 1, south, to the termination point of Bennett Road will be accomplished by the Developer ~~petitioning the City for a Local Improvement By-Law.~~ The Developer covenants and agrees to petition the City pursuant to Part XVI of the Municipal Act to have the works done by Local Improvement and such petition shall be sufficient pursuant to Section 592 of the Municipal Act and shall be delivered to the Clerk of ~~the Municipality prior to the final adoption of this By-Law.~~ petitioning the City for a Local Improvement By-Law for the portion of the said works fronting the land and by paying for the construction of the curb and gutter on the west side of Bennett Road from the north property line of the proposed Lot 1 on the west side of Bennett Road north to a point opposite the north boundary of Lot 7, Plan 17310 within sixty (60) days of completion of work by the City.

11/17

Land Use Contract containing such terms and conditions for the use and development of the land as may be mutually agreed upon, and thereafter the use and development of the land shall, notwithstanding any by-law of the municipality, or Section 712 or 713 of the said Act, be in accordance with the Land Use Contract;

AND WHEREAS the Municipal Council of the City of Kelowna is desirous of entering into a Land Use Contract with Pritchard Holdings Limited, 1630 Ellis Street, Kelowna, B.C.

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

1. The Municipal Council of the City of Kelowna hereby authorizes the City of Kelowna to enter into a Land Use Contract with Pritchard Holdings Limited, 1630 Ellis Street, Kelowna, B.C. in the form of Land Use Contract attached hereto and forming part of this By-Law.
2. His Worship the Mayor and the City Clerk are hereby authorized to sign the attached Land Use Contract as well as any conveyances, deeds, receipts and other documents in connection with the attached Land Use Contract and affix the corporate seal of the City of Kelowna to same.
3. This by-law may be cited for all purposes as the "Pritchard Holdings Limited Land Use Contract Authorization By-Law, 1976, No. 4194."

Read a first time by the Municipal Council this 21st day of December, 1976.

Considered at a public hearing on January 18, 1977.


Read a second time by the Municipal Council this 1st day of February, 1977.

Read a third time by the Municipal Council this 1st day of February, 1977.

Reconsidered /

Edi B. King

Acting Mayor



City Clerk

(LUC-76-1088)

of British Columbia

(hereinafter called the "Municipality")

OF THE FIRST PART

AND:

PRITCHARD HOLDINGS LIMITED
(Incorporation No. 125972) a
company duly incorporated under
the laws of the Province of
British Columbia, having its
office at 1630 Ellis Street,
Kelowna, British Columbia

(hereinafter called the "Developer")

OF THE SECOND PART

WHEREAS as a result of the mass rezoning carried out in the City of Kelowna following the boundary extensions to the City of Kelowna the Land was zoned Rural Residential RR-1 Zone but the Council agreed to consider a Land Use Contract to permit the development of the property into a maximum of seventy (70) lots despite the provisions of the zone and so as to preserve the value of the property and to avoid imposing a hardship upon the Developer;

AND WHEREAS it is acknowledged that this Land Use Contract was agreed upon only because of the extraordinary situation arising out of the mass rezoning that Council of the Municipality deemed to injuriously affect the Developer unless this Contract was entered into;

AND WHEREAS Pritchard Holdings Limited is the registered owner in fee of an undivided interest in and to the Land and whose interest is subject to a mortgage in favour of Berenice Martha Bennett, Jean Elizabeth Morris and Wallace Cormack Bennet registered under number K1578 and a mortgage in favour of The Royal Bank of Canada registered under number K1579.

AND WHEREAS the Land has been designated a development area pursuant to Section 702A(2) of the Municipal Act;

AND WHEREAS the Municipal Act requires that the Municipal Council consider the criteria set out in Section 702(2) and 702A(1) in arriving at the terms, conditions and consideration contained in a Land Use Contract;

AND WHEREAS the Developer has presented to the Municipality a scheme of use and development of the within described lands and premises that would be in contravention of the new zoning of the Municipality and has requested that the Council of the Municipality enter into this Contract under the terms, conditions and for the consideration hereinafter set forth;

AND WHEREAS the Council of the Municipality, having given due consideration to the criteria set forth in Sections 702(2) and 702A(1) of the Municipal Act, have agreed to the terms, conditions and considerations herein contained;

AND WHEREAS the Land is within an area of the Municipality designated as the development area pursuant to Section 702A of the Municipal Act;

AND WHEREAS if the Land is within a radius of one-half mile of the intersection of a controlled access highway and another highway, the approval of the Minister of Highways to the terms hereof must be obtained;

AND WHEREAS the Municipality and the Developer both acknowledge that the Council of the Municipality could not enter into this Agreement, until the Council held a public hearing in relation to this Agreement, and considered any opinions expressed at such hearing, and unless two-thirds of all of the members of the Council voted in favour of the Municipality entering into this Contract;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the conditions and covenants hereinafter set forth, the Municipality and the Developer covenant and agree as follows:

ner 1. The Developer is the registered owner of an estate in fee simple of all and singular that certain parcel or tract of land and premises, situate, lying and being in the City of Kelowna in the Province of British Columbia, and being more particularly known and described as:

registered interest in the Land as set out in the schedule prefacing the consents to the use and development set forth herein which consents are attached hereto.

Development

3. The Land may be subdivided into a maximum of seventy (70) lots generally as shown on Schedules "A" and "B" annexed hereto, provided each lot and the entire subdivision meet all of the requirements of the Medical Health Officer and all by-laws and policies of the Municipality in effect as at the date of application for preliminary approval of such subdivision except as herein specifically provided. Should the Developer wish to develop the property by phases he shall first file with the Municipality a plan of the entire development and providing such entire development is given preliminary approval by the Municipality he may develop the proposed subdivision by phases provided each phase is in compliance with the approved plans of the entire proposed development and each phase meets the requirements of all the by-laws and policies of the Municipality except as herein specifically provided and all other lawful requirements.

Compliance

4. It is understood and agreed that any development of the Land done by the Developer shall be subject to and in compliance with the by-laws and regulations of the Municipality in effect as at the date of application for preliminary approval of any subdivision of the Land and that the only exception granted to any by-laws or policies of the Municipality by this Contract is the development of the Land into a maximum of seventy (70) lots as permitted in the immediately preceding section.

Construction

5. The Land shall be developed strictly in accordance with the construction requirements annexed hereto as Schedule "C".

Represent-
tation

6. It is understood and agreed that the Municipality has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Developer other than those in this Contract.

Registration

7. This Agreement shall be construed as running with the Land and shall be registered in the Land Registry Office by the Municipality pursuant to the provisions of Section 702A(4) of the Municipal Act.

DEDICATION

7A. ~~The Developer shall dedicate as highway Lots 3 and 5, Plan 17310 as shown on Schedule "A". The roadways constructed upon the lots shall be upgraded at the expense of the Developer to the standards set out in Schedule "C" hereto. Following dedication and construction to the standards set out in Schedule "C" these roadways will be maintained by the Municipality but only to that standard as is required for roads of a similar nature constructed out of general revenue funds.~~

PROSPECTUS

7B. The Developer shall insert in large bold type in the prospectus for the Land required by the Real Estate Act of the Province of British Columbia, the following statement, "Prospective purchasers of the lots in this subdivision are cautioned that this development is located in a rural area of the City of Kelowna, and that normal urban services, including but not restricted to sanitary sewage collection and treatment, public transportation, recreational services, upgrading of arterial roads, snow removal and street cleaning, cannot be expected."

Suits Allowed

Interpretation
Uses

8. Whenever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

9. For the purpose of determining the use of land, including the surface of water, buildings and structures within the Land and the regulation of the size, shape and siting of buildings and structures and the provision of off-street parking and other zoning regulations the Land shall be deemed to be zoned R-1 - Single Family Residential as described in the new City of Kelowna Zoning By-law, a copy of which regulations are annexed hereto as Schedule "D" and the Land shall be used and developed strictly in compliance with such regulations.

Incorporation

10. Schedule "D" hereinbefore referred to is hereby incorporated into and made a part of this Agreement.

Legal Fees

11. The Developer agrees to pay all of the legal costs incurred by the Municipality in the preparation of this Contract.

Binding

12. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

A public hearing on this Contract was held on the _____ day of _____, 1976.

THIS AGREEMENT WAS APPROVED by the affirmative vote of at least two-thirds of all the members of the Council of the Municipality present at the meeting on the _____ day of _____, 1976.

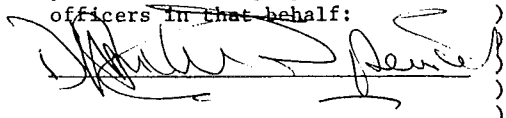
IN WITNESS WHEREOF the said parties to this Agreement have hereunto set their hands and seals the day and year first above written.

THE CORPORATE SEAL OF THE CITY OF KELOWNA was hereunto affixed in the presence of:

Mayor

Clerk

THE CORPORATE SEAL OF PRITCHARD HOLDINGS LIMITED was hereunto affixed in the presence of its proper officers in that behalf:



LAND USE CONTRACT

Schedule of Persons Having a Registered Interest in the Land Whose Consents
are Required.

<u>Full Name</u>	<u>Address</u>	<u>Occupation</u>	<u>Nature of Charge</u>
Berenice Martha Benett) Jean Elizabeth Morris) Wallace Cormack Bennett)			Mortgage
The Royal Bank of Canada			Mortgage

CONSENT

KNOW ALL MEN by these presents that:

_____ THE ROYAL BANK OF CANADA _____ of _____
 _____ being
 the holder of a charge by way of _____ mortgage _____ registered
 in the Land Registry Office at _____ Kamloops _____ under
 Number K1579 _____ against all and singular that certain parcel or
 tract of land and premises being in the _____ City of Kelowna _____
 in the Province of British Columbia and known and described as:

Lots 2,3,4,5,6 and 7
 Sections 17 and 20
 Township 23
 Osoyoos Division
 Yale District
 Plan 17310

in consideration of the sum of One Dollar (\$1.00) hereby agrees and consents
 to the registration of a Land Use Contract, made between the registered owner
 of the said Lands and the _____ City of Kelowna _____ dated
 the _____ day of March, 1976, against the aforementioned Lands in priority
 to the said charge in the same manner and to the same effect as if it had been
 dated and registered prior to the said charges.

THE CORPORATE SEAL OF THE)
 ROYAL BANK OF CANADA was)
 hereunto affixed in the)
 presence of its proper)
 officers in that behalf:)
 _____)
 _____)

IN WITNESS WHEREOF THE ROYAL BANK OF CANADA has caused these presents to be signed by its
 duly authorized attorneys in that behalf at Vancouver, British Columbia, this

..... 8th day of March 19..... 77

SIGNED, SEALED AND DELIVERED
 in the presence of:

..... *V. E. Carter*

.....

THE ROYAL BANK OF CANADA
 by its lawfully authorized attorneys:

[Handwritten Signature]

..... (Witness as to both signatures)

CONSENT

KNOW ALL MEN by these presents that:

BERENICE MARTHA BENNETT, JEAN ELIZABETH MORRIS, WALLACE CORMACK BENNETT of
c/o R.R.1, KELOWNA, BRITISH COLUMBIA being

the holder of a charge by way of _____ mortgage _____ registered
in the Land Registry Office at _____ Kamloops _____ under
Number K1578 against all and singular that certain parcel or
tract of land and premises being in the _____ City of Kelowna _____
in the Province of British Columbia and known and described as:

Lots 2,3,4,5,6 and 7
Sections 17 and 20
Township 23
Osoyoos Division
Yale District
Plan 17310

in consideration of the sum of One Dollar (\$1.00) hereby agrees and consents
to the registration of a Land Use Contract, made between the registered owner
of the said Lands and the _____ City of Kelowna _____ dated
the _____ day of March, 1976, against the aforementioned Lands in priority
to the said charge in the same manner and to the same effect as if it had been
dated and registered prior to the said charges.

SIGNED, SEALED AND DELIVERED)
in the presence of:

Name: RS/WTW

Address: 346 Lawrence
Avenue,
Kelowna, B.C.

Occupation: Solicitor
(as to all three signatures)

B.M. Bennett
BERENICE MARTHA BENNETT

Jean Elizabeth Morris
JEAN ELIZABETH MORRIS

Wallace Cormack Bennett
WALLACE CORMACK BENNETT

Acknowledgment of Maker

I HEREBY CERTIFY that, on the 13th day of April, 1977, at the City of Kelowna in the Province of British Columbia
SERENICE MARTHA BENNETT, JEAN ELIZABETH MORRIS and
WALLACE CORMACK BENNETT (whose identity has been proved by the evidence on oath of the aforesaid parties ~~they/are~~), who is personally known to me, appeared before me and acknowledged to me that ~~they/are~~ the person ~~s~~ mentioned in the annexed instrument as the maker ~~s~~ thereof, and whose name ~~s~~ are subscribed thereto as part ~~ies~~ that ~~they~~ know the contents thereof, and that ~~they~~ executed the same voluntarily, and ~~they/are~~ of the full age of nineteen years.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office, at the City of Kelowna, in the Province of British Columbia, this April, day of seventy-seven. in the year of our Lord one thousand nine hundred and

Robert Stuart Potter
 Robert Stuart Potter
 A Notary Public in and for the Province of British Columbia
 A Commissioner for taking affidavits within British Columbia.

NOTE.—Where the person making the acknowledgement is personally known to the officer taking the same, strike out the words in brackets.

STATUTORY DECLARATION OF ATTORNEYS

We, Thomas Bernard Smith and Joseph Rene Denis Fontaine
of the City of Vancouver in the Province of British Columbia,

SEVERALLY DO SOLEMNLY DECLARE:

1. That we are the attorneys for The Royal Bank of Canada.
2. That we are the persons who subscribed the name of The Royal Bank of Canada in the annexed instrument as the maker thereof.
3. That at the time of the execution of the said instrument the power of attorney had not been revoked by or on behalf of The Royal Bank of Canada and we had not received any notice or information of the bankruptcy or dissolution of The Royal Bank of Canada.
4. That we know the contents of the said instrument and subscribed the name of the said The Royal Bank of Canada thereto voluntarily as the free act and deed of the said The Royal Bank of Canada.

AND WE make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act".

SEVERALLY DECLARED before me at the City
of Vancouver, in the Province of British Columbia,

this 8th day of March A.D. 19 77.

[Signature]
A Commissioner for taking Affidavits within British Columbia

[Signature]
[Signature]

APPEAL NO.: 44

PUBLIC HEARING
TO BY-LAW 4500: January 14, 1976

LEGAL: Lots 2, 3, 4, 5,6 & 7, Sec. 17, Tp. 23 O.D.Y.D.
Plan 17310

APPLICANT: Lupton Agencies
(Pritchard Holdings Limited)

LOCATION: McKinley Landing

Appeal # 44

Lupton Agencies - Pritchard Holdings Ltd.

Draft Land Use Contract drawn up
by J. Galt Wilson.

To date - no separate L. U. C. file
started.

Add Schedule of Construction
requirements
~~the~~ off site

Appeal # 47

Suite 1, 246 Lawrence Avenue
Kelowna, B.C. V1Y 6L3

In Account With

J. GALT WILSON
Barrister & Solicitor

April 5, 1976

City of Kelowna
City Hall
1435 Water Street
Kelowna, B.C.

0114 - City of Kelowna - Land Use Contracts

TO ALL PROFESSIONAL SERVICES
RENDERED, to date, including:

APR 9 1976

to check searches, Skogland, Pritchard Holdings, Blackmore &
McConachie, Lombardy Developments, Vintage Management

to work on Contracts

to telephone call from Lupton Agencies

to work on Skoglund Contract

to work on Lombardy Developments Contract, etc.

to search re R & E and Wrexham Holdings

to drafting of Contracts

to work on R & E Enterprises Contract

to work on Clairex Holdings and Wrexham Holdings Contracts

TO OUR FEES HEREIN

\$704.00

Disbursements:

to payment of 12 searches to Chertkow, Thomas et al

to photocopying

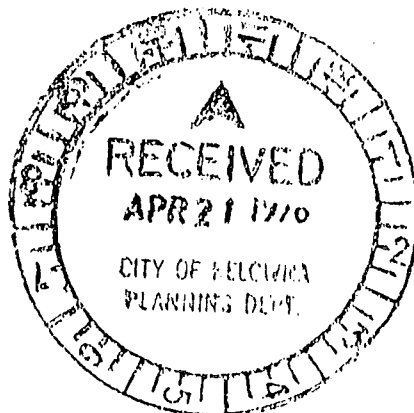
\$132.00

25.60

TO OUR ACCOUNT

[Handwritten signature]

\$861.60



*Approved - Apr. 20/76
CP 3-76*

March 30, 1976.

Lupton Agencies Limited,
6 Shops Capri,
Kelowna, B.C.

Attention: Mr.D.G. McConachie, Pres.

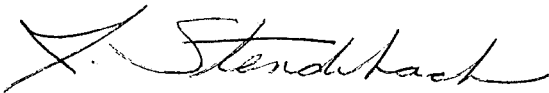
Dear Sirs:

Re: Appeal #44 - Pritchard Holdings Ltd., Lots 2,3,4,5,6 & 7, Plan 17310

With regard to your appeal concerning the above noted property, please be advised that a land use contract, together with a number of other land use contracts recommended by Council in the appeal procedure, will be prepared immediately following the adoption of the new City of Kelowna Zoning By-law. This By-law has been prepared by this department and will be presented to Council within the next seven days.

The adoption procedure for the new Zoning By-law is expected to take from 30 to 60 days. Please note that this By-law is a necessary legal prerequisite to the adoption of any of the land use contracts considered under the appeal procedure due to the fact that the declaration of a development area must precede a land use contract in accordance with Section 702A of the Municipal Act.

Yours truly,



J. Stendebach,
City Planner.

JS:el

6 Shops Capri / Kelowna / British Columbia / Canada / VIY 3H4 / (604) 762-4400

March 25, 1976

City Planner
City of Kelowna
1435 Water Street
Kelowna, B.C.



Dear Sir:

Land Use Contract
City of Kelowna and Pritchard Holdings Ltd.

On behalf of our above-noted client, we have reviewed the drafted Land Use Contract provided us by your office. We would suggest the following changes:

1. Removal of the following clause from the preamble to the contract on Page 2:-

"And whereas, if the land is within a radius of 1/2 mile of the intersection of a Controlled Access Highway and another highway, the approval of the Minister of Highways to the terms thereof must be obtained;"

As the lands contained in this contract are not within a 1/2-mile radius of a Controlled Access Highway, the approval of the Minister of Highways is not required, and we believe to leave this section in the Land Use Contract may cause some problems at the time of public hearing and/or processing through the Clerk's Department. Should you not agree to the removal of this section, kindly ensure that the City Clerk is advised that the Minister of Highways does not have to approve of this Land Use Contract.

City Planner
Page 2
March 25, 1976

2. Removal of "Lots 3 and 5" from the legal description contained in Paragraph 1, on Pages 2 and 3 referred to therein as the "Land".

Neither of these two lots are included within the red outline on the subdivision plans creating the proposed development. It is suggested that prints of the two relevant subdivision plans be annexed to the contract as Schedule "A".

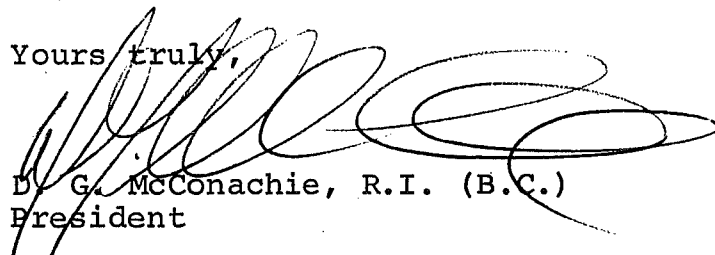
3. Substitution of the following paragraph in place of Paragraph 3 of Page 3:-

"The Land may be subdivided strictly in accordance with the plans annexed hereto as Schedule "A" provided each lot and the entire subdivision meet all of the requirements of the Medical Health Officer and all by-laws and policies of the Municipality in effect as at the date of approval of the subdivision except as herein specifically provided."

In addition to the foregoing changes, we would appreciate the opportunity of reviewing the proposed R-1 (Single-Family Residential) zone which as mentioned in Paragraph 4, Page 3, is to become Schedule "B" of the Contract.

Your continued assistance in ensuring the earliest possible completion and registration of this Land Use Contract would be appreciated, and in this regard, we would appreciate receiving from you some estimate as to the time requirements to achieve registration from this date.

Yours truly,



D. G. McConachie, R.I. (B.C.)
President

LUPTON AGENCIES LTD.

DGMC:kpr

C.C. Pritchard Holdings Ltd.

CITY OF KELOWNA

March 12, 1976.

CP3-76

Mr. J.T.F. Horn,
City Solicitor,
Weddell, Horn, Jabour & Pearce,
Barristers & Solicitors,
1450 Pandosy St.,
Kelowna, B.C.

