

City of Kelowna Public Hearing AGENDA



Tuesday, November 17, 2020
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. **Due to COVID-19 a Public Hearing Agenda will also include Regular Meeting Items**
2. **Call to Order the Public Hearing - START TIME 6:00 PM - Gerstmar Rd 605 - Z20-0081 (BL12112) - KTMP Holdings Ltd., Inc. No. A0092290**

THE CHAIR WILL CALL THE HEARING TO ORDER:

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

This evening, Council will hold both a Public Hearing and a Regular Meeting.

The purpose of the Hearing is to hear from the public on matters contained in the various bylaws which, if adopted, will amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

After the close of the Public Hearing, Council will then debate and vote on the proposed bylaws at the Regular Meeting that follows.

Council has been provided with the information, correspondence, petitions or reports that have been received concerning the subject bylaws. This information is available to the public on the table in the foyer of Council Chamber. Reports are also available to the public online under *Council* at Kelowna.ca.

For those in attendance this evening, or who have already submitted letters to Council, a reminder that this Hearing is open to the public and all representations to Council form part of the public record. A live audio-video feed is being broadcast and recorded on kelowna.ca.

In accordance with Order of the Provincial Health Officer on Gatherings and Events, the City is required to collect the first and last name and telephone number or email address of everyone attending a Council meeting. Thank you for your co-operation.

Following the close of the Public Hearing, no further information from the applicant or members of the public will be accepted by Council.

3. **Individual Bylaw Submission**

3.1. START TIME 6:00 PM - Gerstmar Rd 605 - Z20-0081 (BL12112) - KTMP Holdings Ltd., Inc.No. A0092290

To rezone the subject property to the RU2 – Medium Lot Housing zone to facilitate a two-lot subdivision.

4. Termination

5. Call to Order the Regular Meeting

6. Bylaws Considered at Public Hearing

6.1. START TIME 6:00 PM - Gerstmar Rd 605 - BL12112 (Z20-0081) - KTMP Holdings Ltd., Inc.No. A0092290

24 - 24

To give Bylaw No. 12112 second and third reading in order to rezone the subject property to the RU2 - Medium Lot Housing zone.

7. Termination

8. Call to Order the Public Hearing - START TIME 6:00 PM - Mills Rd 320 - Z19-0130 (BL12114) - 1186276 BC Ltd., Inc.No. BC1186276

The purpose of the Hearing is to hear from the public on matters contained in the various bylaws which, if adopted, will amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

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9. Individual Bylaw Submissions

9.1. START TIME 6:00 PM - Mills Rd 320 - Z19-0130 (BL12114) - 1186276 BC Ltd., Inc. No. BC1186276

25 - 38

To rezone the lot from the RM₃ – Low Density Multiple Housing zone to the RM_{3r} – Low Density Multiple Housing (Residential Rental Tenure Only) zone to restrict tenure on the lot to residential rental only.

10. Termination

11. Call to Order the Regular Meeting

12. Bylaws Considered at Public Hearing

12.1. START TIME 6:00 PM - Mills Rd 320 - BL12114 (Z19-0130) - 1186276 BC Ltd., Inc. No. BC1186276

39 - 39

To give Bylaw No. 12114 second and third reading in order to rezone the subject property from the RM₃ - Low Density Multiple Housing zone to the RM_{3r} - Low Density Multiple Housing (Residential Rental Tenure Only) zone.

13. Termination

14. Call to Order the Public Hearing - START TIME 6:00 PM - TA20-0020 (BL12115) - City of Kelowna

The purpose of the Hearing is to hear from the public on matters contained in the various bylaws which, if adopted, will amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

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Following the close of the Public Hearing, no further information from the applicant or members of the public will be accepted by Council.

15. Individual Bylaw Submissions

15.1. START TIME 6:00 PM - TA20-0020 (BL12115) - City of Kelowna

40 - 59

To amend the C₄ - Urban Centre Commercial zone to introduce an additional 0.2

Floor Area Ratio for five and six storey buildings under the Residential Rental Tenure Only subzone and to add a map detailing properties that are required to provide functional commercial space on the first floor in the Rutland Urban Centre.

16. Termination

17. Call to Order the Regular Meeting

18. Bylaws Considered at Public Hearing

18.1. START TIME 6:00 PM - BL12115 (TA20-0020) - City of Kelowna

60 - 62

To give Bylaw No. 12115 second and third reading in order to amend the C₄ - Urban Centre Commercial zone.

19. Termination

20. Call to Order the Public Hearing - START TIME 6:00 PM - Aurora Cres 230 - Z20-0088 (BL12116) - Lambert and Paul Construction Ltd., Inc. No. 80191

The purpose of the Hearing is to hear from the public on matters contained in the various bylaws which, if adopted, will amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

After the close of the Public Hearing, Council will then debate and vote on the proposed bylaws at the Regular Meeting that follows.

Council has been provided with the information, correspondence, petitions or reports that have been received concerning the subject bylaws. This information is available to the public on the table in the foyer of Council Chamber. Reports are also available to the public online under *Council* at Kelowna.ca.

For those in attendance this evening, or who have already submitted letters to Council, a reminder that this Hearing is open to the public and all representations to Council form part of the public record. A live audio-video feed is being broadcast and recorded on kelowna.ca.

In accordance with Order of the Provincial Health Officer on Gatherings and Events, the City is required to collect the first and last name and telephone number or email address of everyone attending a Council meeting. Thank you for your co-operation.

Following the close of the Public Hearing, no further information from the applicant or members of the public will be accepted by Council.

21. Individual Bylaw Submissions

21.1. START TIME 6:00 PM - Aurora Cres 230 - Z20-0088 (BL12116) - Lambert and Paul Construction Ltd., Inc. No. 80191

63 - 99

To rezone the subject property to facilitate the development of a multiple dwelling housing project with the Residential Rental Tenure Only subzone.

22. Termination

23. Call to Order the Regular Meeting

24. Bylaws Considered at Public Hearing

24.1. **START TIME 6:00 PM - Aurora Cres 230 - BL12116 (Z20-0088) - Lambert and Paul Construction Ltd., Inc.No. 80191**

100 - 100

To give Bylaw No. 12116 second and third reading in order to rezone the subject from the C4 - Urban Centre Commercial zone to the C4r - Urban Centre Commercial (Residential Rental Tenure Only) to facilitate a multiple dwelling housing project.

25. Termination

26. Procedure on each Bylaw Submission

- (a) Brief description of the application by City Staff (Development Planning);
- (b) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.
- (c) The Chair will call for representation from the public in attendance as follows:
 - (i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.
 - (ii) The Chair will recognize ONLY speakers at the podium.
 - (iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.
- (d) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.
- (e) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.
- (f) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

REPORT TO COUNCIL



Date: November 2, 2020

To: Council

From: City Manager

Department: Development Planning

Application: Z20-0081

Owner: KTMP Holdings Ltd., Inc.No.
A0092290

Address: 605 Gerstmar Road

Applicant: NAI Commercial Okanagan Ltd.

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU2 – Medium Lot Housing

1.0 Recommendation

THAT Rezoning Application No. Z20-0081 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 5 Section 22 Township 26 Osoyoos Division Yale District Plan 19913 located at 605 Gerstmar Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated November 2, 2020;

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 approval of the Ministry of Transportation and Infrastructure.

2.0 Purpose

To rezone the subject property to the RU₂ – Medium Lot Housing zone to facilitate a two-lot subdivision.

3.0 Development Planning

Staff support the rezoning application, which would facilitate a two-lot residential subdivision. The RU₂ – Medium Lot Housing zone meets the form and density objectives of the Official Community Plan (OCP) S₂RES – Single / Two Unit Residential designation, and as such, the application complies with the designated Future Land Use. In addition, the OCP urban infill policies support the modest densification of urban residential neighbourhoods where infrastructure already exists, and through sensitive development including the use of smaller lots. The subject property is fully serviced and, if rezoned, would meet the subdivision regulations allowing for a Preliminary Layout Review to be issued for the creation of two smaller lots.

The applicant has confirmed the completion of neighbourhood notification in accordance with Council Policy No. 367.

