

Memo



Date: December 1/09

To: City Manager

From: Community Sustainability Division

File No: DP09-0134/DVP09-0135 **Applicant:** Worman Commercial

At: 130 Hartman Road **Owner:** M19 Holdings Ltd.
915A-B Rutland Road
925 Rutland Road
935 Rutland Road

Purpose: TO SEEK AUTHORIZATION FOR THE CITY OF KELOWNA TO ENTER INTO A HOUSING AGREEMENT WITH M19 HOLDINGS LTD. FOR 130 HARTMAN ROAD, 915A-915B, 925 AND 935 RUTLAND ROAD.

Existing Zone: RM3 - Low Density Multiple Housing

Report Prepared by: Luke Turri

1.0 RECOMMENDATION:

THAT Bylaw No. 10267 being the Housing Agreement between the City of Kelowna and M19 Holdings Ltd., which requires the owners to designate *three (3) dwelling units for rental housing* on Lot 1, Sec. 26, Twp. 26, ODYD, Plan KAP66718, located at 925 Rutland Road, Lot 13, Sec. 26, Twp. 26, ODYD, Plan KAP65904, located at 925 Rutland Road, Lot 3, Sec. 26, Twp. 26, ODYD, Plan 15222, located at 915A-915B Rutland Road, Lot 2, Sec. 26, Twp. 26, ODYD, Plan 15222, located at 130 Hartman Road, Kelowna, B.C., be amended at Third Reading as outlined in the report from the Community Sustainability Division dated December 1, 2009.

2.0 SUMMARY:

Housing Agreement Bylaw No. 10267 between the City of Kelowna and M19 Holdings Ltd. for 130 Hartman Road, 915A-915B, 925 and 935 Rutland Road received first, second and third reading on Monday, November 23, 2009.

After receiving first three readings, it was determined that the "Purpose-Built Rental Housing" agreement template was not applicable to the proposed development on the subject properties and a revised Housing Agreement template was completed by staff along with City legal advisors. Purpose-built rental housing is generally defined as rental apartment buildings. The new agreement template ("Rental Housing Agreement") allows rental housing to be secured in perpetuity within more traditional strata developments.

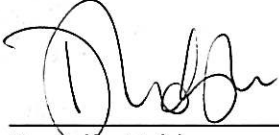
The revised agreement template is more representative of the type of rental-housing being offered, and gives the City greater assurance that the dwellings will remain rental in perpetuity. The negotiated terms of the agreement, including the number of units and total floor area being offered as rental housing has not been altered.

The land owners have provided a signed copy of the revised agreement which is attached to this report.

A handwritten signature in black ink, appearing to be the initials "R" or "L", located in the bottom right corner of the page.

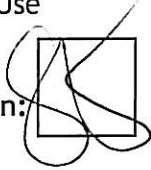
A Development Permit and Development Variance Permit is to be considered by Council at a later date.

Submitted by:



Danielle Noble
Manager, Urban Land Use

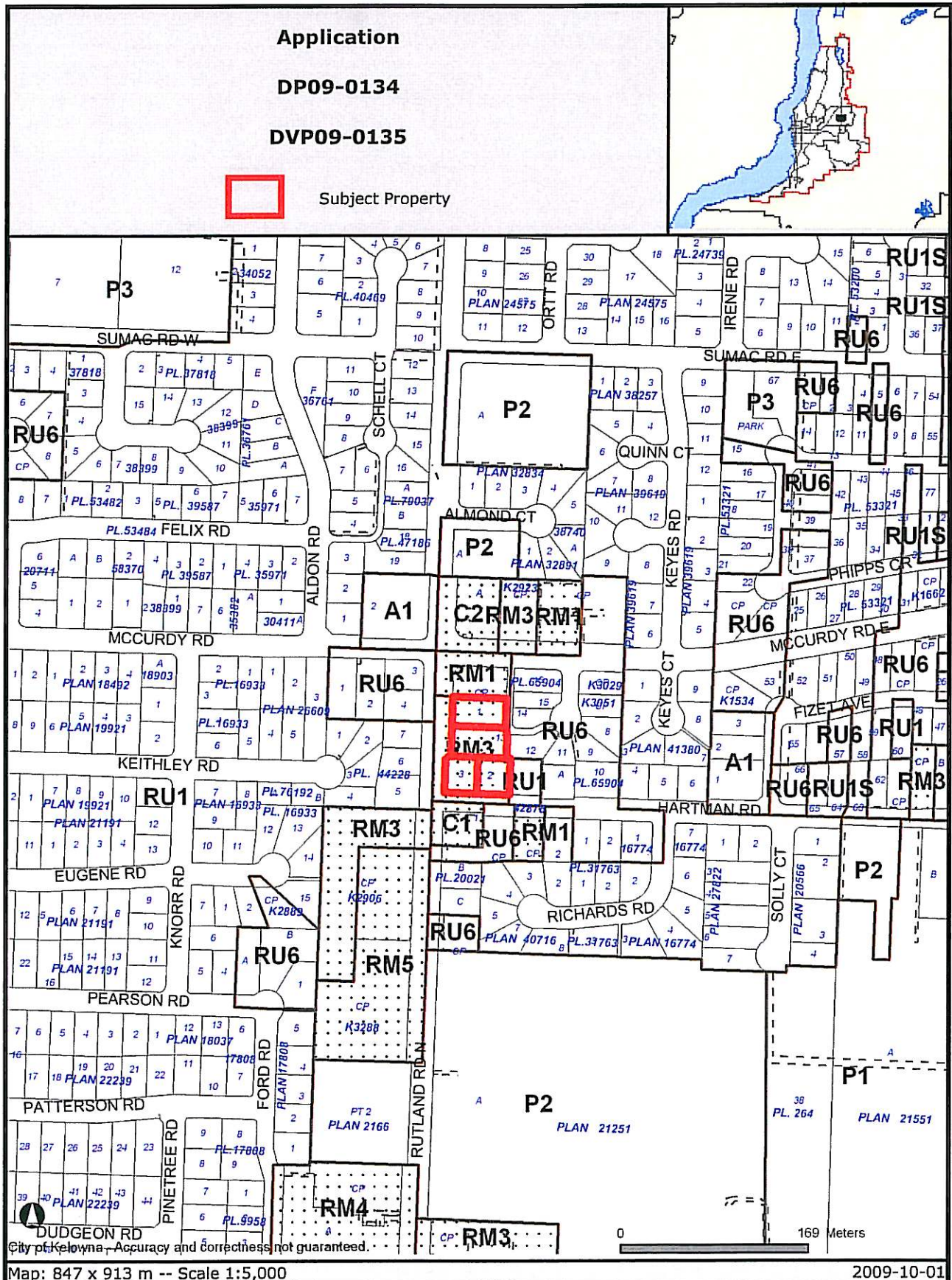
Approved for inclusion:



Shelley Gambacort
Director, Land Use Management

Attachments:

Subject Property Map
Rental Housing Agreement



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
 The City of Kelowna does not guarantee its accuracy. All information should be verified.