Dear Sir:

Re: Items forwarded to J. Galt Wilson within the last 30 days

Please be advised that the following five Land Use Contracts were originally forwarded to J. Galt Wilson through the City Solicitor, J.T.F. Horn as per instructions to the City Planner from the City Administrator dated February 7, 1976, a copy of which is attached.

1. Timberline Development re Lombardy Developments Ltd.
2. McKinley Landing Development of Pritchard Holdings Ltd.
3. Fairfield Park Property being a development by Skoglund Holdings Ltd.
4. Fairfield Park Property being developed by B.&M. Holdings.
5. Fairfield Park Property being developed by Vintage Management Ltd.

In addition to these five items, the Zoning By-law and two Land Use Contracts which you are already aware of were forwarded to J. Galt Wilson on instructions of the City Administrator.

These are the only items which the Planning Department has forwarded to J. Galt Wilson and it is my understanding that all items from March 8th forward will be directed to yourself as City Solicitor.

If you have any further questions regarding these matters, please feel free to contact me.

Yours truly,

Original Signed by
J. STENDEBACH
J. Stendebach,
City Planner.

JS:el

DAY FILE 139

J. GALT WILSON
Barrister & Solicitor

Suite 1, 246 Lawrence Avenue
Kelowna, B.C. V1Y 6L3

Your File No.:

Our File No.: 0114

March 9, 1976

City of Kelowna
City Hall
1435 Water Street
Kelowna, B.C.



Attention: J. Stendebach

Dear Sirs:

Re: Land Use Contracts - Skoglund Enterprises Ltd.
Pritchard Holdings Limited, Donald McConachie
and John Blackmore, Vintage Management Ltd.,
Lombardy Developments Ltd.

Please find enclosed proposed Land Use Contracts for your approval.

If the contracts meet with your approval please pass them on to the Developers for their approval and signatures.

Yours truly,

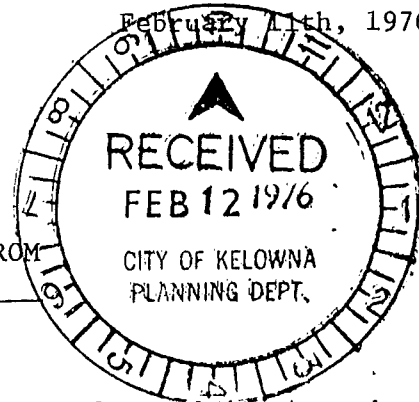

J. GALT WILSON

JGW:eal
Encls.

These should be placed in Apprao files

CITY OF KELOWNA
MEMORANDUM

February 11th, 1976.



TO: City Planner.
FROM: City Administrator.
SUBJECT: VARIOUS MATTERS OF CORRESPONDENCE ARISING FROM THE ZONING BOARD OF APPEAL MEETINGS.

I am referring the following planning matters to you from Lupton Agencies Ltd. addressed to myself with instructions that they be processed through City Solicitor J.T.F. Horn to J. Galt Wilson for the purpose of drawing the respective Land Use Contracts in connection with the various development proposals:

1. Letter dated January 20th, 1976 in connection with "Timberline Development" re Lombardy Developments Ltd.
2. Letter dated January 21st, 1976 in connection with the "McKinley Landing Development" of Pritchard Holdings Ltd.
3. Letter dated January 22nd, 1976 in connection with "Fairfield Park Property" being a development by Skoglund Holdings Ltd.
4. Letter dated January 22nd, 1976 in connection with a development by B. & M. Holdings under the title of "Fairfield Park Property".
5. Letter dated January 22nd, 1976 in connection with a development by Vintage Management Ltd. under the title of "Fairfield Park Property".

When you refer these matters to Galt Wilson through the City Solicitor I would request that a meeting be held with yourself, Mr. Don McConachie and Galt Wilson in the first instance in order to discuss the ramifications of the terms and conditions of each specific Land Use Contract.

By way of a copy of this memorandum I am advising Don McConachie of Lupton Agencies Ltd. of this course of action in order that he will be aware of the fact that he will be given an opportunity to be involved in the details of the subject documents at the outset.

DB Herbert.
D.B. Herbert,
City Administrator.

DBH/rc
Encl.

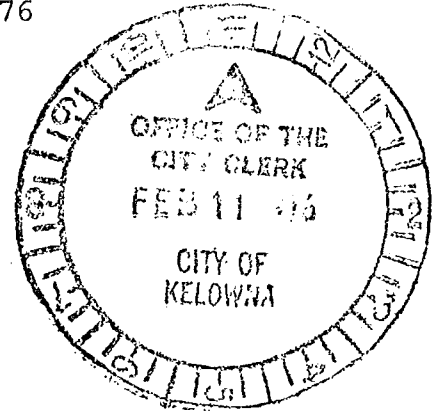
c.c. Mr. D.G. McConachie,
Lupton Agencies Ltd.,
6 Shops Capri,
Kelowna, B.C.
V1Y 3H4

**LUPTON
AGENCIES
LTD.**

6 Shops Capri / Kelowna / British Columbia / Canada / Y.Y. 3 PLANNING DEPT 7624400



February 10, 1976



City of Kelowna
1435 Water Street
Kelowna, B.C.

Attn: City Clerk

Dear Sir:

Pritchard Holdings Ltd. versus City of Kelowna
Application to Quash Blanket Rezoning By-Laws
Your File CC2-76

I enclose herein a photostatic copy of letter of January 22, 1976 from City Planner to Weddell & Company, Solicitors for the City of Kelowna relative to the above caption.

I am pleased to advise that as a result of the intentions of the City of Kelowna to allow the development as proposed, our clients, for the time being, have withdrawn their action against the City of Kelowna.

I trust that the required Land Use Contract and other approvals may be obtained at the earliest possible date, due to the considerable financial strain presently being placed upon our client, and our sincere desire to complete the project in a manner acceptable to our client and the City of Kelowna.

Yours truly,

D. G. McConachie, R.I. (B.C.)
President

LUPTON AGENCIES LTD.

Agents for Pritchard Holdings Ltd.

11 Feb 76

PHOTOCOPY TO:	
Council	
City	
City Clerk	
City Planner	
FROM: [Signature]	

← Are you maintaining the
land use contract
← Has the City Clerk
approved (initials)

DGMC:kpr

C.C. Pritchard Holdings Ltd.



CITY OF KELOWNA

763-6011

CITY HALL, 1435 WATER ST., KELOWNA, B.C.

January 22nd, 1976.

Weddell & Co.,
Barristers & Solicitors,
#103 - 1460 Pandosy Street,
KELOWNA, B.C.

Attention: Mr. J.T.E. Horn, City Solicitor

Dear Sir:

Re: Pritchard Holdings Ltd.,
Applications to quash Blanket Rezoning By-Laws.
File CCL-76.

Please be advised that the Zoning Board of Appeal dealt with the appeal of Pritchard Holdings Ltd. on Lots 2,3,4,5,6, Plan 17310, OBYD, and Lot 7, Plan 17310 on January 14th, 1976, and the following resolution was passed:

"THAT a by-law be prepared to rezone the properties to proposed Rural Residential RR-1 zone;

AND THAT a Land Use Contract be negotiated to permit development of the property and establish a maximum of seventy (70) lots."

It should be noted that the Rural Residential RR-1 zone allows one-half acre minimum parcel size. It should be further noted that the seventy residential lots exceeds the half-acre parcel size and in fact, allows the plan as proposed by the developer. I would suggest that Council's recommendations regarding the appeal against the Blanket Rezoning by Pritchard Holdings Ltd. would negate any adverse effects on Pritchard Holdings Ltd. arising from the passage of the Blanket Rezoning By-Laws.

Yours very truly,

J.M. Stendebach,
City Planner.

JMS:st

**LUPTON
AGENCIES
LTD.**

6 Shops Capri / Kelowna / British Columbia / Canada / VIY 3H4 / (604) 762-4400

January 21, 1976

City of Kelowna
1435 Water Street
Kelowna, B.C.

Attn: D. B. Herbert, Administrator

Dear Sir:

Zoning Board of Appeal
"McKinley Landing Development"
Pritchard Holdings Ltd.
Land Use Contract
Lots 2, 3, 4, 5, 6 and 7, Plan 17310, O.D.Y.D.

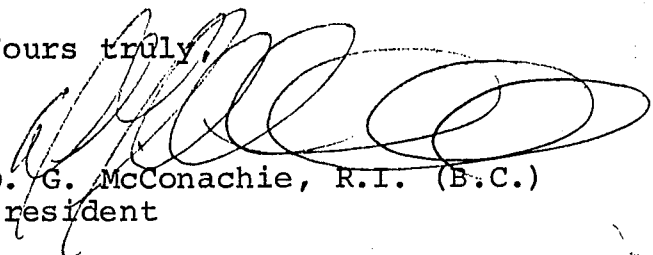
With reference to our telephone conversation January 19, 1976, and further to the Zoning Board of Appeal meeting of January 14, 1976, it would be appreciated if you would ensure the immediate preparation of a Land Use Contract as agreed in principle by Council on January 14, 1976. In this regard, you may recall that Council agreed to a simple Land Use Contract, allowing development in conformity with the proposed "RR-1 (Rural Residential) Zone", with the exception that the Land Use Contract would allow for a density of up to 70 lots, providing the developer can meet all other legal requirements of the City of Kelowna.

Prior to a detailed Land Use Contract being prepared, we'd appreciate the opportunity of meeting with you to discuss any matters that may need to be resolved between the City and our clients. As was made aware to Council at the January 14th meeting,

City of Kelowna
Page 2
January 21, 1976

interest and carrying costs on this particular development exceed \$1,000 per week, and as we have been waiting for a response from the Approving Officer since October 22, 1974, your earliest attention to this matter would be appreciated.

Yours truly,



D. G. McConachie, R.I. (B.C.)
President

LUPTON AGENCIES LTD.

DGMC:kpr

C.C. Pritchard Holdings Ltd.



CITY OF KELOWNA

762-2212

CITY HALL, 1435 WATER ST., KELOWNA, B.C.

December 15th, 1975.

Lupton Agencies Limited,
6 Shops Capri,
KELOWNA, B.C.

Atten: Mr. D.G. McConachie, Pres.

Dear Sir:

Re: Zoning Board of Appeal,
Pritchard Holdings Ltd.,
Lots 2,3,4,5,6,7, Plan 17310.

This is to advise that your appeal against the City of Kelowna's blanket rezoning as it affects the above property, will be heard by the Zoning Board of Appeal at its Hearing on January 8th, 1976, at 3 p.m. in the Council Chambers, 1354 Water Street, Kelowna, B.C.

Yours very truly,

D.A. Heene

D.A. Heene (Mrs.)
Deputy City Clerk.

DAH:st

c.c. City Planner

**LUPTON
AGENCIES
LTD.**

44

~~36~~
39

6 Shops Capri / Kelowna / British Columbia / Canada / V1Y 3H4 / (604) 762-4400

September 12, 1975

McKinley Landings?
outside of Urban defini-
area but may be
logical infilling
Site inspect

His Worship the Mayor
and Council
City of Kelowna
1435 Water Street
Kelowna, B.C.

Your Worship and Council:

Proposed By-Law No. 3928

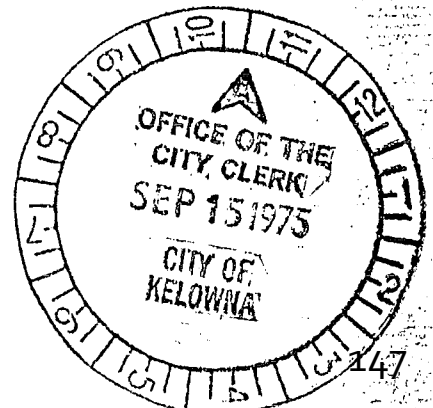
Further to our letters of August 7th and 26th, 1975 submitted on behalf of our client, Pritchard Holdings Limited, we outline below, for members of Council, a brief history of the time delays encountered to date in obtaining approval for this development.

October 22, 1974 - Application was made to the Approving Officer for Preliminary Lay-out Approval. No correspondence has as yet been received.

In view of the delays encountered to date, we would again request that these lands legally described below be excluded from the proposed rezoning:

- Lots 2, 3, 4, 5 and 6, Section 17, Township 23, O.D.Y.D., Plan 17310; and
- Lot 7, Sections 17 and 20, Township 23, O.D.Y.D., Plan 17310.

opposed



His Worship the Mayor
and Council

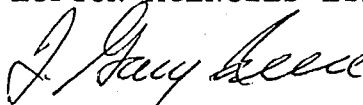
Page 2

September 12, 1975

As previously mentioned, we would have no objection to these lands being rezoned "Residential-1" which would permit continuing development of residential lots in this existing residential development area.

Yours very truly,

LUPTON AGENCIES LTD.



for D. G. McConachie
President

Agents for Pritchard Holdings Ltd.

DGMC:kpr

6 Shops Capri / Kelowna / British Columbia / Canada / V1Y 3H4 / (604) 762-4400

August 7, 1975

No

His Worship
Mayor and Aldermen
City of Kelowna
1435 Water Street
Kelowna, B. C.

Your Worship and Council:

Proposed Bylaw No. 3938

On behalf of our clients, Pritchard Holdings Ltd., please accept this letter as an objection to the above noted Bylaw as it will effect the following properties in our "McKinley Landing" development as shown on the enclosed map:

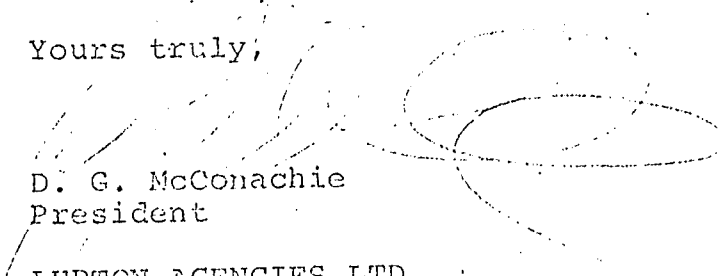
- Lots 2, 3, 4, 5, and 6, Section 17,
Township 23, O.D.Y.D., Plan 17310
- Lot 7, Sections 17 and 20, Township
23, O.D.Y.D., Plan 17310.

We would request that the above noted legal descriptions not be included in your rezoning as to do so will further delay the development of residential lots in a continuing development.

His Worshi_e
Page 2
August 7, 1975

As you are no doubt aware, these lands were purchased for residential development and we are concerned that the rezoning of this property to City of Kelowna "R" Rural zoning as proposed, will further delay the development of additional stages, which at this time, are in process with your approving authorities. We would have no objection to these lands being rezoned "Residential-1" which would permit continuing development of residential lots in this existing residential development.

Yours truly,



D. G. McConachie
President

LUPTON AGENCIES LTD.

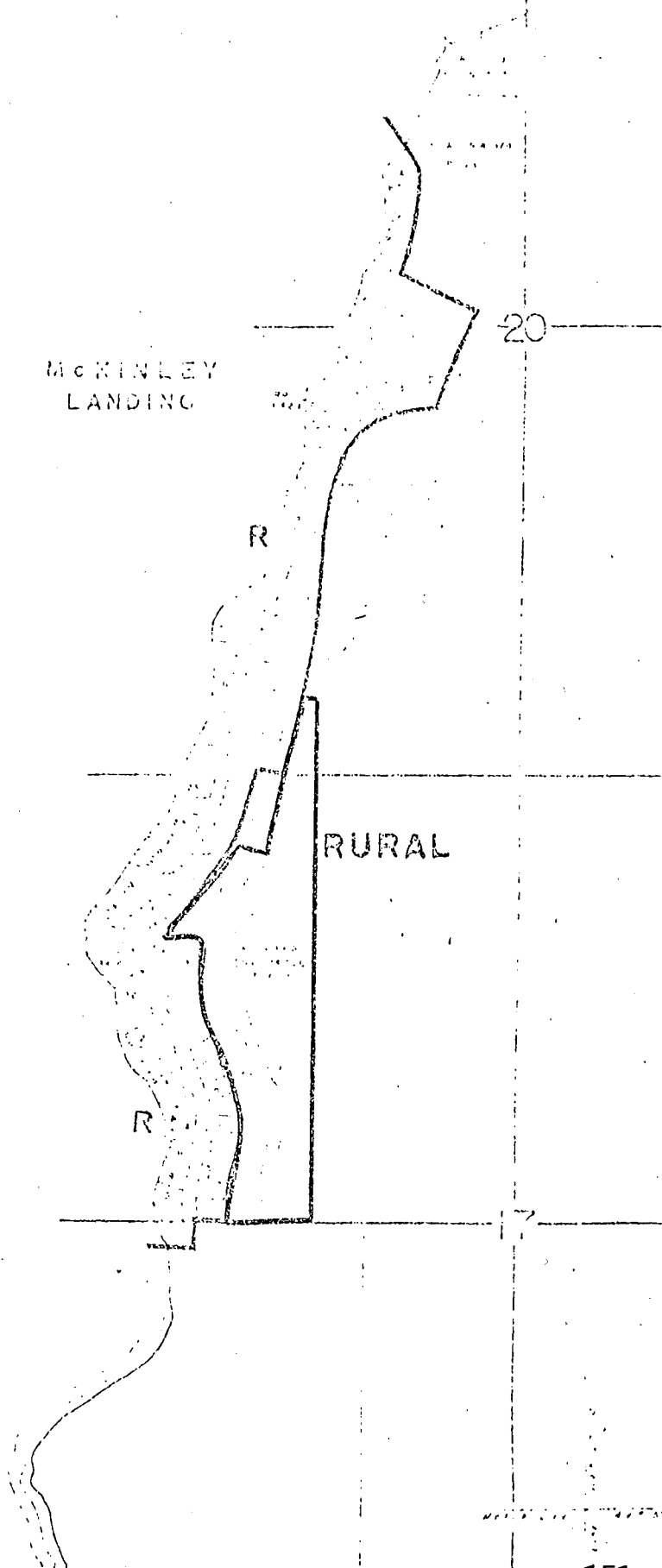
Agents for Pritchard Holdings Ltd.

DGMC:cmp

CC: Pritchard Holdings Ltd.

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August 26, 1975

His Worship
Mayor and Aldermen
City of Kelowna
1435 Water Street
Kelowna, B.C.

Your Worship and Council:

Proposed Bylaw No. 3938

Further to our letter of August 7, 1975 submitted on behalf of our client, Pritchard Holdings Ltd., you will recall the original Public Hearing of that date was adjourned to this evening in order that Council may consider the comments made by those in attendance and those submitting letters in response to the proposed Bylaw.


In this regard, we would appreciate being advised as to Council's decision regarding our specific request to have the following lands zoned to "Residential-1" rather than the proposed "R" Rural zoning. For your information, the legal descriptions of the properties involved in this request were as follows:

- Lots 2, 3, 4, 5 and 6, Section 17, Township 23, O.D.Y.D., Plan 17310;
- Lot 7, Sections 17 and 20, Township 23, O.D.Y.D., Plan 17310.

His Worship
Page 2
August 26, 1975

We trust Council's decision with regard to this specific request can be made public to us prior to the close of this Public Hearing.

Yours truly,



D. G. McConachie
President

LUPTON AGENCIES LTD.

Agents for: Pritchard Holdings Ltd.

DGMC:kpr

C.C. Pritchard Holdings Ltd.

CITY OF KELOWNA

BYLAW NO. 11356

Discharge of Land Use Contract

LUC78-1024 - (M27805)

LUC76-1088 - (N74841)

1945 Bennett Road

WHEREAS a land use (the "Land Use Contract") is registered at the Kamloops Land Title Office under number M27805 and N74841 against lands in the City of Kelowna particularly known and described as Lot 46, Section 17, Township 23, ODYD, Plan 31701 (the "Lands"), located at 1945 Bennett Road, Kelowna, B.C.;

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

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

1. This Bylaw may be cited for all purposes as "Land Use Contract LUC78-1024 and LUC76-1088 Discharge Bylaw".
2. The Land Use Contract is hereby cancelled and of no further force and effect and the City of Kelowna is hereby authorized and empowered to apply for the discharge of the Land Use Contract from the Lands.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: January 23, 2017
RIM No. 0940-00
To: City Manager
From: Community Planning Department (RR)
Application: DP16-0300 **Owner:** K & L Holdings Co. Ltd
Address: 3510 Spectrum Ct **Applicant:** K & L Holdings Co. Ltd
Subject: Development Permit Application
Existing OCP Designation: IND - Industrial
Existing Zone: CD15 – Airport Industrial

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP16-0300 for Lot 17 Section 14 Township 23 ODYD Plan KAP82802 located at 3510 Spectrum Ct, 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 Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated January 23, 2017;

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

2.0 Purpose

To consider the form and character of the first building in a multi-phase film production studio complex.

3.0 Community Planning

Community Planning supports the application. The property is appropriately zoned for the intended use of a production studio. The proposed building complies with relevant development permit guidelines, and will not be out of character with the existing industrial neighbourhood and adjacent buildings.