4.0 Proposal

4.1 Project Description

The applicant is seeking approval to rezone to the RU₂ – Medium Lot Housing zone, to facilitate a two-lot subdivision. There is an existing single family dwelling and accessory structure on the subject property that are proposed to be demolished as part of this development. A draft subdivision plan was submitted, which demonstrates this can occur with no variances to the RU₂ – Medium Lot Housing subdivision regulations within the City's Zoning Bylaw. This draft subdivision plan has been included in Attachment A.

4.2 Site Context

The subject property is located at the corner of Gerstmar Road and Graham Road in the City's Rutland OCP Sector. The surrounding area is characterized by single and two dwelling housing, and a religious assembly is located directly to the north. The property is within the City's Permanent Growth Boundary and has a walk score of 25, indicating that more errands require a car.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P ₂ – Education and Minor Institutional	Religious Assemblies
East	RU ₁ – Large Lot Housing	Single Dwelling Housing
South	RU ₁ – Large Lot Housing	Single Dwelling Housing
West	RU ₁ – Large Lot Housing	Single Dwelling Housing

Subject Property Map: 605 Gerstmar Road



4.3 Subdivision Regulations

Subdivision Regulations			
CRITERIA	RU ₂ ZONE REQUIREMENTS	PROPOSED LOT A (CORNER LOT)	PROPOSED LOT B (INTERIOR LOT)
Subdivision Regulations			
Min. Lot Area	400 m ²	577.5 m ²	475 m ²
Min. Lot Width	13.0 m (interior lot) 15.0 m (corner lot)	15.8 m	13.1 m
Min. Lot Depth	30.0 m	36.5 m	36.0 m

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 1: Introduction

Goals for a Sustainable Future:

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

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy 5.3.2 Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

6.0 Technical Comments

6.1 Development Engineering Department

Please see Schedule A: City of Kelowna Memorandum

7.0 Application Chronology

Date of Application Received: September 3, 2020
Date Public Consultation Completed: September 16, 2020

Report prepared by: Kimberly Brunet, Planner II
Reviewed by: Jocelyn Black, Urban Planning Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: City of Kelowna Memorandum
Attachment A: Draft Subdivision Plan

CITY OF KELOWNA

MEMORANDUM

Date: September 15, 2020
File No.: Z20-0081
To: Urban Planning Management (KB)
From: Development Engineering Manager (JK)
Subject: 605 Gerstmar Rd RU1 to RU2

The Development Engineering Department has the following comments and requirements associated with this application to rezone the subject property from RU1 (Large-lot housing) to RU2 (Medium-lot housing) to support a two-lot subdivision. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technician for this project is Sarah Kelly.

1. **General**

- a) These are Development Engineering Branch comments/requirements and are subject to the review and requirements from the Ministry of Transportation and Infrastructure (MoTI).
- b) The following requirements are valid for two (2) years from the reference date of this memo, or until the PLR and/or application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.

2. **Domestic Water and Fire Protection**

- a) The subject lot is within the Rutland Waterworks District (RWD) water service area. The developer is required to make satisfactory arrangements with RWD for all water and fire protection-related issues. All charges for service connection and upgrading costs, as well as any costs to decommission existing services, shall be the responsibility of the developer.
- b) 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. All fire flow calculations approved by RWD are to be shared with the Development Engineering Branch upon submittal of off-site civil engineering drawings.
- c) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw No. 7900.

3. **Sanitary Sewer**

- a) Each legal lot shall require only one individual sanitary service connection complete with an inspection chamber (SS-S7) and Brooks Box (SS-S9), to be installed at the applicant's cost.
- b) The existing lot is currently serviced with a 100-mm sanitary service. If the existing service connection is to remain it will be required to be completed with an inspection chamber and Brooks box.

4. **Storm Drainage**

- a) See item 5a for public storm drainage infrastructure requirements.
- b) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the Subdivision, Development and Servicing Bylaw No. 7900. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems. Only one service will be permitted for this development. The applicant, at his cost, will arrange the installation of one overflow service if required.
- c) Provide the following drawings:
 - i. A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
 - ii. A detailed Stormwater Management Plan; and
 - iii. An Erosion and Sediment Control Plan.

5. **Subdivision Requirements**

- a) Grant statutory rights-of-way if required for utility services.

6. **Electric Power and Telecommunication Services**

All proposed service connections are to be installed underground. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

7. **Road Improvements**

- a) Gerstmar Rd is classified as a Major Collector under the City of Kelowna's 20-Year Major Road Network. The section of Gerstmar Rd must be upgraded to a collector standard along the full frontage of this proposed development, including sidewalk, curb and gutter, pavement removal and replacement, boulevard landscaping, drainage infrastructure (catch basins, perforated storm pipe, and drywell), and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The road cross section to be used is SS-R6.
NOTE: Pipe and drywell inverts to consider eventual connection to existing storm main at Gerstmar Rd and Tataryn Rd – DWG A-2482-4.

- b) The developer is requested, at the City's cost, to arrange for the design and construction of frontage upgrades, detailed above, continuing north along Gerstmar Rd. Based on the developer's Consulting Civil Engineers cost estimate, the City will agree to pay for frontage upgrades beyond the limits of the subject lot. The details of this arrangement are to be formalized at the time of drafting the servicing agreement for the required works and services. Contact the Development Technician (Sarah Kelly, skelly@kelowna.ca) for more information.
- c) Graham Rd must be upgraded to a local standard along the full frontage of this proposed development including curb and gutter, pavement removal and replacement, boulevard landscaping and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The existing catch basin is to be relocated to the new gutter line. The road cross section to be used is a modified SS-R3.
- d) The estimated cost of this construction, for performance security purposes, is to be submitted by the Developer's Consulting Engineer.

8. Geotechnical Report

- (a) Provide a geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.
- (b) The Geotechnical reports must be submitted to the Development Services Department (Subdivision Approving officer) for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.
 - (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - (ii) Site suitability for development.
 - (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - (iv) Any special requirements for construction of roads, utilities and building structures.
 - (v) Recommendations for items that should be included in a Restrictive Covenant.
 - (vi) Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
 - (vii) Any items required in other sections of this document.

9. Design and Construction


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

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

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

12. **Charges and Fees**

- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Survey Monument Fee: \$50.00 per newly created lot (GST exempt).
 - ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iii) Engineering and Inspection Fee: 3.5% of construction value (plus GST).



 James Kay, P.Eng.
 Development Engineering Manager

SK

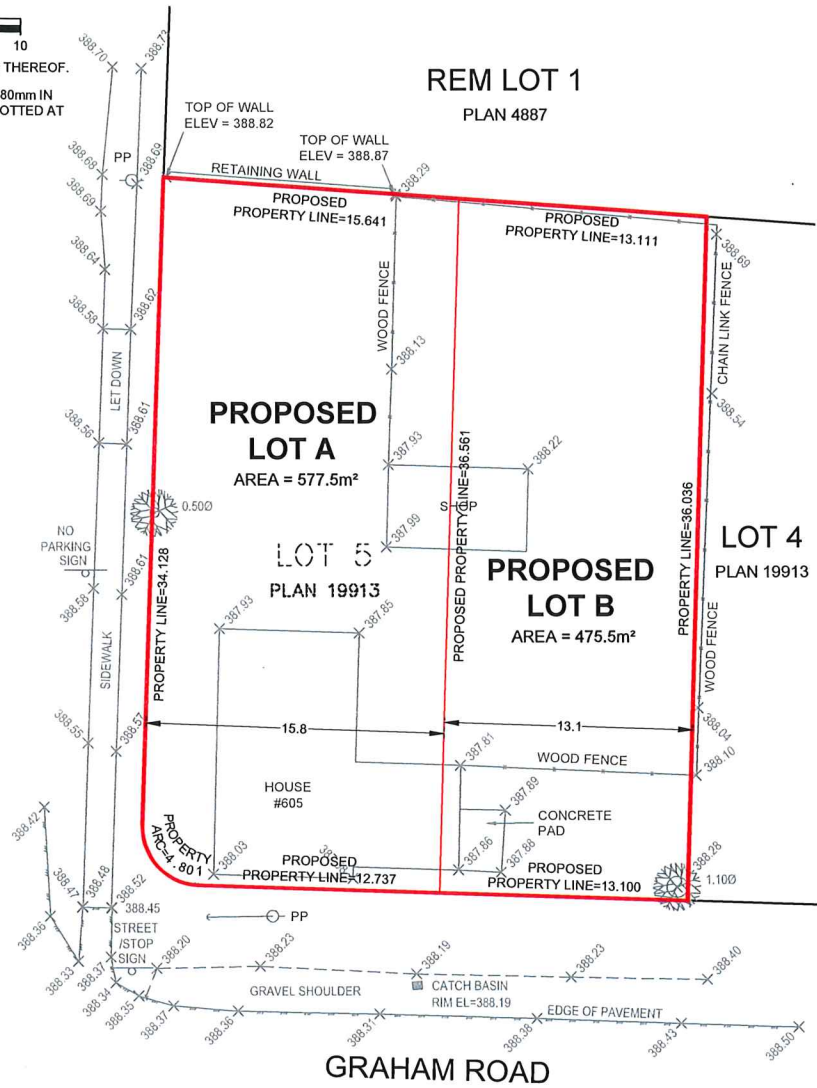
**SKETCH PLAN OF PROPOSED SUBDIVISION OF LOT 5
 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 19913**