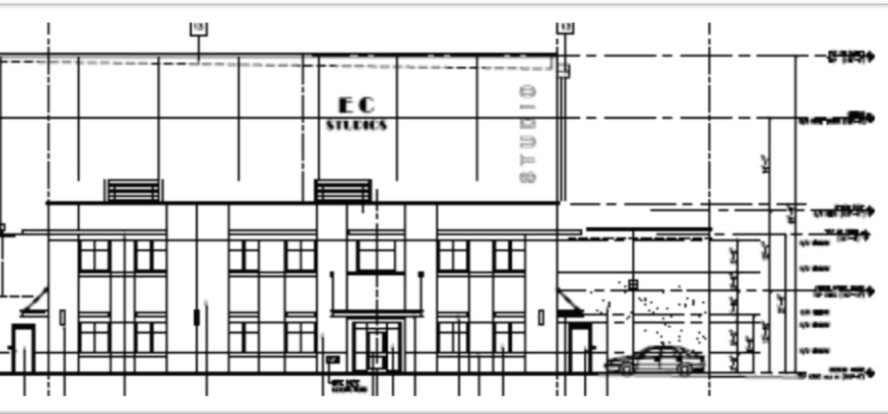
The site layout will have extensive asphalt and parking. However, this is a necessity of the function and operation of the facility, and the applicant will provide landscape screening around the site to mitigate this. The applicant has proposed an articulated building façade and has used architectural techniques to break up the mass of the building as much as possible. The subject property's location in the Airport Industrial Park is appropriate for this building form and use.

4.0 Proposal

4.1 Project Description

The proposed building will be used as a soundstage for film production, along with office and storage space. The proposed building will be the first of two studio buildings on the site.

Figure 1: Elevation of Proposed Building



The proposed structure is a tilt-up concrete industrial style building, similar to neighbouring buildings, accented with metal trim. The front of the building, where the offices are located, is treated with windows and architectural features intended to avoid the appearance of a warehouse. Owing to the nature of the use, exterior walls are flat and unarticulated, to be used as possible backdrops for filming.

The bulk of the building will be approximately 15.2 m (50 feet) in height, covering almost 2,000 m² (21,500 sq. ft). The office portion will have two stories internally, while the soundstage will be one 50 foot high internal space.

The applicant will provide some limited landscaping on and around the site. The landscaping expectations for the primarily industrial neighbourhood are limited.

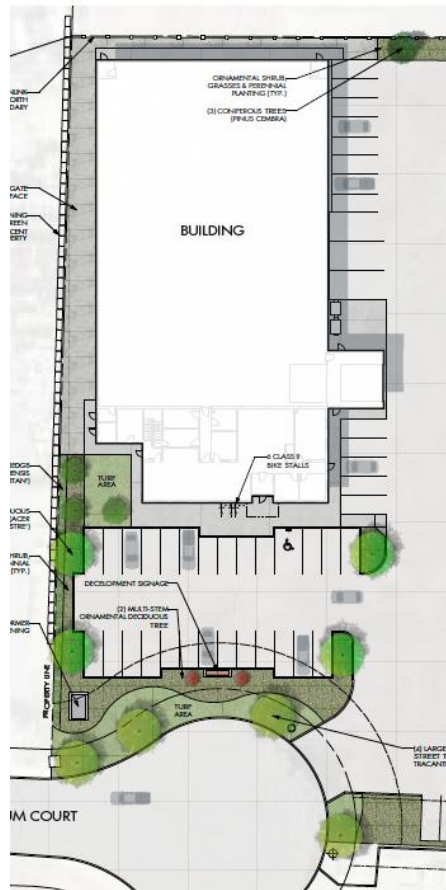
The proposed building will match very closely with the style and configuration of the neighbouring property.

Figure 2: Street View of Adjacent Building



The site landscaping will include the required 3.0 m landscape buffer along Highway 97 as well as landscaping around the parking lot areas and frontage off Spectrum Ct.

Figure 3: Landscape Plan



4.2 Site Context

The subject property is located in the commercial portion of the Airport Industrial Park. Several of the properties in the area have already been developed. The neighbouring buildings include a uniform production and cleaning facility and a building materials production facility.

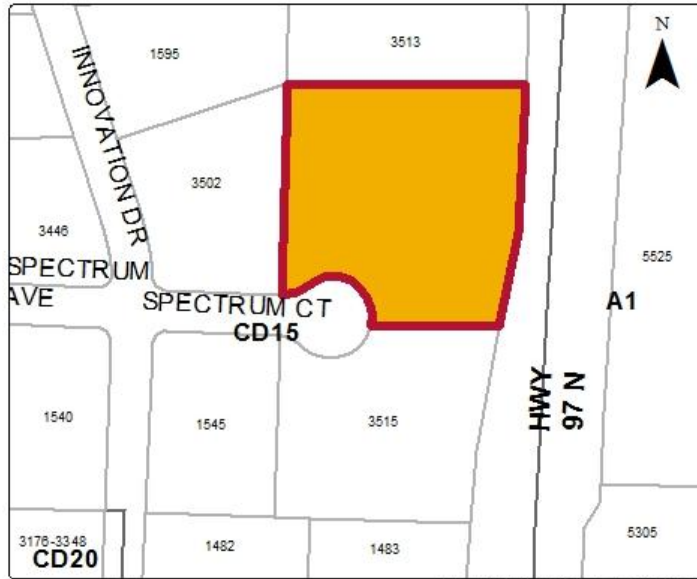
Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD15 – Airport Industrial	Vacant
East	Highway 97	Highway 97
South	CD15 – Airport Industrial	Uniform Supply and Cleaning
West	CD15 – Airport Industrial	Construction Material Production

Subject Property Map:



CONTEXT



NEIGHBOURING ZONING



SUBJECT PROPERTY

4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	CD15 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	1.5	0.186
Height	18 m / 4 storeys	16 m / 2 storeys
Front Yard	6.0 m	6.0 m
Side Yard (West)	0.0 m	3.5 m
Side Yard (East)	7.0 m	>20 m
Rear Yard	0.0 m	3.05 m
Other Regulations		
Minimum Parking Requirements	50	50
Bicycle Parking	6	6
Loading Space	2 spaces	3 spaces

5.0 **Current Development Policies**5.1 Kelowna Official Community Plan (OCP)**Development Permit Objectives**

- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;

6.0 **Technical Comments**6.1 Building & Permitting Department

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- 2) Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- 3) Location of the staging area and location of any cranes should be established at time of DP.
- 4) A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
 - a. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - b. Handicap Accessibility to the main floor levels to be provided, ramps may be required. Location of H/C parking is required on the drawings.
 - c. Hard surfaced paths leading from the egress stairwells to a safe area are to be clearly defined as part of the DP
 - d. Additional exit stairwell is required from the 2nd floor
 - e. Glazing to meet minimum provincial standards as outline in the Building Code.
 - f. Access to the both roofs are required per NFPA and guard rails may be required and should be reflected in the plans if required
- 5) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.

- 6) We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work etc.
- 7) Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s) / area(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
- 8) An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units and all corridors, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits, spatial calculation for any windows in exit stairs, etc.
- 9) Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- 10) Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this complex at time of permit application

6.2 Development Engineering Department

- No comments regarding form and character.

6.3 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Template at Kelowna.ca
- Should a hydrant be required on this property it shall be operational prior to the start of construction and shall be deemed a private hydrant
- Sprinkler drawings are to be submitted to the Fire Dept. for review when available.
- A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD
- Fire Department access is to be met as per BCBC 3.2.5. -
- Approved Fire Department steel lock box acceptable to the fire dept. is required by the fire dept. entrance and shall be flush mounted.
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met
- Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- Fire department connection is to be within 45M of a fire hydrant - unobstructed.

7.0 Application Chronology

Date of Application Received: December 8, 2016
Date final drawings received: January 17, 2017

Report prepared by: Ryan Roycroft, Planner

Reviewed by: Terry Barton, A/ Community Planning Manager

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

Attachments:

Draft Development Permit DP16-0300

DEVELOPMENT PERMIT



APPROVED ISSUANCE OF DEVELOPMENT PERMIT NO. DP16 -0300

Issued To: K & L Holdings Co. Ltd
Site Address: 3510 Spectrum Ct
Legal Description: Lot 17 Section 14 Township 23 ODYD Plan KAP82802
Zoning Classification: CD15 – Airport Industrial
Development Permit Area: Comprehensive Form and Character

SCOPE OF APPROVAL

This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

The issuance of a Permit limits the Permit Holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

1. TERMS AND CONDITIONS

THAT DP16-0300 for Lot 17 Section 14 Township 23 ODYD Plan KAP82802 located at 3510 Spectrum Ct, Kelowna, BC be approved 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 is valid for two (2) years from the date of Council approval, with no opportunity to extend.

PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permit Holder and be paid to the Permit Holder if the security is returned. The condition of the posting of the security is that should the Permit Holder fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permit Holder, or should the Permit Holder carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Permit Holder. There is filed accordingly:

- a) Cash in the amount of \$_____ OR
- b) A Certified Cheque in the amount of \$_____ OR
- c) An Irrevocable Letter of Credit in the amount of \$_____ .

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

2. DEVELOPMENT

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

This Permit IS NOT a Building Permit.

3. APPLICANT'S AGREEMENT

I hereby declare that all of the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit and/or Development Variance Permit, the Municipality may withhold the granting of any Occupancy Permit for the occupancy and / or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning Department immediately to avoid any unnecessary delay in processing the application.

4. APPROVALS

Issued and approved by Council on the _____ day of _____, 2017.

Ryan Smith, Community Planning Department Manager
Community Planning & Real Estate

Date

**The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall be returned to the PERMIT HOLDER.**

2	16/11/22	CONSULTANT COORDINATION
1	16/11/10	CLIENT COORDINATION
No:	DATE: vvvv	DESCRIPTION:
REVISION:		

SCHEDULE A
This forms part of application
DP16-0300

City of Kelowna
COMMUNITY PLANNING

Planner Initials:

COORDINATION SET
JANUARY 10, 2017



PROJECT DATA - Phase 1		
TITLE	OWNER	ARCHITECT
	K & L HOLDINGS 6885 EAGLE CREEK DRIVE BURNABY, BC V5E 1W9 604.788.2229	THOMAS GAFFNEY ARCHITECT INC. 740 WINDERS ROAD WEST KELOWNA, BC V1Z 1J8 250.769.7628
LEGAL	ZONE	PROJECT ADDRESS
LOT 17 SEC. 14 TRINSHIP 243 OOYO. PLAN KAPR2802	CD-15 AIRPORT BUSINESS PARK - INDUSTRIAL USES	3510 SPECTRUM COURT KELOWNA, B.C.
FLOOR AREA	DEVELOPMENT REGULATIONS - INDUSTRIAL	REQUIRED / MAXIMUM
1,911.09m (Gross) 1,834.09m (Net)		PROPOSED
SITE COVERAGE 19 %		MAXIMUM: 1 : 1.5 1,934.09m (Net) / 10,320.09m = 0.186
FL AREA Ratio	HEIGHT	MAXIMUM: 18m or 4 Storeys
		16m / 2 Storeys
FRONT YARD	0.0m	0.0m
SIDE YARD EAST	0.0m	3.05m
SIDE YARD WEST	4.5m (FLANKING STREET)	6.0m
REAR YARD NORTH	0.0m	3.05m
PARKING REGULATIONS - INDUSTRIAL		
BROADCAST STUDIOS	2.5 per 100 m ² GFA	35 SPACES
OFFICES	2.5 per 100 m ² GFA	15 SPACES
LOADING	1 per 1900 m ² GFA	2 SPACES
BICYCLES CLASS 2	0.30 per 100 m ² GFA	6 SPACES

K & L HOLDINGS
c/o EAGLE CREEK
STUDIOS LTD.

THOMAS GAFFNEY
ARCHITECT
INC.
740 WINDERS ROAD
WEST KELOWNA, B.C. V1Z 1J8
T: 250.769.7628
E: tga@tga.net

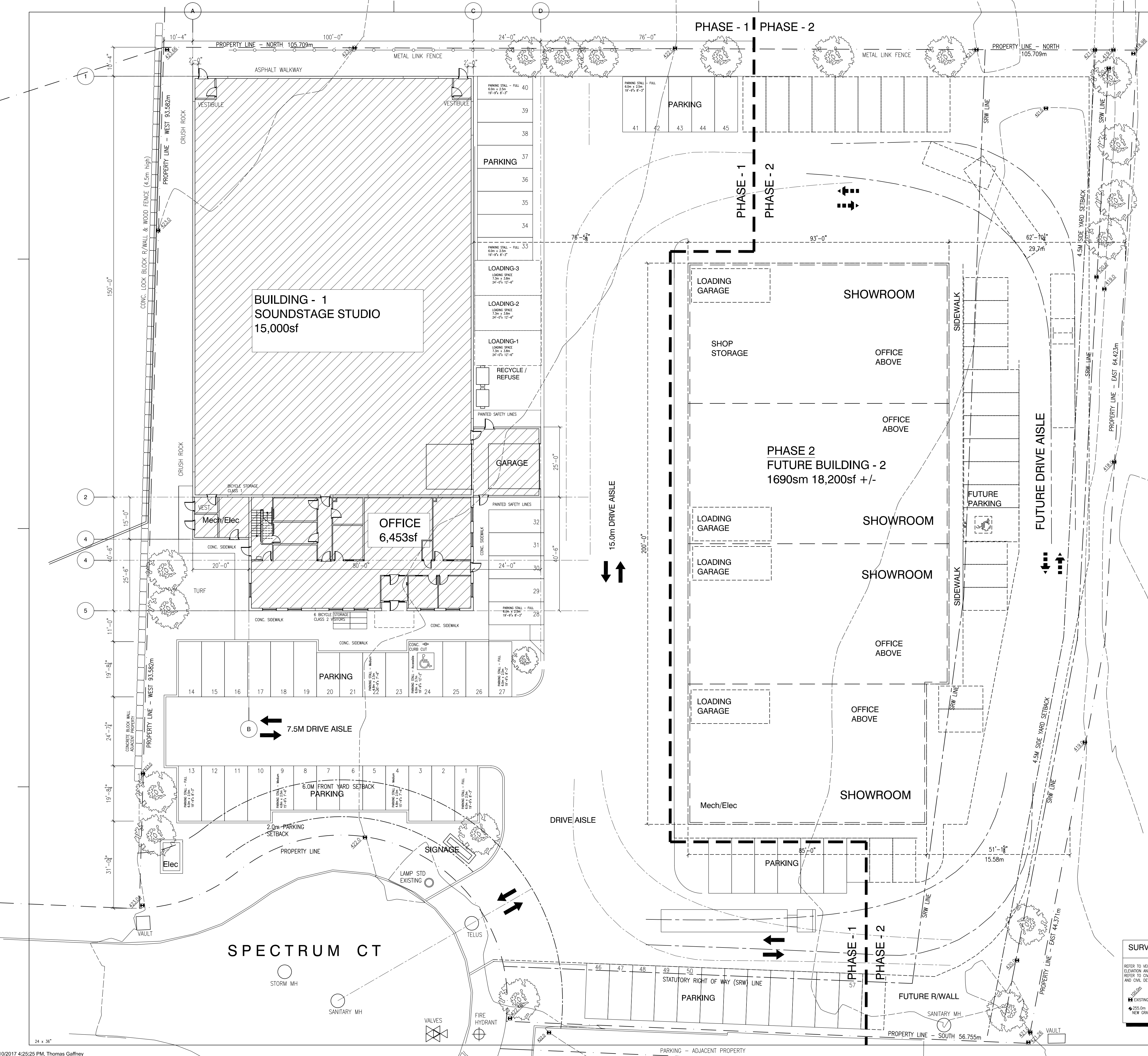
PROJECT NAME:
SOUNDSTAGE

3510 Spectrum Court
Kelowna BC

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SHEET TITLE:
SITE PLAN

TIA PROJECT No.	1614	SHEET No.	
SCALE	1/16" = 1'-0"		
DRAWN	TG		DP-1
CHECKED	-		
DATE: YEAR	16/10/17	REVISION	2

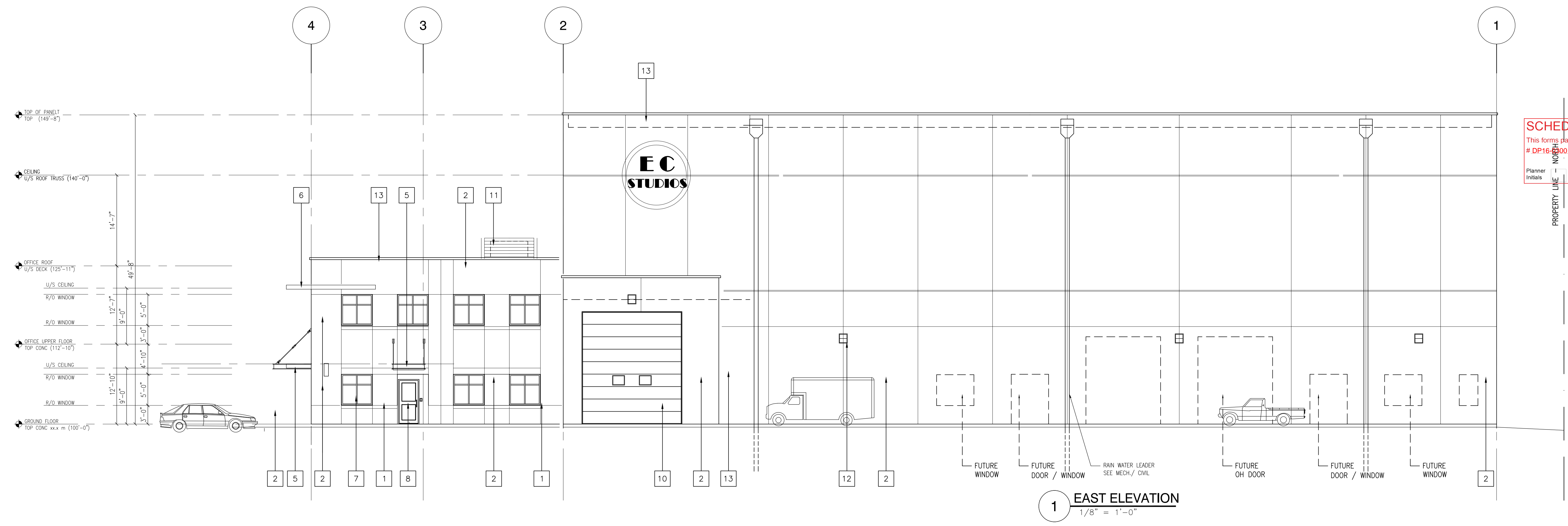


SURVEY DATA	
REFER TO VECTOR GEOMETRICS SURVEYING LTD SURVEY DATA. SURVEYORS ELEVATION AND CONTOUR DATA IS REFERENCED TO GEODESIC DATA.	
REFER TO CIVIL ENGINEERS DRAWINGS FOR OFF-SITE AND ON-SITE GRADING AND CIVIL DESIGN.	

ARCHITECTURAL BUILDING - 1		
No.	TITLE	SCALE
DP - 1	SITE PLAN & DATA	1/16"
DP - 2	GROUND FLOOR PLAN	1/8"
DP - 3	UPPER FLOOR PLAN	1/8"
DP - 4	BUILDING ELEVATIONS	1/8"
DP - 5	BUILDING ELEVATIONS	1/8"
DP - 6	WALL SECTIONS	1/2"
DP - 7	CONSTRUCTION NOTES & DATA	1/8"
L - 1	LANDSCAPE	

1 SITE PLAN
1/16" = 1'-0"

2		
1	16/11/10	COORDINATION
No.	DATE: Y/M/D	DESCRIPTION:
REVISION:		



SCHEDULE B
This forms part of application # DP16-0000

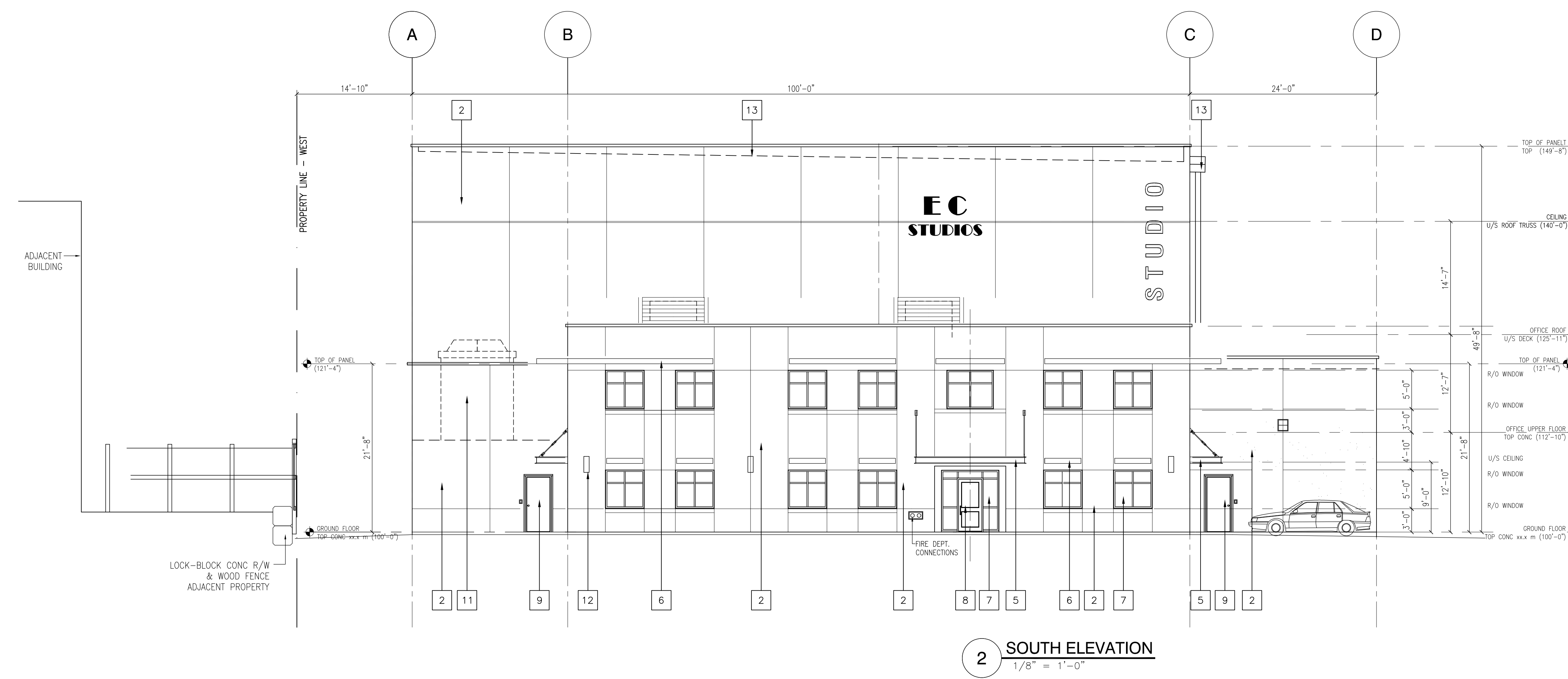
Planner Initials: _____

City of Kelowna
COMMUNITY PLANNING

COORDINATION SET
JANUARY 10, 2017

MATERIALS & COLOURS

1	METAL CLADDING: & FLASHINGS	PREFIN.
2	CONCRETE TILT-UP	SMOOTH. PAINTED.
3		
4	RETAINING WALLS: SIDEWALKS, SLABS	CONCRETE NATURAL GREY. SEALED WALKS: BROOM FINISH NONSLIP.
5	STRUCTURAL METAL:	PAINT.
6	ARCHITECTURAL METAL SUNSCREEN	ALUMINUM. POWDERCOAT.
7	ALUM WINDOWS:	CLEAR ANODIZED ALUMINUM
8	ALUM DOORS:	CLEAR ANODIZED
9	METAL DOORS : METAL FRAMES:	PAINT. TAUPE, CLEAR SAFETY GLASS PAINT. DARK TAUPE,
10	OVERHEAD DOORS:	METAL. PREFIN. WHITE
11	MECHANICAL EQUIPMENT	METAL. PREFIN GREY
12	ELECTRICAL EQUIPMENT	METAL. PREFIN. CLEAR ANODIZED.
13	ROOF MEMBRANE: CUTTERS & RWL's:	SBS SYSTEM. LIGHT GREY METAL. PREFIN. SANDSTONE



OWNER:
K & L HOLDINGS
c/o EAGLE CREEK
STUDIOS LTD.

ARCHITECT:
THOMAS GAFFNEY
ARCHITECT
INC.
740 ANDES ROAD
WEST KELOWNA, B.C. V1Z 1J8
T: 250.769.7628
E: tga@tga.net

PROJECT NAME:
SOUNDSTAGE

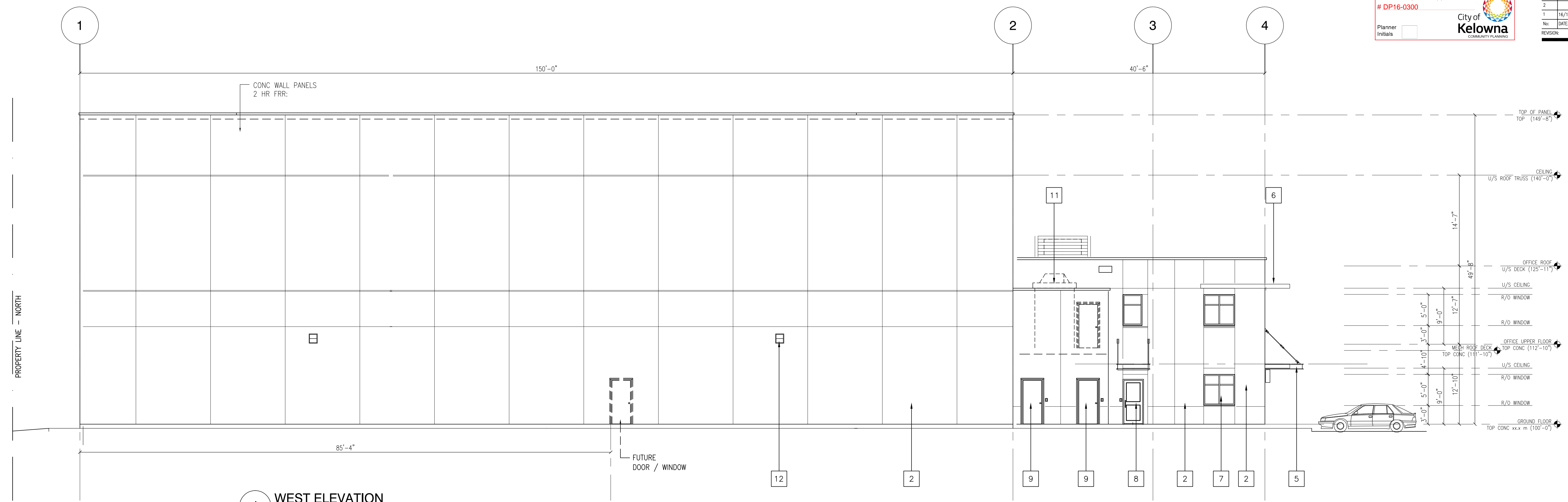
3510 Spectrum Court
Kelowna BC

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SHEET TITLE:
ELEVATIONS

TIA PROJECT No.	1614	SHEET No.	
SCALE	1/8" = 1'-0"		
DRAWN	-		DP-5
CHECKED	-		
DATE: Y/M/D	16/10/17	REVISION	2

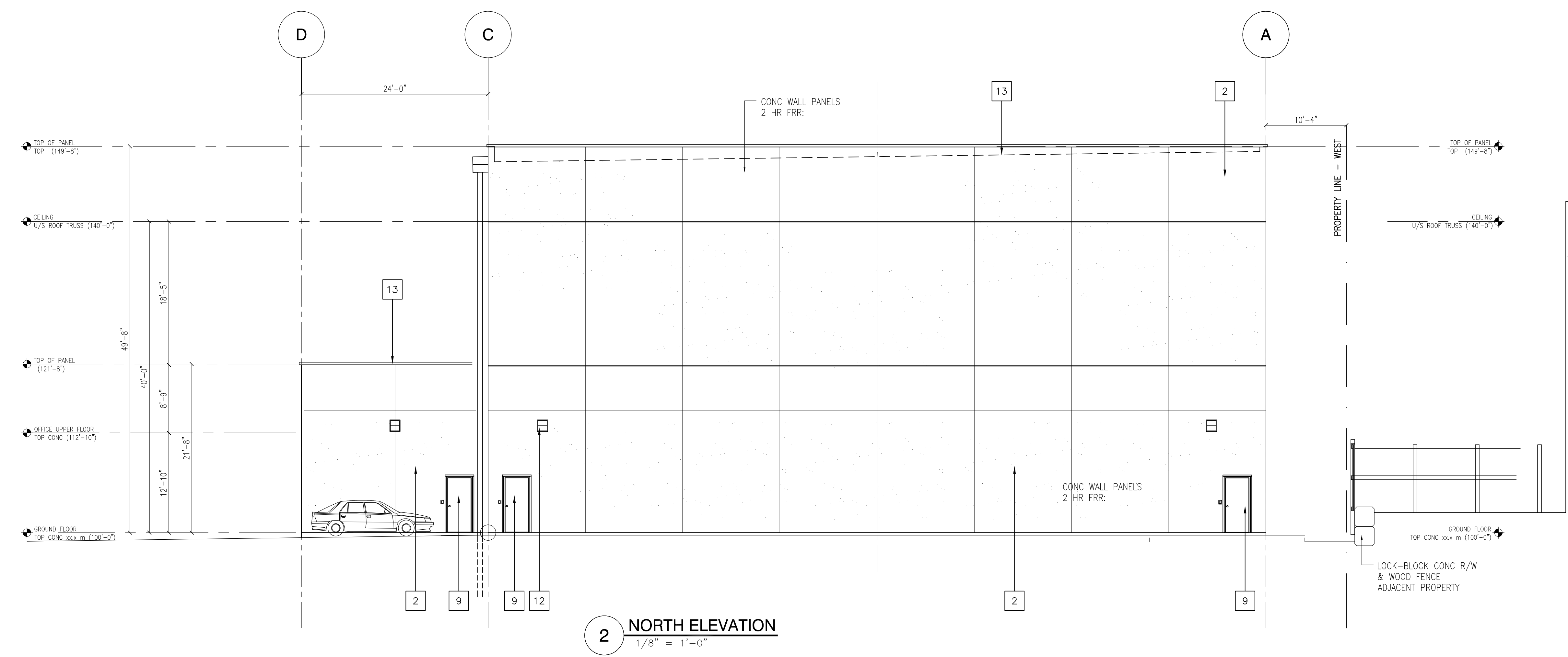
No.	DATE: yyy	DESCRIPTION:
1	16/11/10	COORDINATION
2		



1 WEST ELEVATION
 1/8" = 1'-0"

COORDINATION SET
 JANUARY 10, 2017

MATERIALS & COLOURS	
1	METAL CLADDING: & FLASHINGS PREFIN.
2	CONCRETE TILT-UP SMOOTH. PAINTED.
3	
4	RETAINING WALLS: SIDEWALKS, SLABS CONCRETE NATURAL GREY. SEALED WALKS: BROOM FINISH NONSLIP.
5	STRUCTURAL METAL: PAINT.
6	ARCHITECTURAL METAL SUNSCREEN ALUMINUM. POWDERCOAT.
7	ALUM WINDOWS: CLEAR ANODIZED ALUMINUM
8	ALUM DOORS: CLEAR ANODIZED
9	METAL DOORS : METAL FRAMES: PAINT. TAUPE, CLEAR SAFETY GLASS PAINT. DARK TAUPE,
10	OVERHEAD DOORS: METAL. PREFIN. WHITE
11	MECHANICAL EQUIPMENT METAL. PREFIN GREY
12	ELECTRICAL EQUIPMENT METAL. PREFIN. CLEAR ANODIZED.
13	ROOF MEMBRANE: CUTTERS & RWL'S: SBS SYSTEM. LIGHT GREY METAL. PREFIN. SANDSTONE



2 NORTH ELEVATION
 1/8" = 1'-0"

CLIENT:
 K & L HOLDINGS
 c/o EAGLE CREEK STUDIOS LTD.

ARCHITECT:
THOMAS GAFFNEY ARCHITECT INC.
 740 WINDERS ROAD
 WEST KELOWNA, B.C. V1Z 1J8
 T: 250.769.7628
 E: tga@tga.net

PROJECT NAME:
SOUNDSTAGE

3510 Spectrum Court
 Kelowna BC

LOCK-BLOCK CONC R/W & WOOD FENCE ADJACENT PROPERTY

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SHEET TITLE:
ELEVATIONS

TIA PROJECT No.	1614	SHEET No.	
SCALE	1/8" = 1'-0"		
DRAWN	-		DP-6
CHECKED	-		
DATE: Y/M/D	16/10/17	REVISION	2



**EAGLE CREEK STUDIOS
 KELOWNA BC**

**THOMAS
 GAFFNEY
 ARCHITECT
 INC.**

SCHEDULE **B**



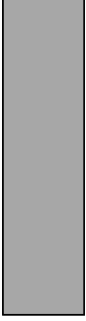




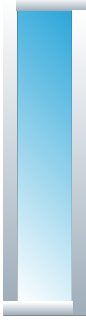


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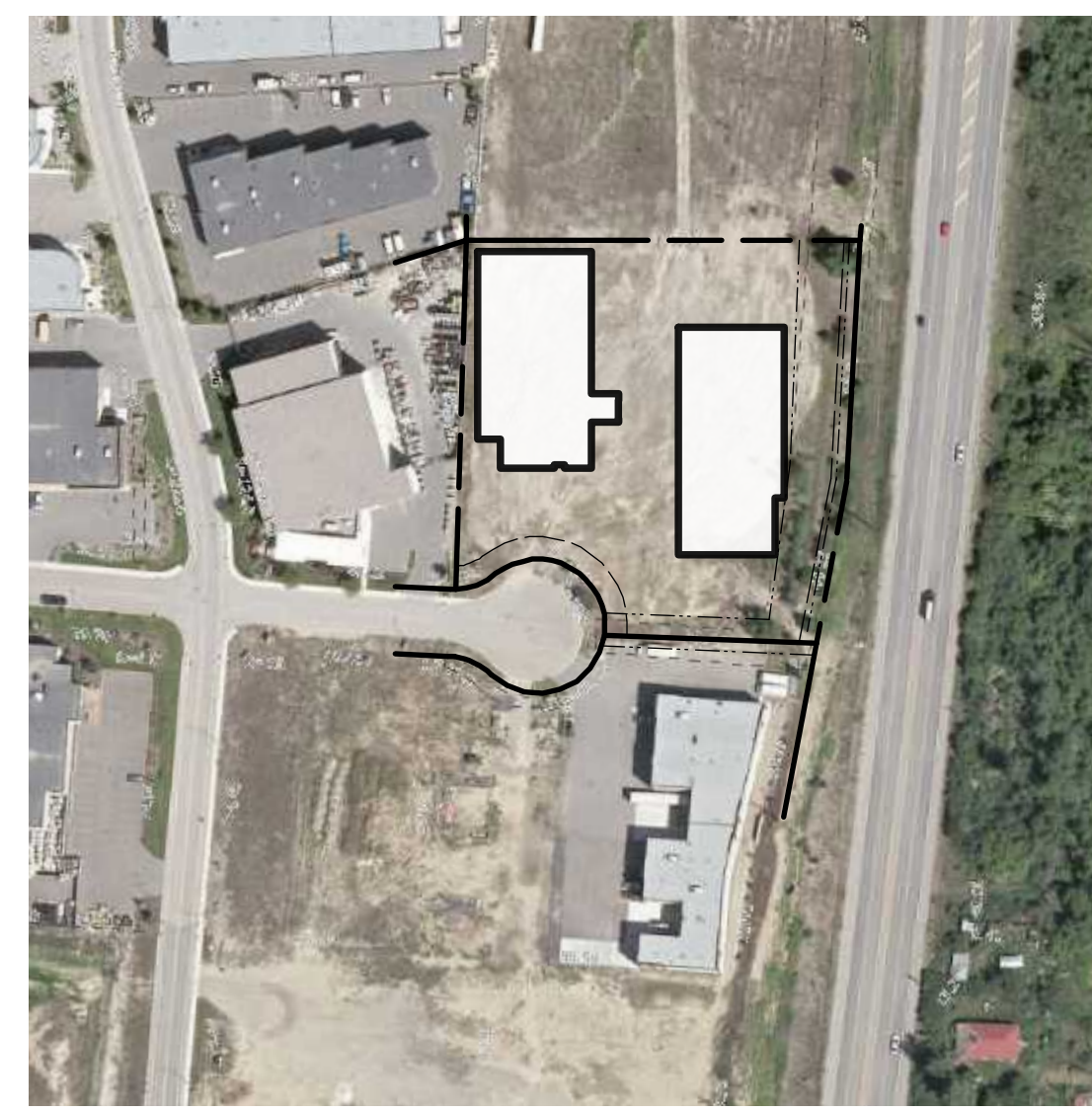
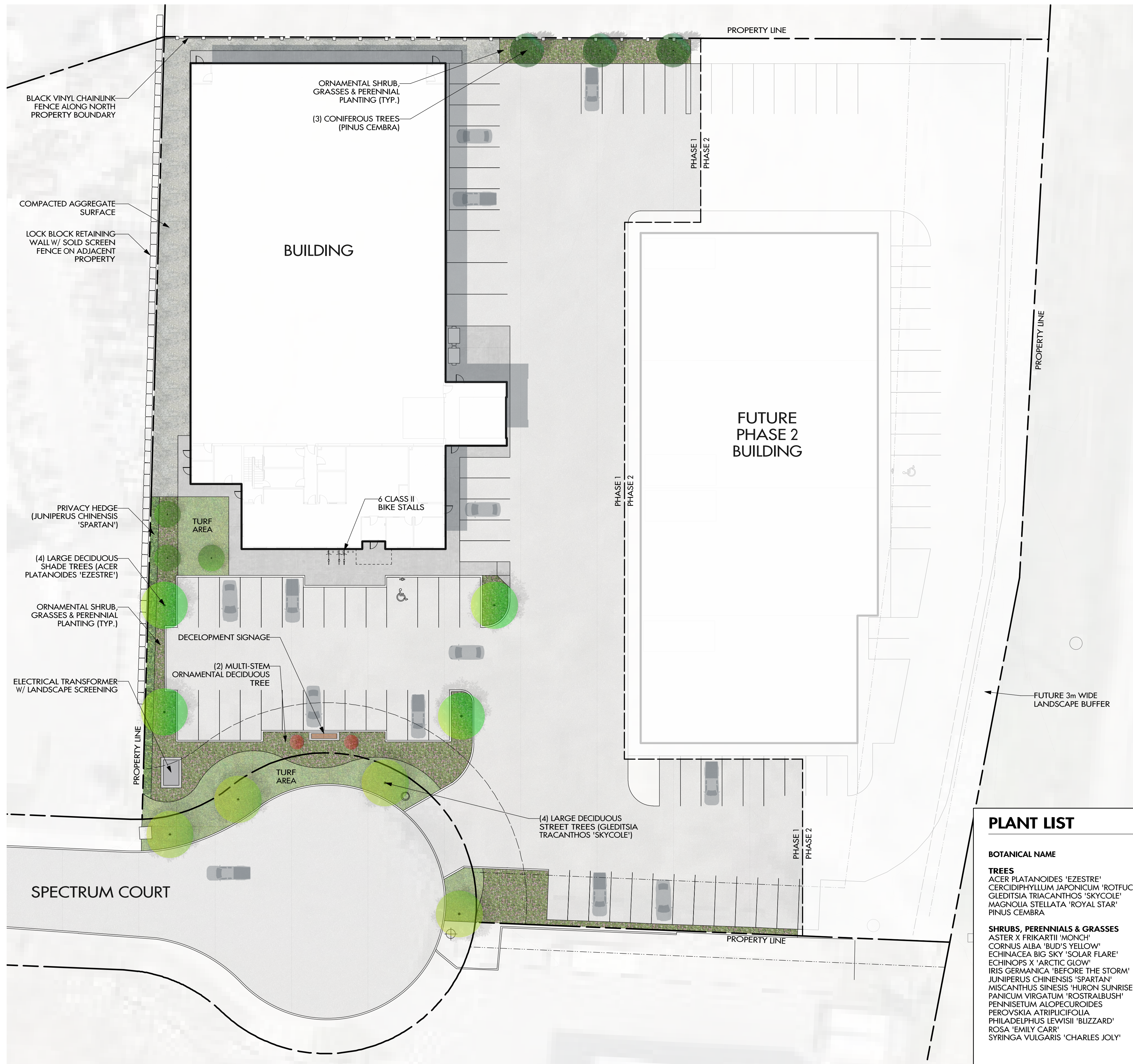
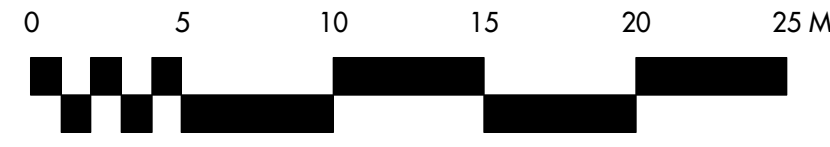


City of
Kelowna
COMMUNITY PLANNING

Planner
Initials

MATERIALS & COLOURS

1	METAL CLADDING: & FLASHINGS	PREFIN. 'GUNBARREL' DARK GREY	
2	CONCRETE TILT-UP	SMOOTH. PAINTED. LIGHT GREY	
3	CONCRETE TILT-UP	SMOOTH. PAINTED. DARK GREY	
4	RETAINING WALLS: SIDEWALKS, SLABS	CONCRETE NATURAL GREY. SEALED WALKS: BROOM FINISH NONSLIP.	
5	STRUCTURAL METAL:	PAINT. 'GUNBARREL' DARK GREY	
6	ARCHITECTURAL METAL SUNSCREEN	ALUMINUM. POWDERCOAT. 'GUNBARREL' DARK GREY	
7	ALUM WINDOWS:	CLEAR ANODIZED ALUMINIUM	
8	ALUM DOORS:	CLEAR ANODIZED	
9	METAL DOORS : METAL FRAMES:	PAINT. LIGHT GREY PAINT. DARK GREY,	
10	OVERHEAD DOORS:	METAL. PREFIN. WHITE	
11	MECHANICAL EQUIPMENT	METAL. PREFIN GREY	
12	ELECTRICAL EQUIPMENT	METAL. PREFIN. CLEAR ANODIZED.	
13	ROOF MEMBRANE: GUTTERS & RWL's:	SBS SYSTEM. LIGHT GREY METAL. PREFIN. SANDSTONE	



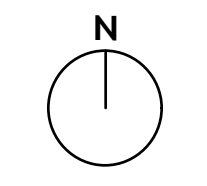
1 CONTEXT PLAN
L1 1:2000

- NOTES**
1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED B.C.L.N.A. STANDARDS.
 2. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.
 3. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 50mm WOOD MULCH. DO NOT PLACE WEED MAT UNDERNEATH TREE AND SHRUB BEDS.
 4. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL PLACEMENT.
 5. TURF AREAS FROM SOD SHALL BE NO. 1 GRADE GROWN FROM CERTIFIED SEED OF IMPROVED CULTIVARS REGISTERED FOR SALE IN B.C. AND SHALL BE TOLERANT OF DROUGHT CONDITIONS. A MINIMUM OF 100mm DEPTH OF GROWING MEDIUM IS REQUIRED BENEATH TURF AREAS. TURF AREAS SHALL MEET EXISTING GRADES AND HARD SURFACES FLUSH.