CITY OF KELOWNA
 CIVIC ADDRESS: 605 GERSTMAR ROAD
 PID: 005-078-563

SCALE 1:250
 ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.
 THE INTENDED PLOT SIZE OF THIS PLAN IS 280mm IN WIDTH BY 432mm IN HEIGHT (B SIZE) WHEN PLOTTED AT A SCALE OF 1:250



GERSTMAR ROAD



ZONING: RU1 (TO BE REZONED RU2)
 ELEVATIONS ARE TO CVD28 GEODETIC DATUM, AND ARE DERIVED FROM DUAL-FREQUENCY GNSS OBSERVATIONS PROCESSED USING THE SMARTNET REAL-TIME NETWORK SERVICE.
 PROPERTY DIMENSIONS SHOWN ARE DERIVED FROM: PLAN 19913 & PLAN KAP69955
 OFFSETS TO PROPERTY LINES ARE NOT TO BE USED TO DEFINE BOUNDARIES.
 REFER TO CURRENT CERTIFICATE(S) OF TITLE FOR ADDITIONAL, EXISTING OR PENDING CHARGES.
 THIS PLAN SHOWS THE LOCATION OF VISIBLE FEATURES ONLY, AND DOES NOT INDICATE BURIED SERVICES THAT MAY EXIST ON OR AROUND THE SUBJECT SITE.
 FEATURES SHOWN WITHOUT DIMENSIONS SHOULD BE CONFIRMED WITH BENNETT LAND SURVEYING LTD.
 BUILDING LOCATION BASED ON SURVEY TIES TO VISIBLE EXTERIOR SURFACES UNLESS OTHERWISE NOTED.
 TREE SPECIES AND DIMENSIONS SHOULD BE CONFIRMED BY A QUALIFIED ARBORIST. SHADED AREA IS NOT AN INDICATION OF DRIP LINE LOCATION UNLESS SPECIFICALLY LABELED.

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

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FB688 P24-29 (AB)

FIELD SURVEY COMPLETED ON AUGUST 14, 2020.



Z20-0081 605 Gerstmar Rd

Rezoning Application



Proposal

- ▶ To rezone the subject property from RU1 – Large Lot Housing to RU2 – Medium Lot Housing to facilitate a two-lot subdivision.

Development Process

Sept 3, 2020

Development Application Submitted

Staff Review & Circulation

Sept 16, 2020

Public Notification Received

Nov 2, 2020

Initial Consideration

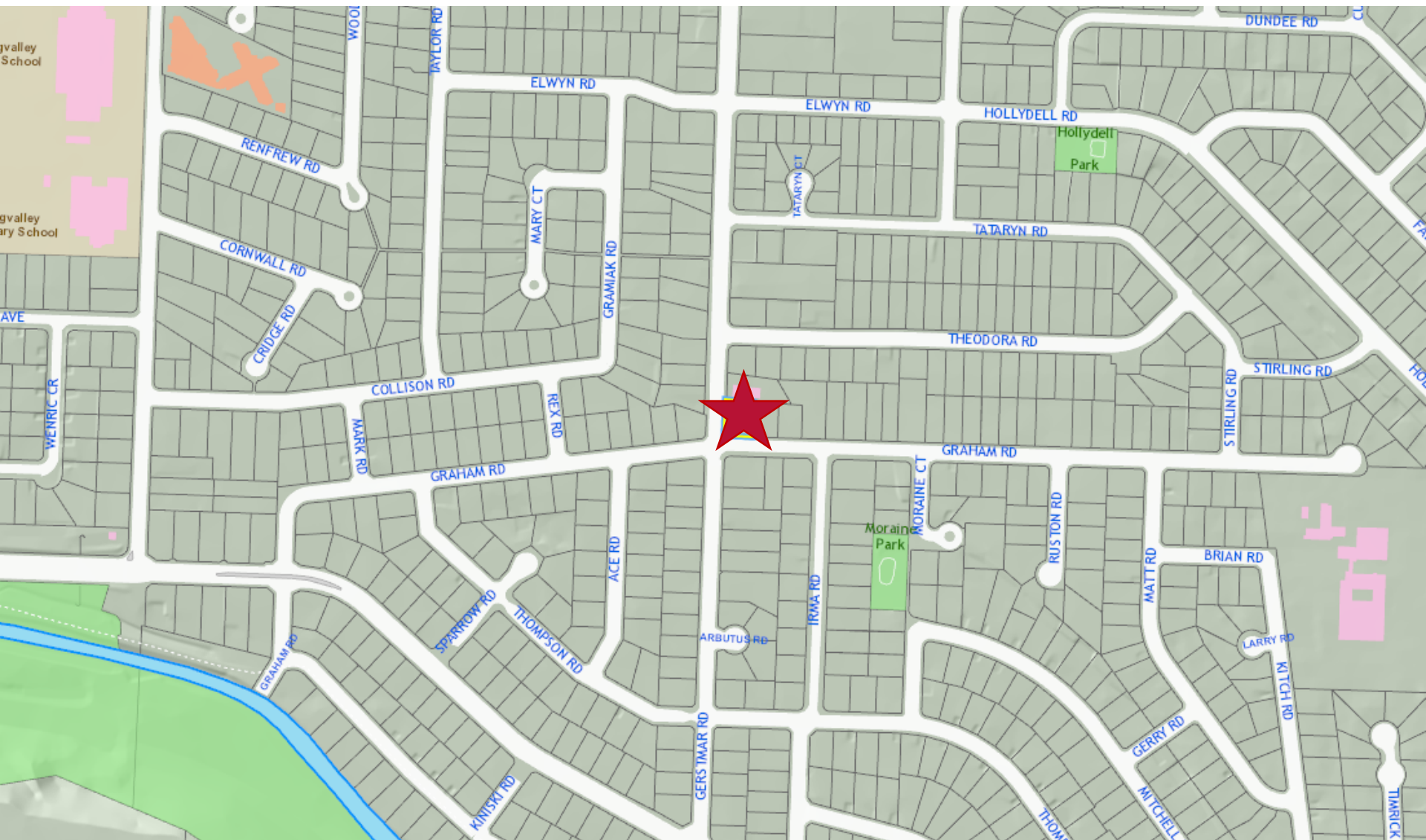
Public Hearing
Second & Third Readings

Final Reading

Issuance of Preliminary Layout Review

Council Approvals

Context Map



Transit Score
34

Some Transit
A few nearby public transportation options.

City of Kelowna

Walk Score
25

Car-Dependent
Most errands require a car.

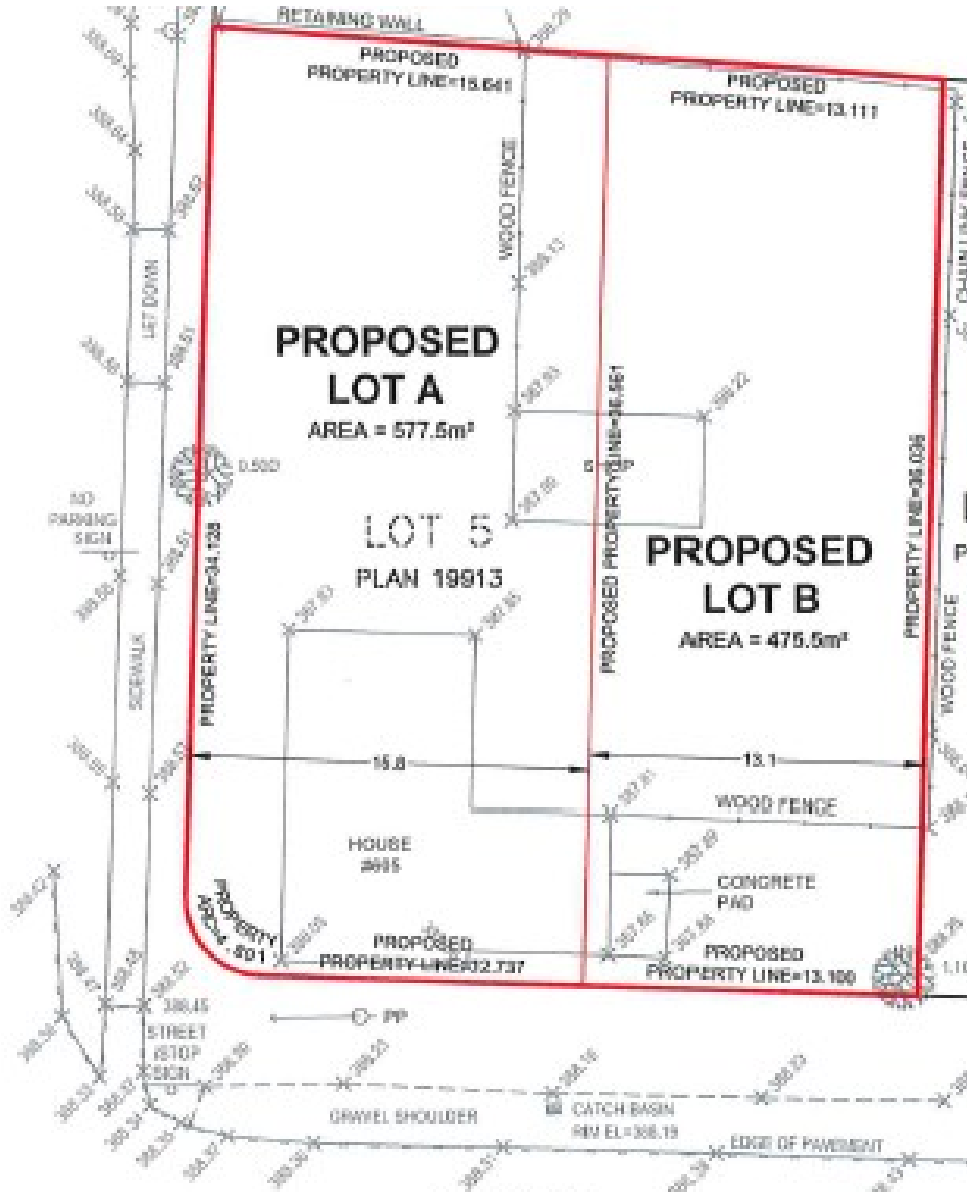
Subject Property Map



Draft Site Plan



GERSTMAR ROAD



GRAHAM ROAD

Development Policy

- ▶ Meets the intent of Official Community Plan Urban Infill Policies:
 - ▶ Compact Urban Form
 - ▶ Within Permanent Growth Boundary
- ▶ Consistent with Future Land Use **S2RES**
- ▶ Consistent with Zoning Bylaw

Staff Recommendation

- ▶ Staff recommend **support** of the proposed rezoning:
 - ▶ Meets the intent of the Official Community Plan
 - ▶ Urban Infill Policies
 - ▶ Appropriate location for adding modest amount of residential density
- ▶ Recommend the Bylaw be forwarded to Public Hearing.



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12112

Z20-0081 -

605 Gerstmar Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 5 Section 22 Township 26 ODYD Plan 19913 located at Gerstmar Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 2nd day of November, 2020.

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: October 26, 2020

To: Council

From: City Manager

Department: Development Planning

Application: Z19-0130

Owner: 1186276 BC Ltd., Inc.No.
BC1186276

Address: 320 Mills Rd

Applicant: BlueGreen Architecture Inc
(Wendy Rempel)

Subject: Rezoning Application

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

Existing Zone: RM₃ – Low Density Multiple Housing

Proposed Zone: RM_{3r} – Low Density Multiple Housing (Residential Rental Tenure Only)

1.0 Recommendation

THAT Rezoning Application No. Z19-0130 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 125 ODYD Plan 4709, located at 320 Mills Road, Kelowna, BC from the RM₃ – Low Density Multiple Housing zone to the RM_{3r} – Low Density Multiple Housing (Residential Rental Tenure Only) 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 subsequent to the approval of the Ministry of Transportation and Infrastructure.

2.0 Purpose

To rezone the lot from the RM₃ – Low Density Multiple Housing zone to the RM_{3r} – Low Density Multiple Housing (Residential Rental Tenure Only) zone to restrict tenure on the lot to residential rental only.

3.0 Development Planning

Development Planning supports the proposal to rezone the lot to RM_{3r} – Low Density Multiple Housing (Residential Rental Tenure Only) to restrict tenure on the lot to residential rental only.

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

The City's Healthy Housing Strategy identifies rental housing as a significant need. Rezoning the lot to RM3r ensures the housing units on the subject property remain for rental for the life-cycle of the building helping to fulfill the policy objective.

4.0 Proposal

4.1 Project Description

The applicant proposes to rezone the lot to RM3r – Low Density Multiple Housing (Residential Rental Tenure Only) to restrict tenure on the lot to residential rental only. The applicant intends to take advantage of the incentive to reduce required parking on lots with the 'r' designation by 10% outside of an urban centre.

The applicant has also submitted a Development Permit application, and this is to be considered subsequent to the rezoning.

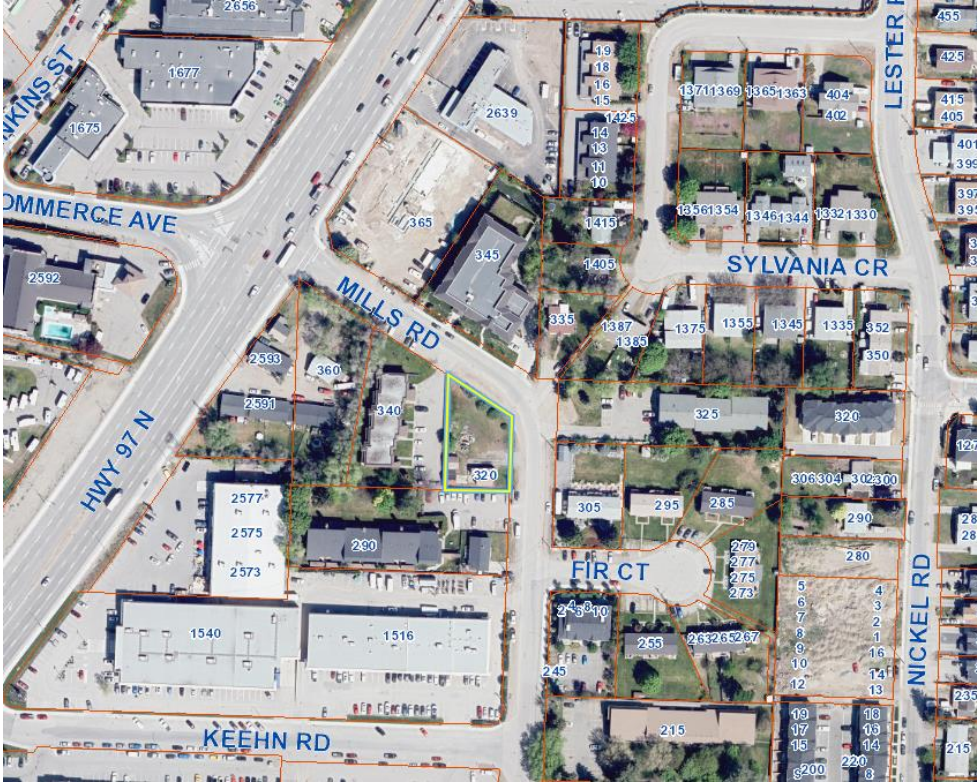
4.2 Site Context

The lot is near the south end of the Highway 97 City Sector and less than 100m from the highway itself.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM4 – Transitional Low Density Housing	Multiple Dwelling Housing
East	RM3 – Low Density Multiple Housing	Multiple Dwelling Housing
South	RM3 – Low Density Multiple Housing	Multiple Dwelling Housing
West	RM3 – Low Density Multiple Housing	Multiple Dwelling Housing

Subject Property Map: 320 Mills Rd.