PLANT LIST

BOTANICAL NAME	COMMON NAME	QTY	SIZE / SPACING & REMARKS
TREES			
ACER PLATANOIDES 'EZESTRE'	EASY STREET MAPLE	4	6cm CAL
CERCIDIPHYLLUM JAPONICUM 'ROTFUCHS'	RED FOX KATSURA TREE	3	6cm CAL
GLEDITSIA TRIACANTHOS 'SKYCOLE'	SKYLINE HONEYLOCUST	4	6cm CAL
MAGNOLIA STELLATA 'ROYAL STAR'	ROYAL STAR MAGNOLIA	2	4cm CAL / MULTI STEMMED
PINUS CEMBRA	SWISS STONE PINE	3	2.5m HT.
SHRUBS, PERENNIALS & GRASSES			
ASTER X FRIKARTII 'MONCH'	FRIKART'S ASTER	64	#01 CONT. / 0.75M O.C. SPACING
CORNUS ALBA 'BUD'S YELLOW'	BUD'S YELLOW DOGWOOD	7	#01 CONT. / 2.0M O.C. SPACING
ECHINACEA BIG SKY 'SOLAR FLARE'	SOLAR FLARE CONEFLOWER	64	#01 CONT. / 0.75M O.C. SPACING
ECHINOPS X 'ARCTIC GLOW'	WHITE GLOBE THISTLE	64	#01 CONT. / 0.75M O.C. SPACING
IRIS GERMANICA 'BEFORE THE STORM'	BEFORE THE STORM TALL BEARDED IRIS	100	#01 CONT. / 0.6M O.C. SPACING
JUNIPERUS CHINENSIS 'SPARTAN'	SPARTAN JUNIPER	16	#01 CONT. / 1.5M O.C. SPACING
MISCANTHUS SINENSIS 'HURON SUNRISE'	HURON SUNRISE MAIDEN GRASS	19	#01 CONT. / 1.2M O.C. SPACING
PANICUM VIRGATUM 'ROSTRALBUSH'	RED SWITCH GRASS	27	#01 CONT. / 1.0M O.C. SPACING
PENNISETUM ALOPECUROIDES	FOUNTAIN GRASS	27	#01 CONT. / 1.0M O.C. SPACING
PEROVSKIA ATRIPLICIFOLIA	RUSSIAN SAGE	27	#01 CONT. / 1.0M O.C. SPACING
PHILADELPHUS LEWISII 'BUZZARD'	BUZZARD MOCKORANGE	12	#01 CONT. / 1.5M O.C. SPACING
ROSA 'EMILY CARR'	EMILY CARR ROSE	12	#01 CONT. / 1.5M O.C. SPACING
SYRINGA VULGARIS 'CHARLES JOLY'	CHARLES JOLY FRENCH LILAC	7	#01 CONT. / 2.0M O.C. SPACING

SCHEDULE C
This forms part of application
DP16-0300
City of Kelowna
COMMUNITY PLANNING



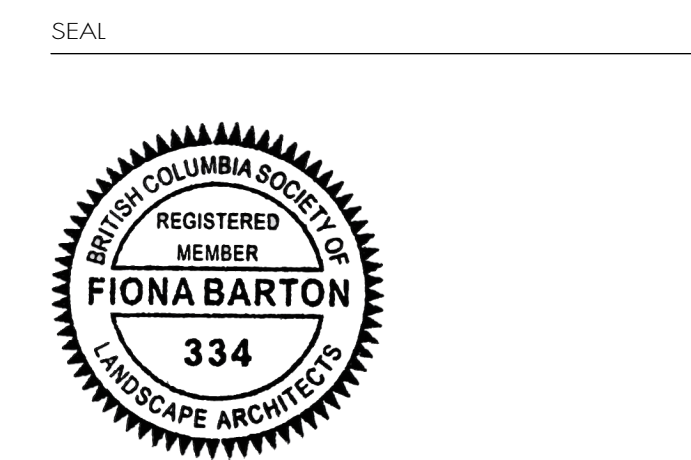
PROJECT TITLE
EAGLE CREEK STUDIOS
3510 SPECTRUM COURT
Kelowna, BC

DRAWING TITLE
CONCEPTUAL
LANDSCAPE PLAN

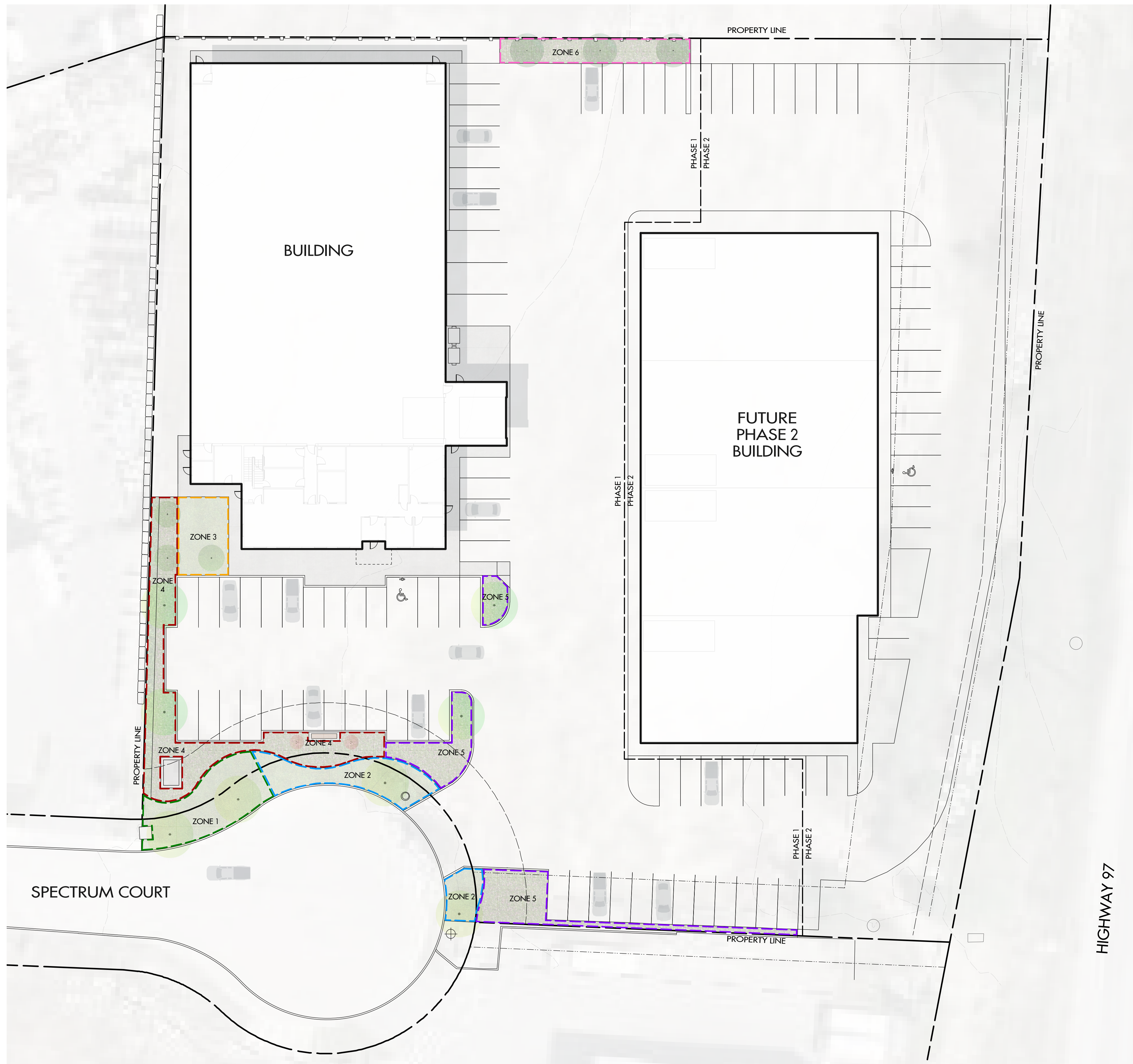
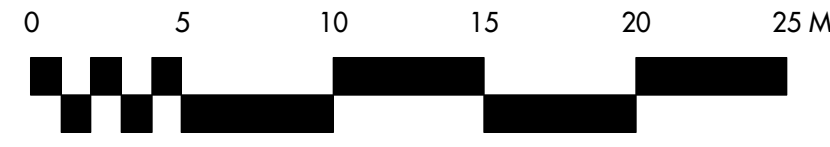
ISSUED FOR / REVISION

NO.	DATE	REVISION
1	17.01.17	Review
2		
3		
4		
5		

PROJECT NO: 16-097
DESIGN BY: SP
DRAWN BY: SR
CHECKED BY: FB
DATE: JAN. 17, 2017
SCALE: 1:250



DRAWING NUMBER
L1 / 2



WATER CONSERVATION CALCULATIONS

LANDSCAPE MAXIMUM WATER BUDGET (WB) = 922 cu.m. / year
 ESTIMATED LANDSCAPE WATER USE (WU) = 585 cu.m. / year
 WATER BALANCE = 337 cu.m. / year
 *REFER ATTACHED IRRIGATION APPLICATION FOR DETAILED CALCULATIONS

- IRRIGATION LEGEND**
- ZONE #1: LOW VOLUME POP-UP SPRAYHEADS FOR TURF AREAS
 TOTAL AREA: 98 sq.m.
 MICROCLIMATE: SOUTH EXPOSURE, PARTIALLY SHADED BY TREES
 ESTIMATED ANNUAL WATER USE: 140 cu.m.
 - ZONE #2: LOW VOLUME POP-UP SPRAYHEADS FOR TURF AREAS
 TOTAL AREA: 100 sq.m.
 MICROCLIMATE: SOUTH EXPOSURE, PARTIALLY SHADED BY TREES
 ESTIMATED ANNUAL WATER USE: 143 cu.m.
 - ZONE #3: LOW VOLUME POP-UP SPRAYHEADS FOR TURF AREAS
 TOTAL AREA: 57 sq.m.
 MICROCLIMATE: SOUTH EXPOSURE, PARTIALLY SHADED BY TREES
 ESTIMATED ANNUAL WATER USE: 81 cu.m.
 - ZONE #4: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS
 TOTAL AREA: 192 sq.m.
 MICROCLIMATE: SOUTH EXPOSURE, PARTIALLY SHADED BY TREES
 ESTIMATED ANNUAL WATER USE: 107 cu.m.
 - ZONE #5: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS
 TOTAL AREA: 136 sq.m.
 MICROCLIMATE: SOUTH EXPOSURE, PARTIALLY SHADED BY TREES
 ESTIMATED ANNUAL WATER USE: 76 cu.m.
 - ZONE #6: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS
 TOTAL AREA: 69 sq.m.
 MICROCLIMATE: SOUTH EXPOSURE, PARTIALLY SHADED BY TREES
 ESTIMATED ANNUAL WATER USE: 38 cu.m.

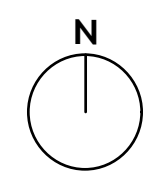
- IRRIGATION NOTES**
1. IRRIGATION PRODUCTS AND INSTALLATION METHODS SHALL MEET OR EXCEED THE REQUIREMENTS OF THE WATER USE REGULATION BYLAW NO. 10480 AND THE SUPPLEMENTARY SPECIFICATIONS IN THE CITY OF KELOWNA BYLAW 7900 (PART 6, SCHEDULE 5).
 2. THE IRRIGATION SYSTEM SHALL MEET THE REQUIREMENTS, REGULATIONS,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

SCHEDULE C

This forms part of application
 # DP16-0300

Planner Initials

City of Kelowna
 COMMUNITY PLANNING



PROJECT TITLE
EAGLE CREEK STUDIOS
3510 SPECTRUM COURT

Kelowna, BC

DRAWING TITLE
WATER CONSERVATION & IRRIGATION PLAN

ISSUED FOR / REVISION

1	17.01.17	Review
2		
3		
4		
5		

PROJECT NO 16-097

DESIGN BY	SP
DRAWN BY	KG
CHECKED BY	FB
DATE	JAN. 17, 2017
SCALE	1:250

SEAL



DRAWING NUMBER
L2/2

Report to Council



Date: January 30, 2017
File: 0610-50
To: City Manager
From: Social Development Manager
Subject: Homeless-Serving Systems Framework Update

Recommendation:

THAT Council receive, for information, the report from the Social Development Manager, dated January 30, 2017, regarding an overview of the framework for the development of a long-term strategy to address homelessness and provide an update on current initiatives being implemented to address homelessness.

Purpose:

To provide Council with an overview of the framework for the development of a long-term strategy to address homelessness, and an update of the current community initiatives related to addressing homelessness.

Background:

At the December 5, 2016 morning Council meeting, staff provided Council an update on initiatives related to housing strategies and an overview of best practice research, key local findings, and a proposed framework for the development of a strategy to address homelessness. During this meeting, Council also endorsed the framework as a basis for continued collaboration in the development of a long-term strategy to address homelessness.

This report provides highlights of the December 5, 2016 report related to the Homeless-Serving Systems Framework but also expands on the current initiatives.

The December staff report provided Council with an update on some of the most notable current and short-term municipal actions to ensure there is appropriate housing for all citizens in our community, at all levels of the housing continuum. Although this is not the focus of this report, it is important to note that while some of the solutions will be long-term in nature and involve policy change and Federal and Provincial commitment along with significant funding, others are occurring immediately through municipal action which will have a noticeable, short-term positive impact on our community.

Kelowna is currently facing the same challenges that cities across the nation are experiencing related to homelessness and a lack of non-market and affordable housing to meet community needs. Drawing from best practices that are demonstrating positive results in addressing homelessness, municipalities are recognizing the importance of local leadership in building and strengthening the capacity of the services and systems that serve the homeless in the community. Focusing on collaboration and coordination of services designed to address the root causes of vulnerability is at the foundation of building a safe, healthy, and sustainable community.

Partnerships with all levels of government, non-profit and profit sectors, and faith communities are critical in working together to develop and implement local plans that focus on prevention and support services for vulnerable populations by:

- identifying local housing and service needs;
- defining community priorities and objectives;
- developing integrated support systems that are coordinated and simple to navigate;
- targeting public investment towards the goal of reducing homelessness.

Update on Long-term Strategy to Address Homelessness:

Best Practices and Framework for Strategy Development

Local plans to address homelessness and housing insecurity have become a common feature of cities across Canada and are contributing to a body of best practices research of which Kelowna can draw from, including:

- The Housing First model, based on coordinating program level services to rapidly rehouse individuals and support them to maintain housing stability, is proving to be successful. However, research shows that the disjointed nature of policies and programs of the homeless-response service mandates and priorities is creating coordination challenges in the application of this model.
- A Systems Planning approach is proving to be effective in achieving the integration of policies and practice required to support a Housing First approach. The focus is on redesigning the local homeless-serving system to support overall coordination, alignment, and integration of planning, funding, and services with a goal to:
 - Design services based on a clear understanding of who is becoming homeless and why, their needs, and the pathways that have led them to homelessness;
 - Use a “no wrong door” approach, whereby a person can access any service they need and want at any given time;
 - Develop partnerships to design policies, strategies, and investments that focus on preventing homelessness and ensure that when it does occur it is rare, short-lived, and non-reoccurring;
 - Increase coordination and efficiency based on client-centered and outcome-focused approaches.

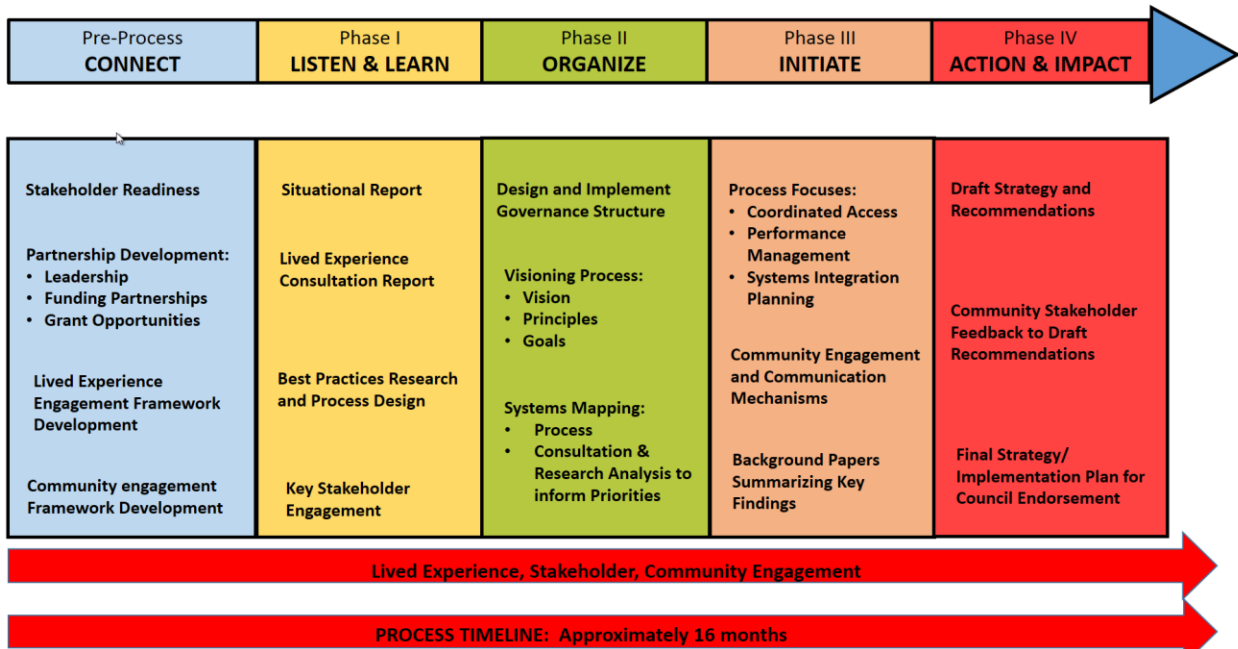
Staff have been directed to work with partners to develop a Homeless-Serving Systems Strategy which will be based on the application of a Systems Planning Framework. This framework will provide direction on several key elements that are critical in reducing the incidence of homelessness, and ensuring that when it does occur, the duration is reduced. The proposed strategy framework focuses on:

- Translating Best Practices to local context;
- Capacity building to transition to a Systems Planning Framework approach;
- Leadership capacity building and Sustainability planning;
- Systems Planning focused on the development of:
 - Integrated Systems, Coordinated Service and Prevention Delivery;
 - Client-Centered Informed System and Delivery;
 - Performance driven, Outcome-Focused Services System.
- Clear and well-defined implementation strategy development, including specific targets and timelines.

The development of a Homeless-Serving Systems Strategy will help to transform Kelowna’s housing and homelessness services into an integrated, client-centered, outcome-focused service system. This will be designed to assist residents to achieve housing stability and improve their well-being, and the overall safety, health, and sustainability of the community.

The framework proposed to Council in December, 2016 was developed to reflect the stakeholder input to date and will continue to evolve as partnerships and stakeholder commitments expand. Applying a Systems Planning Framework to the local context will be best achieved through a phased approach focused on developing a coordinated homeless-serving system.