5.0 Current Development Policies

5.1 Kelowna Healthy Housing Strategy

Key Directions and Recommended Actions

3.1 Promote and Protect Rental Housing

Report prepared by: Aaron Thibeault, Planner II

Reviewed by: Jocelyn Black, Urban Planning Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager



Z19-0130 320 Mills Rd.

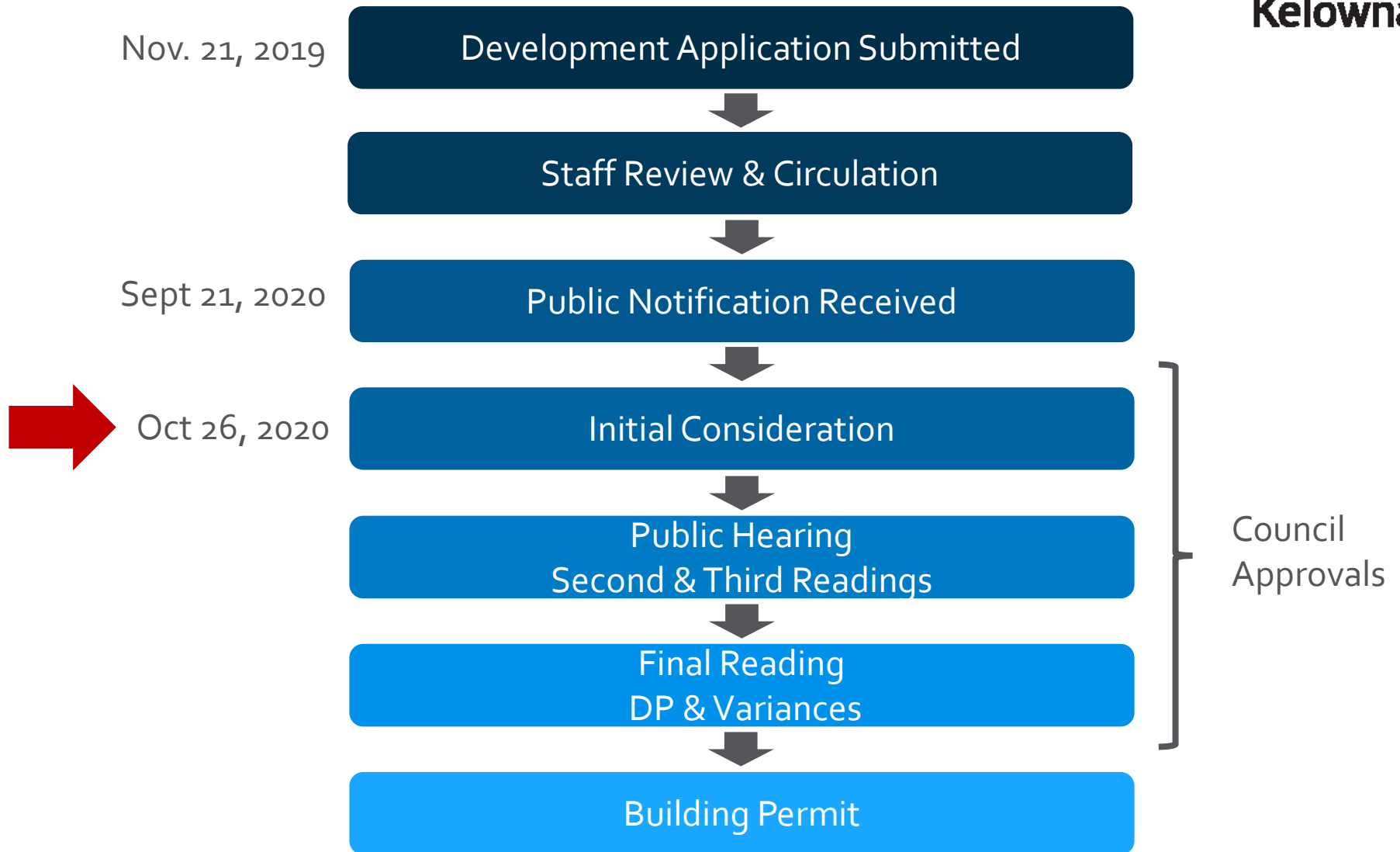
Rezoning Application



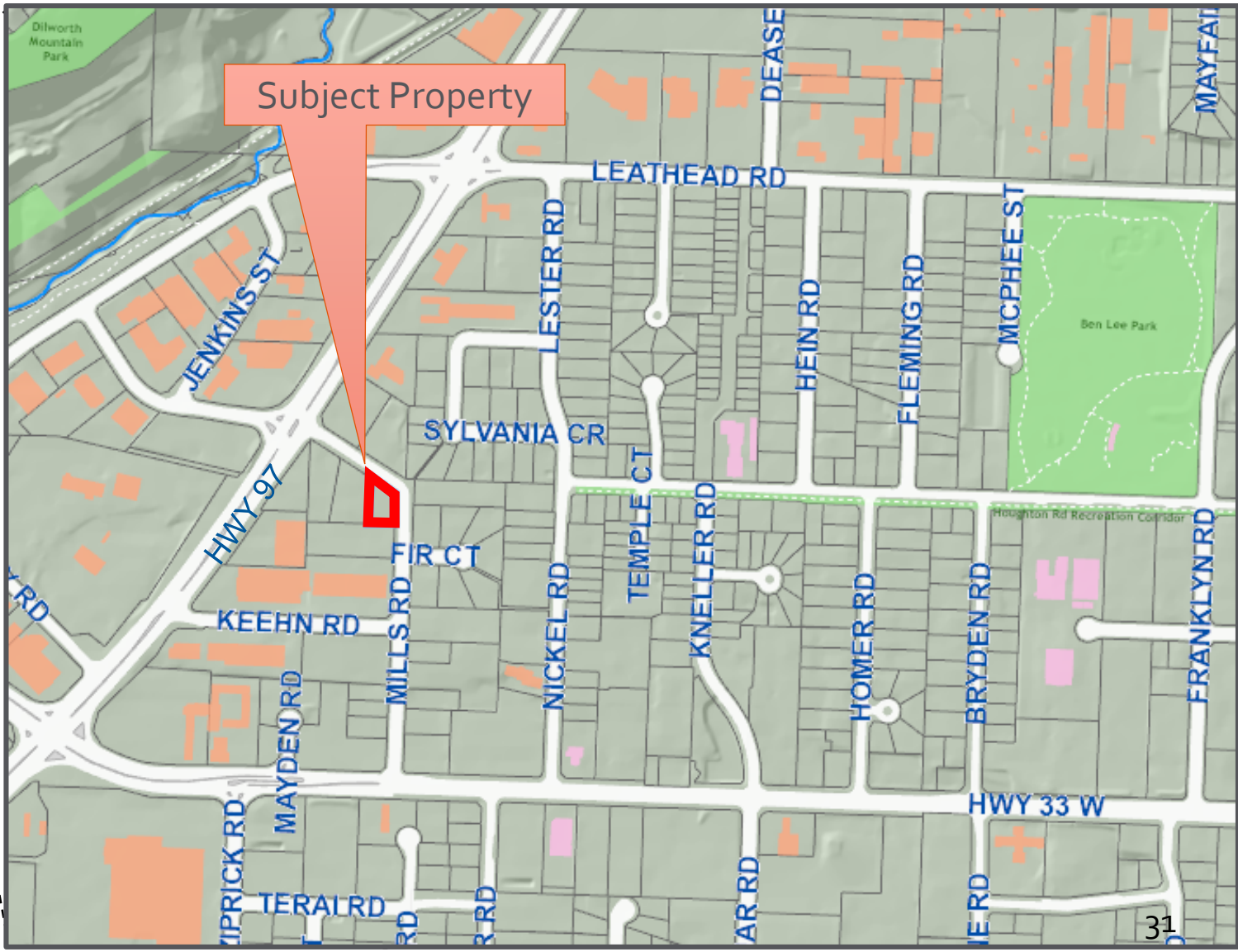
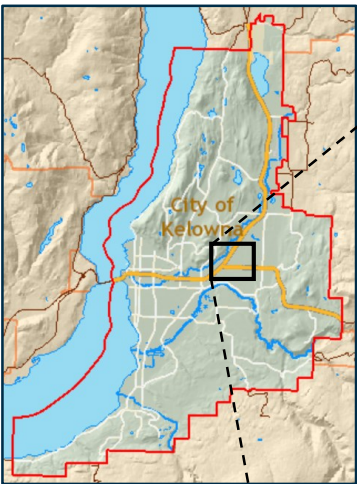
Proposal

- ▶ To rezone the subject property from the RM3 – Low Density Multiple Housing zone to the RM3r – Low Density Multiple Housing (Residential Rental Tenure Only) zone to facilitate the development of a 3 storey rental apartment building.

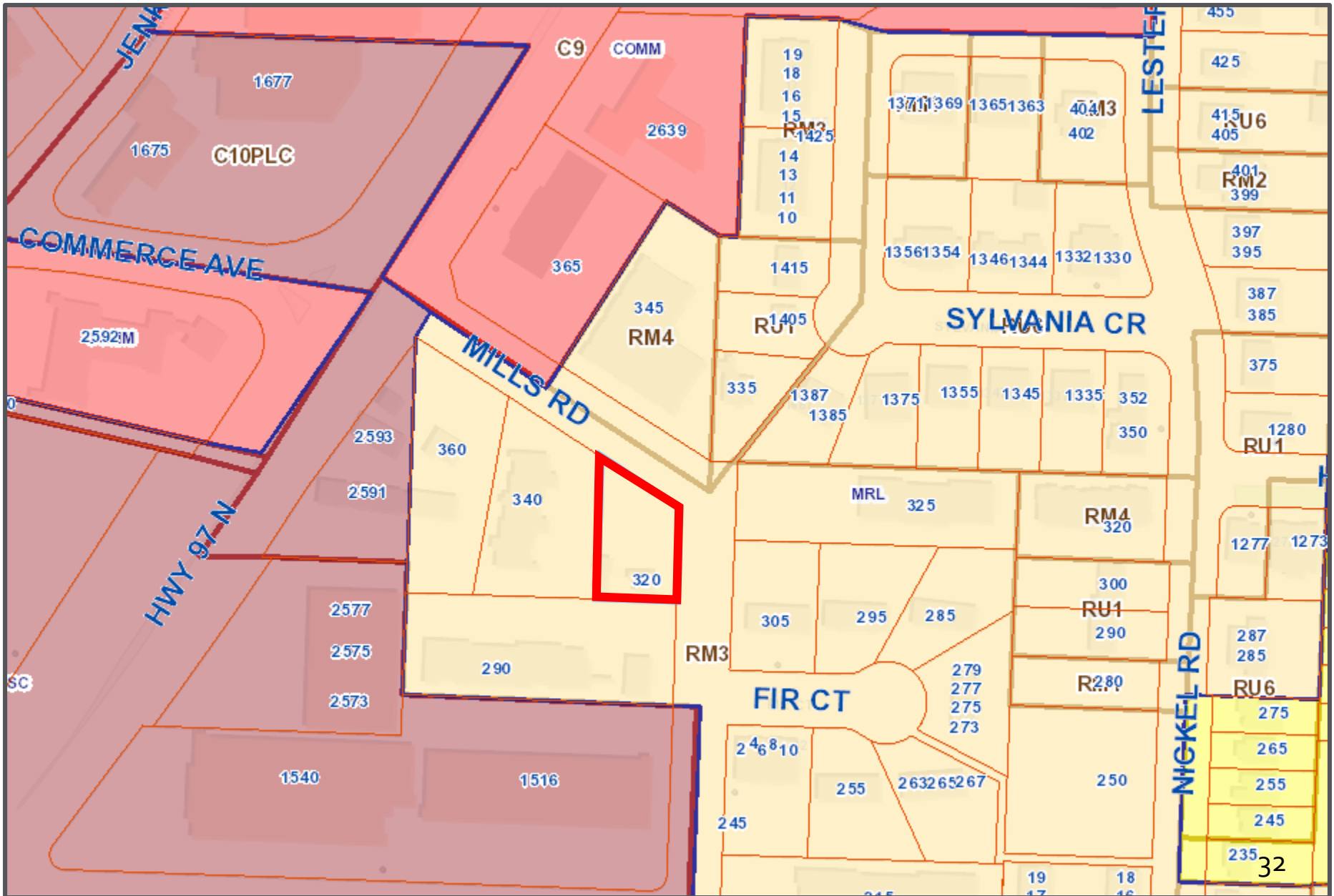
Development Process



Context Map



OCP Future Land Use / Zoning



Subject Property Map



Project/technical details

- ▶ Existing RM3 – Low Density Multiple Housing zone able to accommodate the proposed development; therefore, the only rezoning that need occur is to add 'r' designation to limit tenure to rental only.
- ▶ Applicant intends to take advantage of incentive to reduce required parking on lots with 'r' designation by 10% outside an urban centre.
- ▶ Applicant also submitted a DP application, and this is to be considered subsequent to the rezoning.

Conceptual Rendering



Development Policy

- ▶ City's Healthy Housing Strategy identifies rental housing as a significant need.
- ▶ Rezoning the lot to RM3r ensures the housing units on the lot remain rental for the life-cycle of the building helping to fulfil the policy objective.

Staff Recommendation

- ▶ Staff support rezoning the lot to RM3r – Low Density Multiple Housing (Residential Rental Tenure Only) to facilitate the development of a 3 storey rental apartment building.
 - ▶ Ensures a greater stock of rental housing in the city—a significant need.



Conclusion of Staff Remarks

CITY OF KELOWNA
BYLAW NO. 12114
Z19-0130 – 320 Mills Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A District Lot 125 ODYD Plan 4709, located on Mills Road, Kelowna, BC from the RM2 – Low Density Multiple Housing zone to the RM3r – Low Density Multiple Housing (Residential Rental Tenure Only) zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 26th day of October, 2020.

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: November 2, 2020
To: Council
From: City Manager
Department: Development Planning
Application: TA20-0020 **Owner:** N/A
Address: N/A **Applicant:** City of Kelowna
Subject: Text Amendment Application

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA20-0020 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule “A” attached to the Report from the Development Planning Department dated November 2, 2020 be considered by Council;

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

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

2.0 Purpose

To amend the C4 - Urban Centre Commercial zone to introduce an additional 0.2 Floor Area Ratio for five and six storey buildings under the Residential Rental Tenure Only subzone and to add a map detailing properties that are required to provide functional commercial space on the first floor in the Rutland Urban Centre.

3.0 Development Planning

Development trends in Rutland show interest in the provision of five and six storey rental projects, of which the City is generally supportive in developing the Urban Centre and identified as a key direction in the framework of the Healthy Housing Strategy. Many projects in the Rutland Urban Centre can consider fully underground parking as a viable solution as there are not the same water table issues as in other parts of the City. This translates into five or six storeys of residential units, triggering the need for additional Floor Area Ratio (FAR). As an incentive to increase the number of rental developments within the Rutland Urban Centre, this Text Amendment includes an increase of 0.2 to the FAR for five and six storey buildings that have the

Residential Rental Tenure Only subzone. The total maximum allowable FAR with bonusing within the C4 – Urban Centre Commercial zone is not proposed to change.