Proposed Systems Framework:



While the framework above provides a guideline to develop a long-term strategy, it is important to note that the phases of the framework overlap, with some activities occurring concurrently. In addition, as local background research and consultation are underway, the design process and partnership contribution commitments for the development of a local strategy will continue to evolve. Additional detail of components of each phase is provided in Appendix A.

While the planning process is expected to take up to 16 months, there are several current initiatives that have been identified that are beneficial to building a strong foundation for the systems planning initiative. As the process unfolds, there will be ongoing efforts to align the systems planning project with these initiatives, as well as new opportunities that emerge. Connecting to new opportunities will be evaluated and pursued based on potential benefits and resource availability.

Current Community Initiatives:

Kelowna benefits from a multitude of strengths within the homeless serving sector including quality resources and services that are responding to new and emerging needs. Despite being faced with a lack of formalized structures, mechanisms, and partnership agreements to support community-wide collaborative planning and services, there is a strong foundation of local strengths to build on. Examples of current initiatives that are making positive impacts through collaborative efforts include:

- **City Bylaw Services** - Working closely with Outreach Services in the community. The goal is to provide Bylaw staff with the ability to connect individuals with local outreach services, as well as with the pilot transitional storage program.
- **Transitional Storage Program** - In partnership with BC Housing and Gospel Mission:
 - It is well documented that for people living without homes, being able to store their belongings can be transformative. Implemented in the fall of 2016, this program has been effective in supporting individuals to connect with services:
 - 17 individuals began using the shelter system for the first time after accessing the storage program;
 - In the first three months, seven individuals who accessed the storage program have moved on into housing.
- **Coordinated Access** - BC Housing is leading work with local service providers to implement a coordinated approach across service providers to assess needs; integrate housing applications across 8 housing providers; and facilitate housing referrals. Through the application of this coordinated approach:
 - 34 people have been housed at Gordon Place, and there are seven more apartments under renovation that will eventually be filled;
 - The individuals housed have come either directly from the shelter system or have vacated spaces for people to move out of shelters.
- **Assertive Community Treatment (ACT) Team** - Implemented by Interior Health Authority in April, 2015 this team provides flexible, community-based support for adults with serious and persistent mental illness and significant functional impairments who have not connected with, or responded well to, traditional outpatient mental health and rehabilitation services.

The Province created ACT Teams to ensure people with mental health challenges remain housed and to reduce the strain on emergency services dealing with mental health crises. These teams reach out to people living with severe mental illness to help them improve their mental health, manage other health problems and prevent hospitalization. A small group of professionals such as a psychiatrist, nurse, counsellors and outreach workers provide 24-hour emergency care and follow-up services with a capacity of 80 clients that

receive the individualized care they require in order to follow through on treatment plans and services.

- **Housing First** - Canadian Mental Health Association Kelowna (CMHA) received funding from the Federal Government Homelessness Partnering Strategy (HPS) to deliver the first official Housing First program in Kelowna which began in April, 2016.

Participants are accepted based on their level of vulnerability, with the most vulnerable prioritized first, including those that are the highest users of emergency services such as RCMP, Hospital, and Paramedics. Priority is given to the chronically homeless, meaning they have been homeless for at least a year or have had several episodes of homelessness with only brief periods of housing. The current number of participants in the program is 10, and allows for additional intakes ongoing. Of the 10 individuals currently in the program 8 are living in their own homes, one is in transitional housing and the most recent person to be added is currently engaging in the housing search process.

- **Housing First Training for Homeless-Serving Sector** - In addition to service delivery, CMHA Kelowna has arranged for community based training for multiple community organizations, including:
 - Housing First 101: In June 2016, staff from CMHA Kelowna and Interior Health Authority attended a training led by facilitators from Pathways to Housing and Canadian Alliance to End Homelessness;
 - Housing First Community Education event: In June, 2016 CMHA hosted a community education event on the basics of Housing First;
 - Intensive Person-Centered Case Management training - Hosted by CMHA in December, over 20 staff from a number of organizations participated;
 - A community based "Systems Design Clinic" - Currently being planned for early March through a partnership between City, CMHA, and Service Canada HPS as a part of the Homeless-Serving Strategy stakeholder readiness process.
- **Housing & Integrated Task Team Program (HITT)** - HITT is a pilot program new to Kelowna under the Ministry of Social Development & Social Innovation (MSDSI). Implemented in the summer of 2016, the program is designed to promote safe housing through integrated services and partnerships within the community. This program is designed to create a responsive, ongoing accommodation review process for MSDSI whereby Ministry staff liaise and build cooperative partnerships with local agencies and stakeholders to promote safe and affordable housing for clients.

HITT is proving to be a valuable resource in the local collaborative efforts to support people to maintain or acquire housing. Examples of successes include:

- Working with clients and stakeholders to secure safe and affordable housing;
 - Assisting clients in dealing with household emergencies;
 - Expediting the processing of Shelter Documents to secure housing for clients facing multiple barriers.
- **Integrated Court** - John Howard Society is currently investigating the opportunity to apply this spring to the Provincial Court for an Integrated Court in Kelowna. The goal of an Integrated Court is to reduce crime, improve public safety, and provide integrated justice, health and social services approach designed to address the root causes of crime. This type of approach is designed specifically to address the ineffectiveness of the

traditional court approach for the population whose interactions with the criminal justice system are a result of their substance use, mental health and housing challenges. An Integrated Court is designed to break the cycle of criminal justice involvement by:

- Engaging the community and its resources at an early stage;
 - Allowing the court to be better informed about the offender;
 - Providing sentences that have a higher prospect of effecting some degree of rehabilitation.
- **Mapping for Change** - A partnership between Central Okanagan Foundation, United Way of the Central/South Okanagan/Similkameen, UBC Okanagan, Okanagan College, Mitacs and Innovations in Wellness Fund. By utilizing current and innovative technology, the project is designed to benefit the broader community through improved access to real-time, locational information on homelessness services in Kelowna. Having access to this resource will also provide homelessness stakeholders, including funders and local government, with current, real-time information on which to base their planning and decisions related to resource allocation.

The project is a case study of best practices in the use of Geoweb as a mechanism for enhancing informational exchange and collaboration between homelessness stakeholders including non-profits/charities serving the homeless. Using geoweb technology developed in the Spatial Information for Community Engagement (SPiCE) Lab at UBC Okanagan, the project involves implementing and monitoring/evaluating the use of a web-based mapping application that functions as an accessible and searchable spatial database of housing and related services for the homeless in Kelowna. The resulting online tool called i-Search Kelowna, will be launched in March 2017, after which time the evaluation will commence.

- **Foundry Kelowna** - One of a series of centres across BC recently announced by the province. It will open this coming spring providing a new integrated youth-service centre for youth in need of mental health care and social services. Canadian Mental Health Association (CMHA) Kelowna is the lead agency working with 25 partner agencies to bring existing services under one roof so families and young people can access a 'one-stop shop' for primary care, mental health and substance use, and social services.
- **Personal Belongings Carrier (PBC)** - The City is working with UBC Okanagan's School of Engineering and community partners on a project to create a highly functional personal belongings carrier (PBC). The initiative seeks to offer a dignified solution for homeless individuals by designing a cart that is user-friendly, secure, and portable. It is hoped the PBC will facilitate independence and help homeless individuals to find more permanent living situations. The City of Kelowna, Waterplay Solutions Inc./WMI Manufacturing, Metro Community and the RCMP are all partnering with UBC to make the PBC a reality. Initial trials are set for June 2017.

Next Steps

The next steps for the Systems Framework are:

- Framework Refinement, Identification of Key Milestones and Timelines;
- Plan for utilizing City's Commitment to Leverage Partnership Commitments and Grant Opportunities;
- Partnership Engagement and Development;
- Key initiatives from the Pre-Phase and Phase I including:
 - Stakeholder Readiness Presentations and Workshops;

- Design and Implementation of Systems Planning Governance Model;
- Design of Consultation Processes and Engagement Mechanisms;
- Completion of the Situation Report;
- Completion of the Lived Experience Consultation Report.

Internal Circulation:

J. Gabriel, Divisional Director, Active Living & Culture
D. Gilchrist, Divisional Director, Community Planning & Real Estate
R. Mayne, Divisional Director, Corporate and Protective Services
C. Weaden, Divisional Director, Communications & Information Services
J. Foster, Communications Supervisor

Considerations not applicable to this report:

Legal/Statutory Authority
Legal/Statutory Procedural Requirements
Existing Policy
Personnel Implications
External Agency/Public Comments
Communications Comments
Alternate Recommendation

Submitted by:

S. Wheeler, Social Development Manager, Active Living & Culture

Approved for inclusion: Divisional Director, Active Living & Culture
 Divisional Director, Community Planning & Real Estate

Attachments: Appendix A - Proposed System Framework
PowerPoint Presentation

cc: Divisional Director, Active Living & Culture
 Divisional Director, Community Planning & Real Estate
 Divisional Director, Corporate & Protective Services
 Divisional Director, Communications & Information Services

Appendix A

Proposed Systems Framework - Outline of Phases:

Preparation Process Phase: “Connect”

In order to prepare to undertake a community systems planning initiative, it is imperative that the readiness of stakeholders to undertake a systems approach be addressed and the commitment to participation be developed to lay the foundation for this work:

- *Stakeholder Readiness*: Engagement of stakeholders to ensure readiness, capacity building, and buy-in for participation in a homeless serving systems planning process;
- *Partnership Development*: A collective of partners and contributions to a community systems planning initiative will be critical to strengthen commitment and accountability to this process. A partnership contribution exploration with other levels of government, stakeholders, community foundations, and private donors will be conducted.
- *Lived Experience Engagement Framework*: The design of an engagement framework that recognizes that people with lived experience must have meaningful and purposeful opportunities to inform and shape all levels of the Systems Strategy planning and implementation.
- *Community Engagement Framework*: The design of an engagement framework that recognizes engaging the broad public in a system of care development leads to better solutions and a deeper public understanding and ownership of the community’s future.

Phase I: “Listen and Learn”

- *Situational Report*: Research to combine multiple stakeholder data and information to provide a comprehensive inventory and overview of non-market housing stock supply and demand to inform targets;
- *Lived Experience Consultation Report*: Gathering needs assessment data along with consultation with persons and their families with lived experience to gain a deeper understanding of unique needs and systemic challenges at the sub-population level to better inform a community systems planning approach. Garnering lived experience expertise will be instrumental in informing and strengthening local solutions to homelessness and poverty.
- *Best Practices Research and Process Design Application*: Garnering local expertise and knowledge will be foundational to the application of relevant best practices. Designed to ensure a community-wide impact approach, the process will include the application of:
 - Housing First Principles;
 - Beyond Housing First: Essential Elements of System Planning;
 - Nothing About Us Without Us: Seven Principles for Leadership and Inclusion of People with Lived Experience of Homelessness;
 - Developmental Evaluation (to be applied across all processes).
- *Key Stakeholder Engagement*: Engaging the Homeless-Serving Sector at-Large will help to inform the overall Framework implementation. A communication mechanism designed in the Organize Phase will assist in keeping the entire sector engaged and informed regarding the process as it unfolds.

Phase II: “Organize”

- *Design and Implementation of Governance Structure*: The design of a governance structure, based on a best practices approach, is critical to ensure that an effective organizational infrastructure is in place to support the development of a Systems Strategy based on common goals.

- *Systems Mapping*: A process will be undertaken to create a “living” services map designed to gain an understanding of:
 - current programs and services, and their role and capacity to meet the needs of the local homeless and at-risk populations identified through the consultation with individuals with lived experience;
 - points of intersection between programs and systems
 The map created will help to identify gaps, overlaps, barriers, and opportunities which will ultimately inform decisions during the Systems Planning process.

Phase III: “Initiate”

- *Process Groups*: The structure of will be designed based on the outcomes of the System Mapping process and will be organized to align with the three focus areas of work:
 - coordinated access and services delivery,
 - integrated information and performance management,
 - and systems integration;
- *Community Engagement*: Communications mechanisms will be designed to keep the community engaged and informed of the progress. The information gathered from these processes will help to inform the work of the Process Groups.

Phase IV: “Action and Impact”

The work of the Process Groups, together with the stakeholder engagement processes, will inform the recommendations which will be outlined in a Draft Strategy, and based on direction of the Task Group, will be vetted by all stakeholders. The development of the final Strategy will include an Implementation Plan that will include recommendations regarding:

- leadership and structure to support the strategy implementation,
- performance indicators;
- and annual funding amounts required to achieve the strategy recommendations.

Homeless-Serving Systems Framework Update

January 30, 2017

Active Living & Culture

City of Kelowna Commitment



- ▶ Social Development Manager role
- ▶ Commitment to working collaboratively:
 - ▶ needs of vulnerable populations are met
 - ▶ homelessness prevented where possible, rare in occurrence, and short-lived when it does occur
- ▶ Proposed Homeless-Serving Systems Framework:
 - ▶ collaboration in long term local strategy development
- ▶ \$125,000 commitment in 2017 City Budget:
 - ▶ Goal to leverage partnerships/grant opportunities
 - ▶ Funding level will dedicate scope of strategy

City of Kelowna Housing Update

- ▶ Partnership Housing
- ▶ Housing Incentives
- ▶ Housing Supply
- ▶ Healthy City Strategy
- ▶ Strategic Acquisitions



Key Local Gaps

- ▶ Understanding individual/systemic challenges/pathways to homelessness
- ▶ Collective data to inform priorities & targets
- ▶ Monitor policies, programs, services to identify gaps & new approaches
- ▶ Systems map of relationships/transitions between services
- ▶ Systems plan of structures and mechanisms for coordination across all sectors



Moving Forward

Made-in-Kelowna Strategy Framework

- ▶ Innovative and collaborative approaches
- ▶ Informed by those with lived experience
- ▶ Increased coordination, especially for complex needs
- ▶ Information sharing to inform benchmarks & targets
- ▶ Mechanisms to monitor, evaluate, report, and adjust over the life of the strategy.

Systems Planning Approach

*Homeless-Serving System redesign
based on Housing First principles*

- ▶ Understanding who, why & pathways
- ▶ No wrong door approach
- ▶ Reduced time and consequences of homelessness experience
- ▶ Coordination, alignment, integration; performance/effectiveness
- ▶ Multi-sector shared commitment partnerships

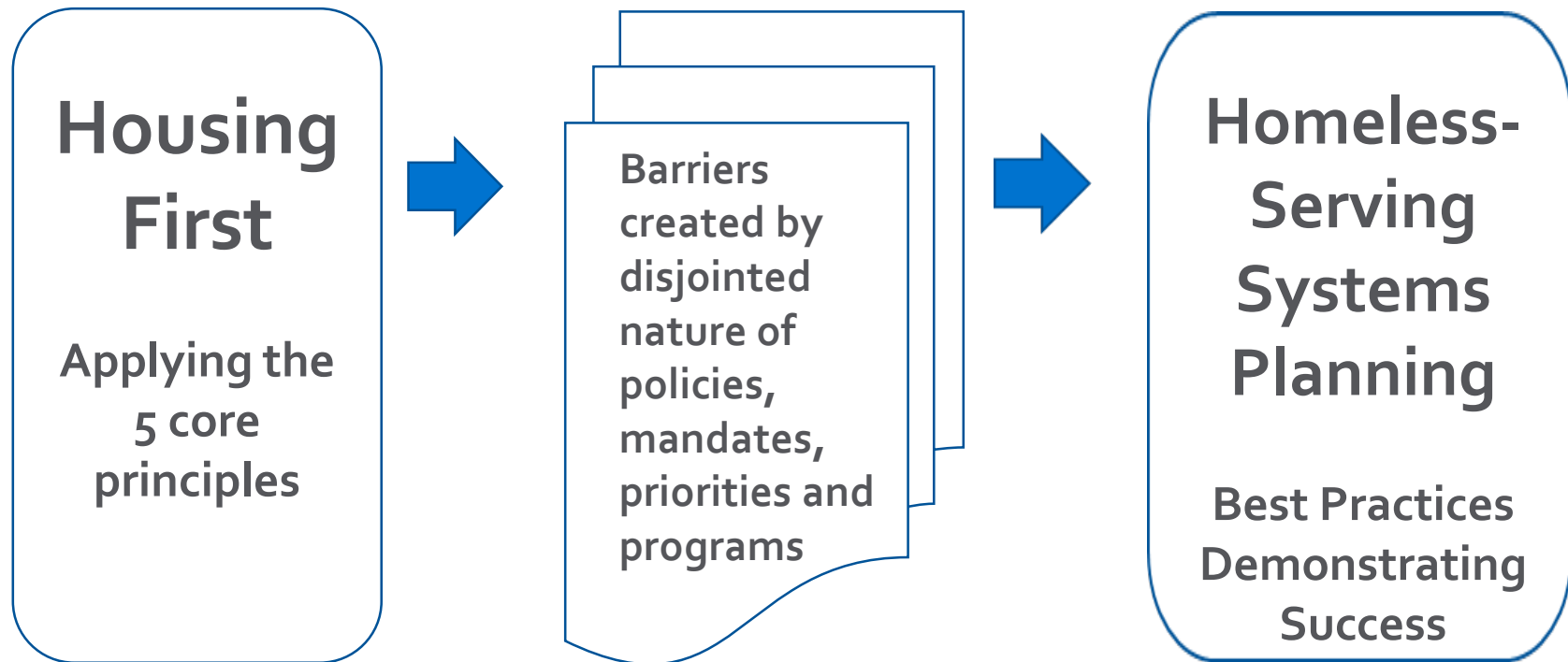


***"Shifting from
a program-by-
program to a
systems
approach to
address
homelessness"***

Alina Turner



Why a Systems Planning Approach?



Homeless-Serving System



- ▶ Defining basic components
- ▶ Understand how relate to one another as a part of the whole
- ▶ Common goal
- ▶ All components play a role in applying Housing First principles
- ▶ Local needs, resources, and priorities determine relationships at the system-level

Outline of common program components that play a particular role in successful homeless-serving systems.

Integrating Across Systems



- ▶ Once homeless-serving system defined, points of intersection with other systems become clearer
- ▶ Ability to integrate with key public systems and services through partnerships and shared protocols and policies

Successful integration is achieved when strategies are applied across systems.

Essential Elements of System Planning

Planning & Strategy Development

Organizational Infrastructure

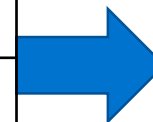
System Mapping

Coordinated Service Delivery

Integrated Information Management

Performance Management & Quality Assurance

Systems Integration



System Planning Focus

Internal Integration: within Homeless- Serving System

External Integration: across key public systems and Homeless-Serving System

Homeless-Serving Systems Strategy Proposal

Systems Planning Framework focus:

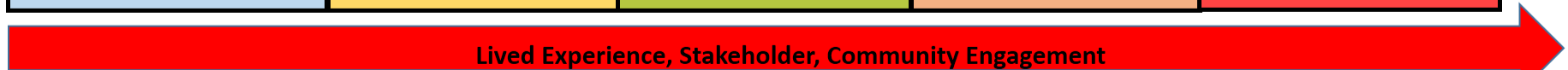
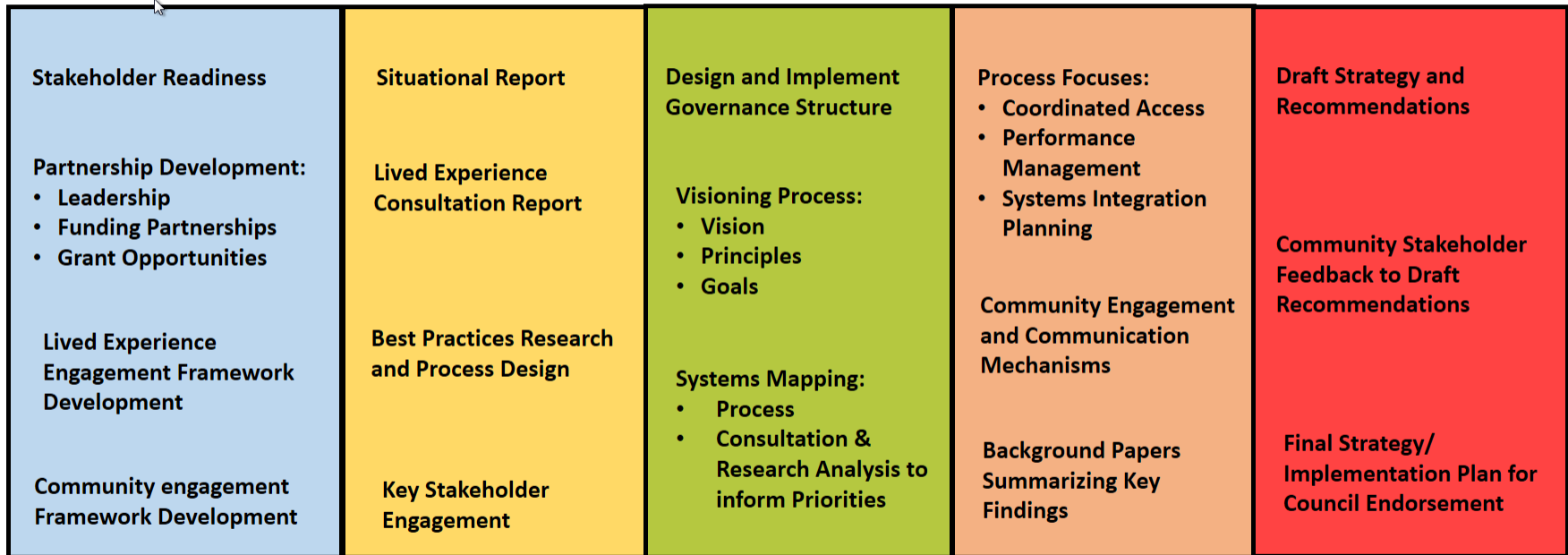
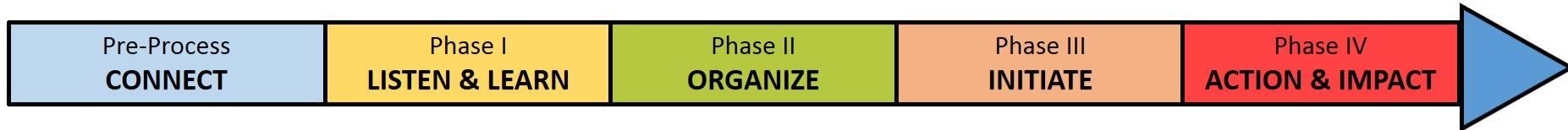
- ▶ Best Practices
- ▶ Capacity for Systems Planning
- ▶ Development of:
 - ▶ Integrated Systems
 - ▶ Client-Centered Delivery
 - ▶ Outcome-Focused Services

Critical to the process:

- ▶ Local Leadership
- ▶ Inclusive engagement
- ▶ Garnering local knowledge
- ▶ Partnership commitments

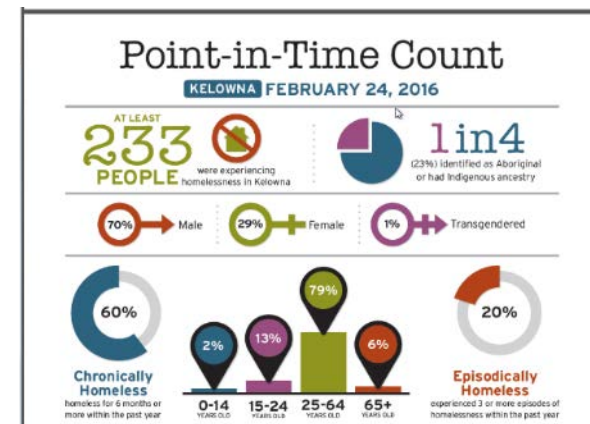


Proposed Systems Framework



Key Local Strengths

- ▶ Responding to emerging trends
- ▶ Coordination of front-line services
- ▶ Quality and responsive resources and services
- ▶ Addressing individual needs and matching clients to services/housing
- ▶ Growing willingness to work together; to support existing, and develop new collaborations



Current Community Initiatives

- ▶ **City Bylaws collaboration with Outreach**
 - ▶ Gospel Mission, HITT
- ▶ **Transitional Storage Pilot Program**
 - ▶ BC Housing, City, and Kelowna Gospel Mission partnership
- ▶ **Coordinated Access/Intake**
 - ▶ BC Housing led (Gordon Place)
- ▶ **Housing First and Community Partner Training**
 - ▶ Canadian Mental Health Association Kelowna
- ▶ **Assertive Community Team (ACT)**
 - ▶ Interior Health Authority

Current Community Initiatives

- ▶ **Housing & Integrated Task Team (HITT)**
 - ▶ Ministry Social Development & Social Innovation - pilot program
- ▶ **Integrated Court - Application**
 - ▶ John Howard Society
- ▶ **Mapping for Change**
 - ▶ UBCO, Okanagan College, Central Okanagan Foundation
- ▶ **The Foundry** (Integrated Youth Substance Use/Mental Health Services Initiative)
 - ▶ Canadian Mental Health Association/25 partners

Systems Framework Next Steps

- ▶ Framework:
 - ▶ Refinement, Identification of Key Milestones, and Timelines
- ▶ Partnerships:
 - ▶ Engagement and Development
 - ▶ Leveraging Commitments/Contributions
- ▶ Key Initiatives for Pre-Phase and Phase I including:
 - ▶ Stakeholder Readiness
 - ▶ Design/Implementation Governance Model
 - ▶ Design of Consultation/Engagement Processes
 - ▶ Situational Report
 - ▶ Lived Experience Consultation Report

Report to Council



Date: January 23, 2017
File: 0710-40
To: City Manager
From: Ross Soward, Planner Specialist
Subject: Rental Housing Grant Recommendation for 2017

Recommendation:

THAT Council receives the report from the Planner Specialist, dated January 23, 2017 regarding the rental housing grant recommendations for 2017;

AND THAT Council approves the 2017 Rental Housing Grants as identified in the report from the Planner Specialist, dated January 23, 2017, in accordance with the Housing Opportunities Reserve Fund Bylaw No. 8593.

Purpose:

To consider approval of 11 purpose-built rental housing projects for rental housing grants in 2017, subject to final budget approval.

Background:

Canada Mortgage and Housing Corporation (CMHC), identifies Kelowna as having one of the lowest apartment vacancy rates for Census Metropolitan Areas (CMAs) in Canada, reporting a 0.6 per cent vacancy rate as of October 2016 with a vacancy rate of 0 per cent for three bedroom units. The high rate of population growth in the CMA area has put additional pressure on an already limited rental housing supply. The combination of these two factors has contributed to Kelowna becoming one of the most competitive rental housing markets in Canada with CMHC forecasting only a minor increase to the vacancy rate in 2017.

The *City of Kelowna Housing Strategy* identifies the goal of developing 300 purpose-built rental units each year to address future rental housing needs. However, from 2010 to 2016 only 1,000 purpose-built rental units were developed with 2016 being the first year 300 units were issued building permits. The lack of rental housing constructed over the last six years has resulted in a deficit of roughly 1,100 rental housing units based on the targets from *the Kelowna Housing Strategy*. Purpose-built rental apartments

are important part of a healthy housing market, ensuring housing options exist for people in transitional periods and those who are not able to own their own home.

Given the significant need for rental housing in Kelowna, several modifications were made to the rental housing program in 2016. In past years, grant amounts were based on the number of units associated with each project with no regard for the size of the unit. Staff adjusted the funding distribution in 2016, introducing tiered funding maximums for one, two and three bedroom units. The increase in the maximum funding for three bedroom units reflects the higher costs associated with building larger units in an effort to encourage the development of more family-friendly units. The overall amount of funding available for rental housing grants was also increased from \$320,000 to \$420,000 for the 2017 and 2018 grant funding cycles. The increase was intended to support the housing sector in its efforts to address the low vacancy rates and take advantage of the strong population growth and low interest rates.

The 2017 intake of applications is the highest on record and demonstrates the significant response from the housing sector to address the rental housing demand in the community. The high number of rental housing units will go a long way to addressing the need for rental housing that stems from the limited amount of rental housing development from 2010-2015.

The report outlines the properties being recommended to receive rental housing grants for 2017, as follows.

1. \$119,628 for 280 units at 1469 KLO Road
2. \$66,565 for 166 units at 720 Valley Road
3. \$53,063 for 164 units at 726/816 Clement Avenue
4. \$55,195 for 111 units at 1975 Kane Road
5. \$45,956 for 108 units at 755 Academy Way
6. \$27,479 for 69 units at 1920 Enterprise Way
7. \$20,135 for 65 units at 1149 Sutherland Road
8. \$14,450 for 47 units at 2075 Benvoulin Court
9. \$10,186 for 43 units at 1545 Bedford Avenue
10. \$3,553 for 9 units at 205 Highway 33 East
11. \$3,790 for 8 units at 681 Glenwood Avenue

The rental housing grants have been established to help offset the cost of DCCs. Based on the rental building applications received and the DCC estimates, the amount the City could authorize for rental housing grants, if the program was not financially capped, would be \$15,302,438 which is the total estimated cost of DCC's. The precise DCC cost for each project will be established at the time of building permit. On the basis of the projected 2017 budget (subject to final Council approval), the recommended grants are summarized in the table outlined below.

Project	Units Supported	Recommended Grants	Estimated DCC*	Type of Units
1469 KLO Road	280	\$119,628	\$4,026,594	purpose-built rental
720 Valley Road	166	\$66,565	\$2,399,705	purpose-built rental
726 Clement Avenue	164	\$53,063	\$2,429,332	purpose-built rental
1975 Kane Road	111	\$55,195	\$1,691,015	purpose-built rental
755 Academy Way	108	\$45,956	\$ 1,617,866	purpose-built rental
1920 Enterprise Way	69	\$27,479	\$946,042	purpose-built rental
1149 Sutherland Road	65	\$20,135	\$760,124	affordable rental
2075 Benvoulin Court	47	\$14,450	\$696,211	affordable rental
1545 Bedford Avenue	43	\$10,186	\$515,091	purpose-built rental
205 Highway 33 East	9	\$3,553	\$ 135,220	purpose-built rental
681 Glenwood Avenue	8	\$3,790	\$85,238	purpose-built rental
Totals	1070 ¹	\$420,000	\$15,302,438	

*DCC estimates are only preliminary, final DCC amounts will be determined at the time of building permit.

As a result of the changes that were made to the Rental Housing Grants program in 2016, the deadline for 2017 applications was shifted from the end of September to the end of November. This change provided additional time for applicants to prepare submissions. In order for applicants to be eligible for the grants, a housing agreement must be signed to secure the rental dwellings for a minimum of ten years. After ten years a request can be made to release the notice of the housing agreement. To discharge housing agreements requires Council approval and a subsequent repayment of the grant funding to the City for the Housing Opportunities Reserve Fund (s. 4.4 and 4.5 of the Housing Opportunities Reserve Fund By-law 8593).

Requesting a release of the housing agreement is not likely for provincially subsidized non-profit rental housing. Requests for stratification of purpose-built rental buildings can be expected and would be considered if the vacancy rate for rental housing were above three per cent. Letters outlining this process are sent to grant recipients and the letters specify that repayment of the grant is required if the housing agreement is lifted. This process will also be reaffirmed in the housing agreement.

Grant recipients will be notified by letter of the amount of the grant and advised that they need to include a copy of the letter with their building permit application in order to receive a DCC credit, on the DCC's payable at building permit stage, equal to the amount of the grant.

In addition to rental housing grants, application can also be made for property tax exemption. The exemption is on the municipal portion of property taxes on new the improvements associated with

¹ In addition to the 1,070 rental units that are eligible for a DCC credit through the Rental Housing Grants Program there are an additional 41 micro-suites that are not eligible for rental housing grants. For this reason, 41 units are not included in the unit totals provided in this report.

purpose-built rental buildings for a maximum of 10 years. Applications must be consistent with the OCP and supported by the City in order to be eligible. When the vacancy rate is 3% or less, purpose-built rental buildings supported by Council are eligible to apply. Staff anticipate the majority of the grant applicants will also be applying for the rental housing tax exemptions.

Internal Circulation:

Divisional Director, Community Planning and Real Estate
Manager, Long Range Policy and Planning
Manager, Urban Planning
Department Manager, Community Planning
Director, Financial Services
Communications Advisor, Community Engagement

Legal/Statutory Authority:

Local Government Act, Section 877. (1) (a) 933.1 (1)

Legal/Statutory Procedural Requirements:

Housing Opportunities Reserve Fund By-law No. 8593

Existing Policy:

2030 Official Community Plan

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

Policies 10.3.1, 10.3.2, 10.3.3 & 10.3.4

Council Policy no. 355 – Rental Housing Grants

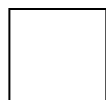
Financial/Budgetary Considerations:

Budgeted funds (subject to final approval) allow for a contribution to support 1070 rental units at a rate of \$237 per 1-bedroom unit, \$474 per 2-bedroom unit and \$948 per 3-bedrooms.

Available funds are as follows:

<u>Housing Opportunities Reserve Fund (HORF) – annual budget allocation:</u>	\$300,000
<u>Annual Budget Allocation to Rental Grants to provide partial relief from DCCs</u>	\$120,000
Total Funds Available	\$420,000

Submitted by:
Ross Soward, Planner Specialist



Approved for inclusion:

J. Moore, Acting Department Manager Policy & Planning

cc:

Divisional Director, Community Planning and Real Estate
Manager, Long Range Policy and Planning
Manager, Urban Planning
Department Manager, Community Planning
Director, Financial Services
Communications Advisor, Community Engagement

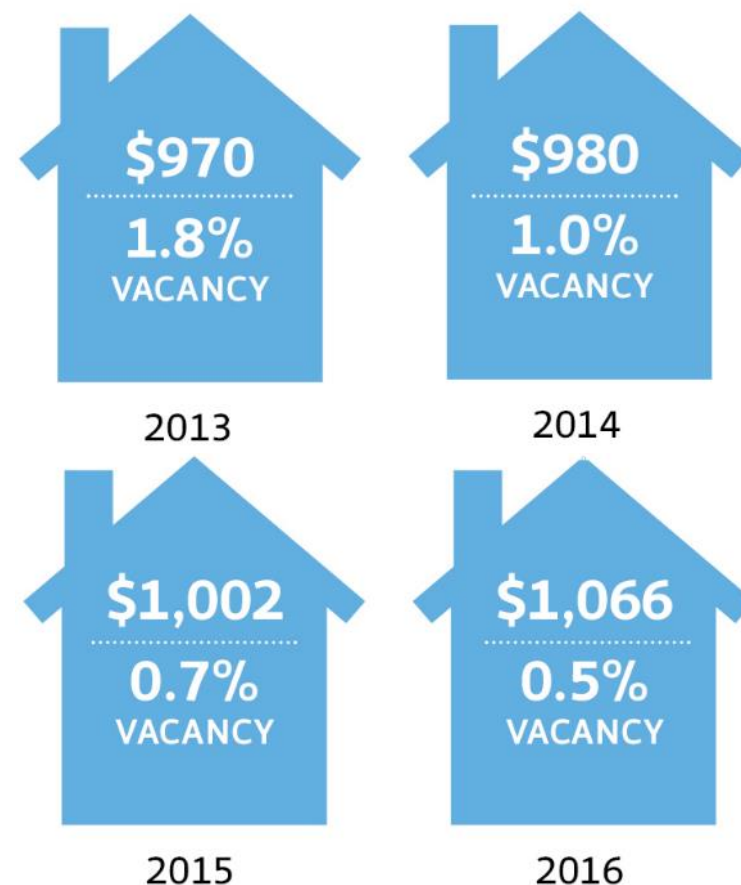
Rental Housing Grants

2017 Funding Recommendations
Policy and Planning Department

Rental Housing Trends

- ▶ Low vacancy rates
- ▶ Significant demand for rental units
- ▶ Deficit of rental housing units
- ▶ Residents looking at alternatives to home ownership

Average Rent and Vacancy Rates
Two Bedroom Units 2013-2016

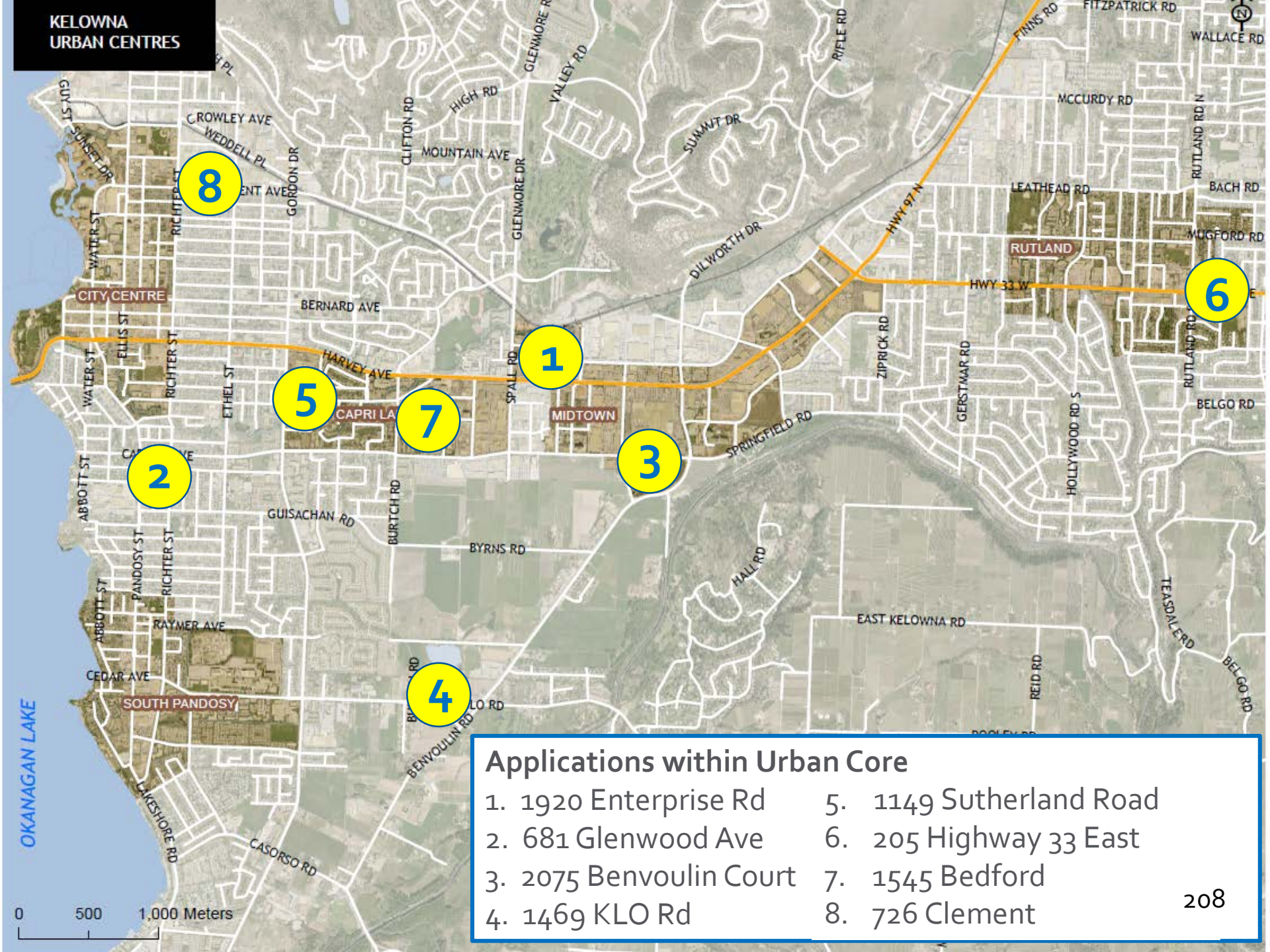


Rental Housing Grants Program

- ▶ Program update in summer 2016
- ▶ Increased funding for three bedroom units
- ▶ Increased funding pool for 2017 & 2018 funding cycles

Rental Housing Grants Program

- ▶ Record intake
- ▶ Over 1,000 units
- ▶ Mix of purpose-built and affordable rental
- ▶ Several projects incorporating three bedroom units
- ▶ Significant amount in Urban Core and VillageCentres



Applications within Urban Core

- | | |
|-------------------------|-------------------------|
| 1. 1920 Enterprise Rd | 5. 1149 Sutherland Road |
| 2. 681 Glenwood Ave | 6. 205 Highway 33 East |
| 3. 2075 Benvoulin Court | 7. 1545 Bedford |
| 4. 1469 KLO Rd | 8. 726 Clement |

2017 Grant Applicants

Project	Number of Units	Type of Project
1469 Klo Rd.	280	Purpose-built rental
720 Valley Rd.	166	Purpose-built rental
726 Clement Ave.	164	Purpose-built rental
1975 Kane Rd.	111	Purpose-built rental
755 Academy Way	108	Purpose-built rental
1920 Enterprise Way	69	Purpose-built rental
1149 Sutherland Road	65	Affordable rental
2075 Benvoulin Court.	47	Affordable rental
1545 Bedford Ave.	43	Purpose-built rental
205 Highway 33 East	9	Purpose-built rental
681 Glenwood Ave.	8	Purpose-built rental

- ▶ Total funds available for 2017 is \$420,000 disbursed among 1,070 units
- ▶ Grant amounts: \$948 per 3 bdr, \$474 per 2 bdr, and \$237 per 1 bdr/studio

Recommended Grants

Project	Units Supported	Grant Amount	DCC Estimate*
1469 Klo Rd.	280	\$119,628	\$4,026,594
720 Valley Rd.	166	\$66,565	\$2,399,705
726 Clement Ave.	164	\$53,063	\$2,429,332
1975 Kane Rd.	111	\$55,195	\$1,691,015
755 Academy Way	108	\$45,956	\$1,167,866
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1545 Bedford Ave	43	\$10,186	\$515,091
205 Highway 33 East	9	\$3,553	\$135,220
681 Glenwood Ave.	8	\$3,790	\$85,238
Totals	1,070	\$420,000	\$15,302,438

*DCC estimates are preliminary, final DCC amounts will be calculated at time of building permit.