To facilitate these types of rental projects, including an application at 230 Aurora Cres, increases to the C4 – Urban Centre Commercial FAR regulation is recommended by Development Planning. Development Planning sees this approach as providing an incentive in the Rutland Urban Centre that is fair and transparent to the marketplace and better land use management than if a site-specific text amendment approach were considered.

Development Planning also recommends support for changes to an existing Zoning Bylaw requirement in the C4 – Urban Centre Commercial zone relating to providing functional first floor commercial space on collector or arterial roads. In order to provide clarity of intent to the development community, Staff are wanting to include a supplemental map in the Zoning Bylaw in relation to this regulation for the Rutland Urban Centre. This map specifies which properties are required to have a commercial component, and which may be developed to be entirely residential. The addition of this map would remove the first-floor commercial requirement for a number of properties on collector and arterial roads within the Rutland Urban Centre, including on Aurora Cres.

Map of the Rutland Urban Centre, with an overlay of collector and arterial roads:



- 2 Lane Minor Collector
- 2 Lane Major Collector
- 2 Lane Arterial

4.0 Proposal

4.1 Background

This broad amendment to the C4 – Urban Centre Commercial zone was initiated by an applicant to facilitate a development at 230 Aurora Cres under application Z20-0088. This specific development is being considered in separate applications.

5.0 Current Development Policies

5.1 Healthy Housing Strategy

Four key directions form the framework for the strategy:

1. Promote and protect rental housing;
2. Improve housing affordability and reduce barriers for affordable housing;
3. Build the right supply; and
4. Strengthen partnerships and align investments.

5.2 Kelowna Official Community Plan (OCP)

Chapter 1: Introduction

Goals for a Sustainable Future:

Address Housing Needs of All Residents. Address housing needs of all residents by working towards an adequate supply of a variety of housing.

Chapter 5: Development Process

Objective 5.9 Support the creation of affordable and safe rental, non-market and/or special needs housing.

Objective 5.22 Ensure context sensitive housing development.

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

6.0 Technical Comments

6.1 Development Engineering Department

The Development Engineering Branch has no comments related to the request for a text amendment. All other Development Engineering Branch comments related to the development at 230 Aurora Cres are included in City of Kelowna Memorandum for DP20-0147.

7.0 Application Chronology

Date of Application Received: June 8, 2020

Report prepared by: Kimberly Brunet, Planner II
Reviewed by: Jocelyn Black, Urban Planning Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Summary Table of Proposed Text Amendments to Zoning Bylaw No. 8000

Attachment A: Applicant's Rationale

Schedule A – Zoning Bylaw No. 8000 Text Amendment

No.	Section	Existing Text	Proposed Text	Explanation of Change
1.	<p>14.4 C4 – Urban Centre Commercial</p> <p>14.4.5(a)2.v. Development Regulations – Floor Area Ratio</p>	<p>14.4.5(a)2.v. Five and six storey buildings can add a 0.2 Floor Area Bonus.</p>	<p>14.4.5(a)2.v. Five and six storey buildings can add a 0.2 Floor Area Bonus and if the property is located within the Rutland Urban Centre and has the Residential Rental Tenure Only subzone a further 0.2 Floor Area Bonus can be applied.</p>	<p>This change will facilitate an increase to the maximum floor area ratio for properties located within the Rutland Urban Centre with a Residential Rental Tenure subzone.</p>
2.	<p>14.4 C4 – Urban Centre Commercial</p> <p>14.4.6(e) Other Regulations</p>	<p>14.4.6(e) Any building located on streets classified as a collector or arterial as identified in the OCP Map 7.3 – 20 Year Major Road Network and Road Classification Plan shall provide a functional commercial space on the first floor, which must occupy a minimum of 90% of all street frontages, OR a minimum of 75% on secondary street frontages provided 100% of the principal frontage has a functional commercial space. Access driveways or other portions of the street frontage not used as a building will not be considered for the purpose of this calculation.</p>	<p>14.4.6(e) Any building located on streets classified as a collector or arterial as identified in the OCP Map 7.3 – 20 Year Major Road Network and Road Classification Plan shall provide a functional commercial space on the first floor, which must occupy a minimum of 90% of all street frontages, OR a minimum of 75% on secondary street frontages provided 100% of the principal frontage has a functional commercial space. Access driveways or other portions of the street frontage not used as a building will not be considered for the purpose of this calculation. For properties located within the Rutland Urban Centre, Map 14.4 Commercial / Residential Frontage Regulations applies</p>	<p>The addition of this map to the Zoning Bylaw details which properties within the Rutland Urban Centre are required to provide functional commercial space on the first floor.</p>

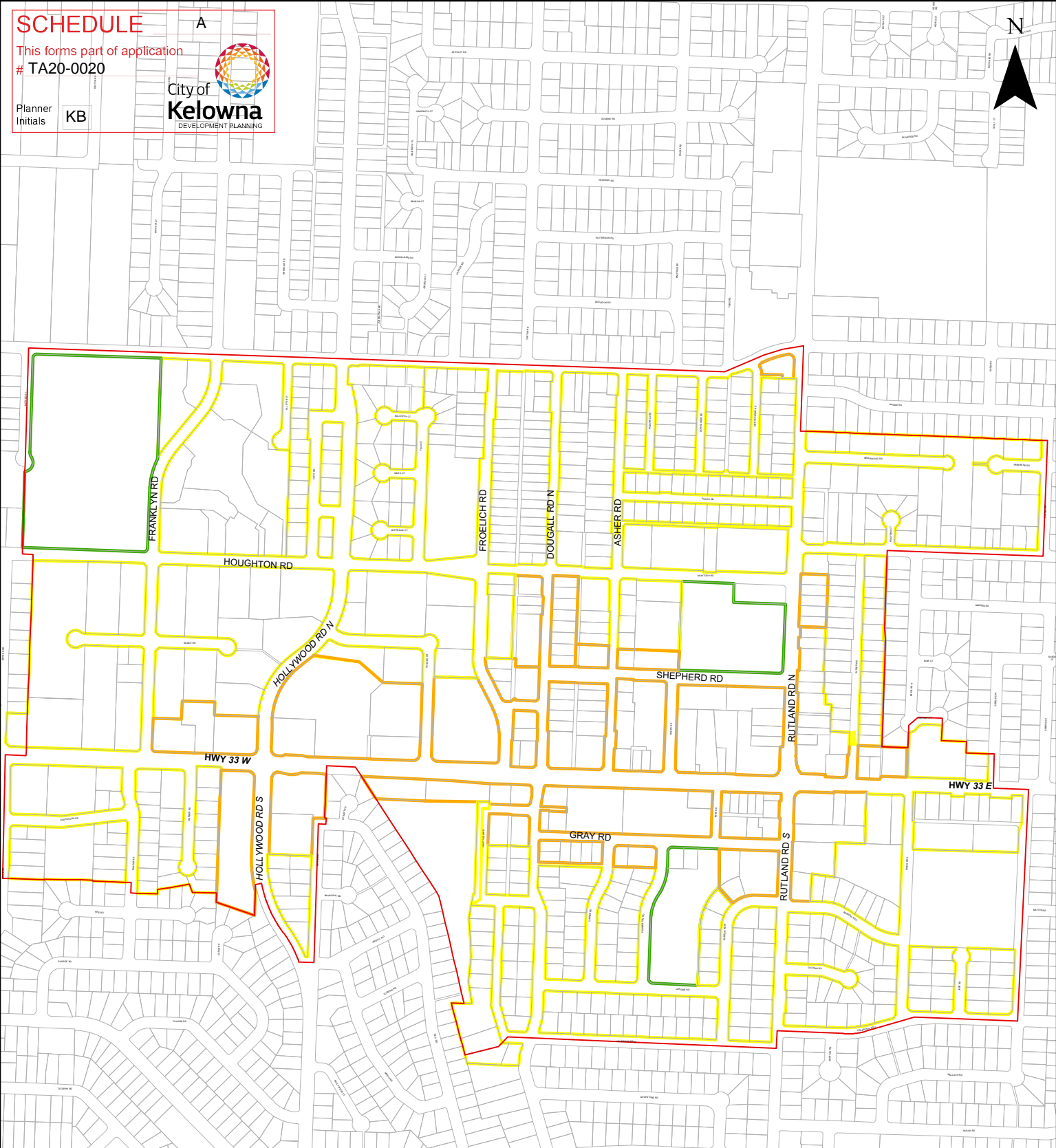
3.	14.4 C4 – Urban Centre Commercial 14.4.6 Other Regulations	N/A	Insert Map 14.4 Commercial / Residential Frontage Regulations at the end of Section 14.4.6	This requests the addition of Map 14.4 Commercial / Residential Frontage Regulations to the end of Section 14.4.6
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SCHEDULE