Next Steps & Timeline

- ▶ Letters to successful applicants (subject to budget approval)
- ▶ Secure Housing Agreements
- ▶ Credit on DCC payment with building permit
- ▶ Next intake September 2017

Applications
Received



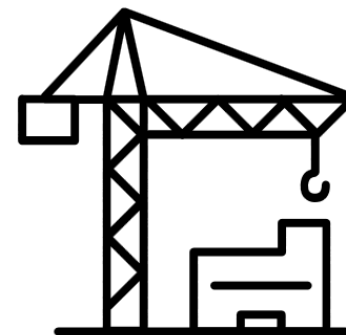
Council Approves
Grant Amounts



DCC Credits at
Building Permit



Construction On
New Rental Units



Conclusion

- ▶ Major increase to rental supply
- ▶ On-going need for three bedroom
- ▶ City continues to work with key partners



Report to Council



Date: Jan. 25, 2017
File: 0165-30
To: Council
From: City Manager
Subject: Quarterly report update – Q4 2016
Report Prepared by: Summer Effray, Communications Consultant

Recommendation:

THAT Council receives, for information, the Quarterly report update from the City Manager, dated Jan. 25, 2017.

Purpose:

To provide Council with an update of the City's activities for the fourth quarter of 2016.

Background:

The attached presentation provides a brief summary of some key activities undertaken in the last quarter by the corporation.

The content of the presentation continues to evolve and staff welcomes Council's suggestions in ensuring the report is both informative and timely for our community. All contributors and contributing departments are not expected to attend the Council presentation, however if Council has specific questions that require a staff member attend the meeting, it is requested that the City Clerk be advised in advance of the meeting.

A collection of current and past quarterly report presentations can be found on kelowna.ca under [City publications](#).

Internal Circulation:

Content provided by Divisional Directors
City Manager
Communications & Information Services Director
Communications Supervisor

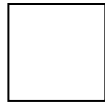
Considerations not applicable to this report:

Legal/Statutory Authority:
Legal/Statutory Procedural Requirements:
Existing Policy:
Financial/Budgetary Considerations:
Personnel Implications:
External Agency/Public Comments:
Communications Comments:
Alternate Recommendation:

Submitted by:

R.L. (Ron) Mattiussi, MCIP
City Manager

Approved for inclusion:



cc: Divisional Directors



City of
Kelowna

Quarterly report

October to December 2016

New web platform



A well-run City

A scenic view of a lake at sunset. The sun is low on the horizon, casting a golden glow over the water and the surrounding landscape. In the foreground, a person wearing a backpack and winter gear is walking away from the camera on a snowy path. The background shows rolling hills and mountains under a cloudy sky.

- ▶ Imagine Kelowna Phase 1 complete
 - ▶ Hopes and aspirations:
 - ▶ A healthy density
 - ▶ Affordability and housing
 - ▶ A continued sense of community

A well-run City

- ▶ Infill Challenge implementation
- ▶ Rental housing grants
- ▶ Major urban developments
- ▶ Secondary suites in residential zones

A well-run City

- ▶ Provisional 2017 budget approved
- ▶ Snow & ice control
- ▶ Sidewalk plowing



A strong economy

- ▶ 1.7 million passengers through YLW
- ▶ New Dark Fibre customers

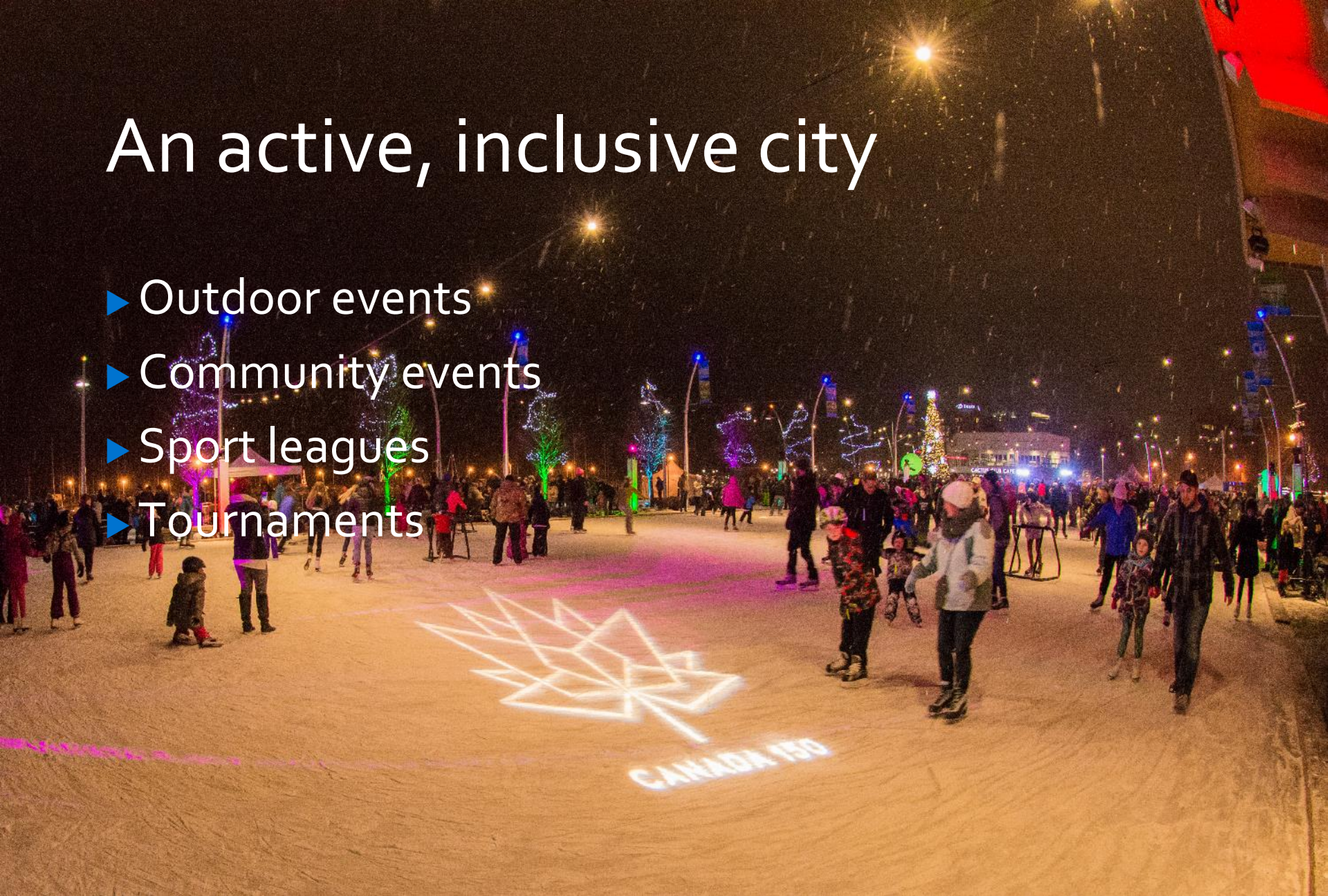
	2014	2015	2016
Building permits October - December	\$91.8M	\$125.9M	\$98.0M

An active, inclusive city

- ▶ Community for all action plan
- ▶ Strong neighbourhoods activities
- ▶ Kelowna Community Theatre
 - ▶ 38 events, 16 sold-out

An active, inclusive city

- ▶ Outdoor events
- ▶ Community events
- ▶ Sport leagues
- ▶ Tournaments



A safe city

- ▶ Police Services building progress
- ▶ Fire prevention programs
- ▶ WorkSafeBC certificate of recognition



A clean environment

- ▶ Fortis BC bio-gas plant
- ▶ Cleaner air research
- ▶ Agricultural chipping
- ▶ Bike lockers



Resilient, well-managed infrastructure



- ▶ Valley/Cross roundabout
- ▶ Okanagan Rail Corridor crossing removals
- ▶ Ethel Phase 2
- ▶ Library & Memorial parkades

Resilient, well-managed infrastructure

- ▶ Hospital Area Plan
- ▶ Agriculture Plan update
- ▶ Rutland heritage structure: St. Aiden's Church





Thank you

For more information, visit kelowna.ca.

Report to Council



Date: January 16, 2017
File: 1880-90
To: City Manager
From: Utilities Planning Manager
Subject: Sewer Service Contribution Agreement - Ecotex

Recommendation:

THAT Council receives, for information, the Report from the Utilities Planning Manger dated January 16, 2017 with respect to the Sewer Service Contribution Agreement – Ecotex;

AND THAT Council approves the expenditure of \$299,013 from the Sewer Connection Area 32 reserve for the purposes of entering into the Sewer Service Contribution Agreement with Ecotex Healthcare Linen service;

AND THAT the 2017 Financial Plan be amended accordingly;

AND THAT Council authorizes the City to enter into a Sewer Service Contribution Agreement with Ecotex Healthcare Linen service in the form attached to the Report of the Utilities Planning Manager dated January 16, 2017 with respect to the Sewer Service Contribution Agreement – Ecotex;

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

Purpose:

The purpose of this report is to authorize a contribution agreement and the funds necessary to pay for the oversizing of a sanitary forcemain and lift station, and to construct a sanitary gravity main.

Background:

The Ecotex Healthcare Linen service, (Ecotex), has purchased the property, 9750 McCarthy Road, where it seeks to renovate an existing building and create a laundry service. The new business is expected to generate significant sanitary effluent from its linen service and needs to connect to community sewer in order to make their business viable.

In order to reduce future infrastructure costs to the North End Industrial Sewer Connection Area Number 32, staff are recommending a contribution agreement with Ecotex.

This agreement includes:

- A payment of funds from Sewer Connection Area 32 necessary to oversize a sanitary sewer force main, sanitary lift station and to construct a new sanitary gravity main.
- The subject property is part of the Sewer Connection Charge Bylaw 8469, Sewer Connection Area 32. A fee based on expected usage has been included in the agreement.
- A provision to allow Ecotex to install temporary works at the Airport and Highway lift stations has been included. Ecotex requires these temporary works in order to meet their operational timeline of April, 2017. The City has scheduled the construction of permanent capacity upgrades to the Airport/Highway sewer system in 2017 as part of the "Airport Gravity Main Bypass" project.

As the City is paying for the oversizing of infrastructure that Ecotex is constructing, Ecotex will not be entitled to a latecomers' agreement.

Financial/Budgetary Considerations:

This project will not adversely affect the 2017 Capital budget, as the project will be solely funded from the Sewer Connection Area 32 capital reserve.

The following is the summary of payments within the agreement between the developer and the City. The total is the proposed sum the City will pay the developer from the Sewer Connection Area 32 reserve:

Cost to the City for building a Gravity main	\$335,021
Costs to the City for Oversizing	\$31,399
Costs to the Developer for Bylaw 8469	(\$67,407)
Connection Fees	
Total	\$299,013

Internal Circulation:

Development services
Financial Services

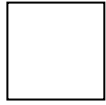
Considerations not applicable to this report:

Alternate Recommendation:
Communications Comments:
Existing Policy:
External Agency/Public Comments:
Legal/Statutory Authority:
Legal/Statutory Procedural Requirements:
Personnel Implications:

Submitted by:

A. Reeder, Utilities Planning Manager

Approved for inclusion:



A. Newcombe, Infrastructure Divisional Director

Attachments: Signed Contribution Funding Agreement

cc: Development Services Director
Financial Services Director
Utility Services Manager

SEWER SERVICE CONTRIBUTION AGREEMENT

THIS AGREEMENT dated for reference the ___ day of _____, 2016.

BETWEEN:

THE CITY OF KELOWNA
1435 Water St.
Kelowna, BC V1Y 1J4

(the "City")

AND:

ECOTEX HEALTHCARE LINEN SERVICE INC.
Incorporation No. BC0631069
1600 925 W Georgia St.
Vancouver, BC V6C 3L2

(the "Developer")

WHEREAS:

- A. The Developer is the registered owner of those lands in the City of Kelowna legally described as Lot 1, Section 1, Township 20 and District Lot 118, Osoyoos Division Yale District, Plan KAP54110 (the "Lands");
- B. The Developer is proposing to develop a regional industrial laundry service (the "Development") on the Lands;
- C. The Developer has the option of meeting its sanitary sewer service requirements by connecting to the City's sanitary sewer system or providing onsite wastewater treatment and disposal. The Developer has opted to connect to the City's sanitary sewer system;
- D. The Lands and the Development are within the North End Industrial Sewer Service Connection Area #32 under Sewer Connection Charge Bylaw No. 8469 as amended (the "Connection Area");

- E. The Development will generate waste water flows estimated to require a discharge capacity of 3 litres/second to the City's sanitary sewer system;
- F. The calculated discharge flow for a property the size of the Lands in accordance with Bylaw No. 8469 is 1.62 litres/second. Accommodating the Development's anticipated waste water flow within the existing Bylaw 8469 works will leave the City unable to provide sanitary sewer service to other properties within the Connection Area.
- G. Connecting the Development to the existing trunk sewer at the connection point on Jim Bailey Road, at a point south of Tilley Road (the "Connection Point"), requires a 6-inch force main connection, which is a larger diameter than the standard required by reference to the City's Subdivision, Development and Servicing Bylaw No. 7900 ("Bylaw 7900").
- H. The Developer has agreed to construct the forcemain, gravity main and pumpstation to provide the connection to the Connection Point and with a design that will accommodate the anticipated waste water flows within the Connection Area.
- I. As a temporary measure, upgrades are required to the City's existing Highway and Airport lift stations to accommodate the additional waste flows from the Development (the "Temporary Upgrades").
- J. The Developer has agreed to waive any entitlement to latecomer recovery under section 508 of the *Local Government Act*, RS 2015, c. 1 and to accept instead the City's contribution towards construction of the various sanitary sewer works set out in this Agreement.
- K. Recognizing that the gravity main portion of the Works (as defined below) is not required to service the Development, but that it is convenient to construct and install the gravity main in a common trench with the forcemain that is required to service the Development, the City will pay for the gravity main construction as provided below.

NOW THEREFORE in consideration of the mutual promises contained in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by both parties, the Developer covenants and agrees with the City as follows:

1. **Developer Construction** - The Developer agrees to construct the forcemain, gravity main, pumpstation and ancillary works (the "Works") in conformance with the WSP set of Design and Construction drawings "Issued for Construction – 9750 McCarthy Road LS Forcemain" with engineers stamp dated 26 August 2016 and Issued for Construction drawings – 9750 McCarthy Road Lift Station" with engineers stamp dated 9 September

2016 and in accordance with the design standards for sanitary sewer system works set out in Schedule 4, part 2 of Bylaw 7900.

2. **Bylaw 7900 Requirements Incorporated** - The Developer agrees that upon the Works being completed to Substantial Performance, as defined by Bylaw 7900, it will provide to the City, following verification of Substantial Performance by the City, the Certificate of Substantial Performance, Maintenance Bond, Statutory Declaration and drawings required to satisfy the requirements of section 9.5 of Bylaw 7900.
3. **Vesting of Works** - The Developer agrees and acknowledges that upon connection of the Works to the City's sanitary sewer system, the Works will vest in and become the property of the City.
4. **Total Performance** - The Developer agrees that the requirements of section 10 of Bylaw 7900 apply and that it must achieve Total Performance of the Works, undertake any repairs to the Works during the one-year Maintenance Period and provide all documentation necessary for the City to issue a Certificate of Acceptance.
5. **Grant of Charge over Works** - To the extent that any of the Works are not situated within existing dedicated roads, the Developer will grant a charge, executed in registrable form, over the land on which the Works are located in favour of the City in a form required by the City in priority to all charges and encumbrances.
6. **Performance Security** - The Developer has entered into an agreement with the City for the provision of performance security in the form attached as Schedule A, with security provided in the amount set out in Appendix A thereof.
7. **City Payment – Gravity Main** - Within 30 days of achieving Substantial Performance (as defined by Bylaw 7900), the City will make payment to the Developer in the amount of \$335,021.00 (inclusive of engineering and GST) for the construction and installation of the gravity main portion of the Works.
8. **City Payment – Increased Capacity** - Within 30 days of achieving Substantial Performance (as defined by Bylaw 7900) in respect of the forcemain and pumping station portions of the Works, the City will make payment to the Developer in the amount of \$31,399.00 (inclusive of GST), representing the additional cost of increasing the capacity of the forcemain to 6 inch diameter.
9. **Developer Payment – Increased Connection Fee** - The Developer agrees to pay the City \$67,407.00 as the amount required as the connection fee under Bylaw No. 8469

multiplied by 1.85, representing the factor by which the Developer's capacity requirements exceed the capacity available in the sanitary sewer works constructed pursuant to Bylaw No. 8469.

10. **Set Off** - The amount payable by the Developer to the City under section 9 is to be set off against the amount payable by the City under sections 7 and 8.
11. **Temporary Upgrades** – The Developer will supply and install, at its cost, the equipment components of the Temporary Upgrades. The City will be available during the installation, and commissioning of the Temporary Upgrades equipment and the Developer will reimburse the City for its time. Both the City and Developer acknowledge the need to coordinate their activities and availability.
12. **Temporary Upgrades Security** - As security for its obligation to reimburse the City for the installation cost associated with the Temporary Upgrades, the City may withhold from the payment(s) to the Developer under section 7 herein, an amount equal to 125% of the City's estimate of the installation costs.
13. **No Effect on Powers** – This agreement does not:
 - (a) affect or limit the discretion, rights, duties or powers of the City under the common law or any statute, regulation, bylaw or other enactment, nor does it create, or is the parties' intention to create, any implied obligations regarding such discretion, rights, duties or powers;
 - (b) affect or limit the common law or any statute, regulation, bylaw or other enactment applying to the Lands; or
 - (c) relieve the Developer from complying with the common law or any statute, regulation, bylaw or other enactment;
14. **Ownership and Regulation of the Works** – The City will be the sole owner of the Works and the Developer, through its contributions under this Agreement or otherwise, does not acquire any interest in or rights to the Works. The use of the Works will be regulated by the City in accordance with its ordinary jurisdiction over its works and services. Nothing in this agreement entitles the Developer or any person claiming through the Developer to any extraordinary right to use the Works.
15. **No Representations** – The Developer acknowledges that the City has made no representations, covenants, warranties, guarantees, promises or agreements to or with the Developer with respect to the subject matter of this agreement, other than those set out in this agreement, if any.

16. **Notices** – 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 fax, addressed as follows:

(a) To the Developer
 Post Office Box 8000-351
 2448 Townline Road, Abbotsford,
 British Columbia V2S 6H1

Attention: Bryan Bartsch
 Fax No.: (604) 850-0391

(b) To the City:
 City of Kelowna
 1435 Water Street
 Kelowna BC V1Y 1J4
 Attention: City Clerk
 Fax No.: (250) 862-3315

or to such other address or fax number of which notice has been given as provided in this section. Any notice that is delivered or faxed is to be considered given on the day it is delivered or faxed, except that if that day is not a business day, the notice will be considered given on the next business day. If a party changes its address or fax number, or both, it will promptly give notice of its new address or fax number to the other party as provided in this section. A business day is a day other than a Saturday, Sunday or B.C. statutory holiday.

17. **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) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
 - (e) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;
 - (f) the provisions of s. 25 of the *Interpretation Act* with respect to the calculation of time apply; and
 - (g) where the word “including” is followed by a list, the contents of the list are not intended to circumscribe the generality of the expression preceding the word “including”.
18. **Time of the Essence** – Time is of the essence of this agreement.
 19. **Waiver** – Waiver of any default by either party will not be deemed to be a waiver of any subsequent default by that party.
 20. **Severance** – If any part of this agreement is for any reason held to be invalid by a decision of a court with the jurisdiction to do so, the invalid portion is to be severed and the rest of this agreement will remain valid and in effect.
 21. **Schedules** – The following Schedules are attached to this agreement, and such Schedules and all documents referenced therein, form integral parts of this agreement:
 - Schedule A – Development Servicing Agreement
 22. **Governing Law** – This agreement will be governed by and construed in accordance with the laws of the Province of British Columbia which are deemed to be the proper law thereof.
 23. **Enurement** – This agreement will enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.
 24. **Acknowledgment** – The Developer acknowledges having read and fully understood all the terms and conditions of this agreement and confirms that it has entered into this agreement voluntarily and has had a reasonable opportunity to seek legal advice with respect to this agreement.

IN WITNESS OF WHICH the parties have set their hands and seals as of the day and year first above written.

Authorized signatories of **THE CITY OF KELOWNA:**

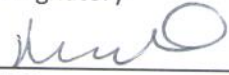
Mayor

Clerk

The Corporate Seal of **ECOTEX** was hereunto affixed in the presence of:



Authorized Signatory



Authorized Signatory

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) C/S

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