A

This forms part of application
TA20-0020

Planner
Initials KB



MAP 14.4 Commercial / Residential Frontage Regulations

- Residential or Commercial
- Park
- Commercial
- Legal Parcel
- Urban Centre

This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

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Rev. 9/29/2020





October 13, 2020

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

Dear Ms. Brunet,

Re: Letter of Rationale for 230 Aurora Crescent, Kelowna, BC – Zoning By-law Text Amendment and Rezoning

Ironclad Developments Inc is applying for a Rezoning and Text Amendment to the City of Kelowna Zoning By-law No. 8000 for a proposed multi-unit residential development at 230 Aurora Crescent. The proposed development consists of two buildings, Building A will have five storeys of residential above ground floor parking and Building B will have six storeys of residential. The subject property is zoned C4 – Urban Centre Commercial which allows developments with a FAR between 1.6 and 1.7 and requires any building on a collector street to provide commercial space on the first floor. This first floor commercial space must occupy 90% of all street frontages. The purpose of this site-specific Text Amendment is to allow for a higher density of FAR 1.82 and to eliminate the ground floor commercial space requirement along Aurora Crescent which is identified as a Major Collector Road.

The proposed rezoning will rezone the property to C4R, a subzone of the current C4 zone. C4R – Urban Centre Commercial (Residential Rental Tenure Only) will ensure that the building remains rental for the long term.

ICD is asking for a site-specific Text Amendment to increase the FAR to 1.82, as we believe it is appropriate for the following reasons:

- 1) Low vacancy rate in Kelowna
- 2) Kelowna’s Urban Centres Roadmap policies
- 3) Surrounding context

In October 2018, the vacancy rate for apartments in the City of Kelowna was 1.9%. Although this vacancy rate is not severely low, it is low, indicating a need for apartments in the community. Ironclad constructs and manages purpose built rental apartment buildings and intends on maintaining this development as rental units, not selling them as condominiums.





The buildings will be composed of a mix of one-, two- and three-bedroom units, providing an option of unit size to students, young professionals, seniors, and small families. Increasing the FAR from a maximum of 1.7 to 1.82 will allow Ironclad Developments to maximize the development potential of the lot with a total of 104 units in two six storey buildings and increasing Kelowna’s rental options.

Kelowna’s Urban Centres Roadmap outlines policies and targets for urban centres as they continue to develop. Two of the policies to create a healthy housing mix are ‘promote a mix of unit types, building form and tenure in multi-family residential developments’ and ‘encourage multi-family buildings in areas with schools and parks to contain ground-oriented units and family-oriented units.’ The proposed multi-unit residential development fits these policies as it will increase the mix of housing in the urban centre and is near multiple parks and schools.

The six storey design of the development is appropriate for the property as it is near a commercial area and other multi-unit residential buildings. The nearby residential buildings are three storeys tall, however, the proposed development will not shade the nearby residential buildings for most of the year. A shadow study has shown that the shadow will be contained within the property and the street during the day for the majority of the year.

We are asking for a site-specific Text Amendment for no ground floor commercial on this site, as we believe it is not appropriate or viable for the following reasons:

- 1) OCP Major Collector Road designation error
- 2) Surrounding context
- 3) Low traffic volumes/lack of destination
- 4) Marketability of commercial on this site
- 5) COVID implications on commercial space

The City of Kelowna Zoning Bylaw requires any building located on a collector or arterial road in the Urban Centre Commercial zone to provide a functional commercial space on the first floor. In pre-application discussions with the planning staff at the City of Kelowna, they indicated that Aurora Crescent was incorrectly designated as a Major Collector Road when the Official Community Plan was adopted. Ironclad Developments believes this is true as the street does not act as a Major Collector Road.

The City of Kelowna defines a collector road as ‘that part of the roadway system servicing traffic between major and local roadways (e.g. Sutherland Avenue, Valley Road and Baron Road)’ (City of Kelowna, 2020). A local road is defined as ‘roadways used primarily for direct access to





residential, industrial or other abutting property (e.g. typical residential roads found in most neighbourhoods)' (1). Aurora Crescent is used to access the multi-unit residential properties along the street and the commercial uses along the highway that have access off Aurora. As per the City's definition, Aurora Crescent acts more as a local road than as a collector road as drivers do not use it to access other roadways, the only other road connected to it other than the highway, is Hollywood Road North, which bisects the highway on its own one block away.

Aurora Crescent is largely a residential street as the northern portion is fronted by multi-unit residential developments surrounding where the proposed development would be located. The southern portion of Aurora Crescent is not fronted by any businesses but is used to access the parking lots for the commercial uses. If approved, the proposed development would front onto the southern portion of Aurora, providing an active frontage for this section of the street. Although there would not be commercial uses on the main floor, the main floor suites would be pushed out towards the street and have private patios adjacent to the sidewalk. These patios, along with the balconies in each suite above the ground floor would provide private outdoor space for each resident and create eyes on the street for pedestrian safety.

On nearby collector roads like Asher Road and Roxby Road there are multiple commercial uses fronting onto the street. Aurora Crescent does not have the same commercial frontage as the commercial uses adjacent to Aurora (Value Village, KFC/Taco Bell and Mara Lumber Home Building Centre) front onto Kelowna-Rock Creek Highway and most likely only use Aurora to just access the parking lot. Unlike other collector roads, Aurora is not part of a wider commercial core or mixed-use area and does not connect to or adjacent to a commercial district or destination. Franklyn Road, another nearby collector road with multiple multi-unit residential developments along the street, however it services local roads and connects two arterial roads that do not intersect. As Aurora does not have other commercial uses adjacent to the subject property to help draw customers to the area, and does not serve a purpose as a connection to another area, the marketability of commercial uses at this location is questionable.

In March 2020 the Canadian economy changed dramatically as a result of COVID-19, causing a huge impact on businesses in Canada and their ability to operate. Sales dropped, businesses had to shut down temporarily and close to a third of businesses feel it will take a year or two to get back to pre-COVID business volumes (CIBC, 2020). Businesses are now reevaluating what is needed after months of successfully staying connected and doing business in a virtual workplace. Office workplaces have adapted to work-from-home arrangements, having fewer in-person meetings and increasing technology support, their costs have been reduced, causing





them to consider downsizing their office space permanently (Desai, 2020). This shift in workplace operations may alter the demand for commercial office space for years to come (Beaudoin, Georgules, & Raicht, 2020). With uncertainty around the demand for commercial space as COVID-19 continues, and in its aftermath, new commercial spaces may sit empty while the enters a prolonged long and slow recovery period. Until the economy improves, building additional commercial spaces when many businesses are downsizing or unsure if they will be able to remain open, is problematic and with increased risk as it may be hard to lease commercial space.

It is for the above reasons that we believe a Rezoning and Text Amendment is appropriate for the site to permit an increased FAR and allow for a new development without the required ground-floor commercial component. By rezoning to a residential rental subzone, the building will remain rental for the long term.

Respectfully submitted,

Breanne Jack





References

Beaudoin, C., Georgules, J., & Raicht, T. (2020, April 20). *Tenant needs in a post-pandemic world: 2020 Forecast Series*. Retrieved from JLL: <https://www.jll.ca/en/trends-and-insights/research/2020-first-look-navigating-post-COVID-19>

CIBC. (2020, May 4). COVID-19 impact felt by 81 per cent of Canadian small business owners : CIBC poll. Retrieved from <http://cibc.mediaroom.com/2020-05-04-COVID-19-impact-felt-by-81-per-cent-of-Canadian-small-business-owners-CIBC-Poll>

City of Kelowna. (2020). *Roadway maintenance & equipment*. Retrieved from City of Kelowna: <https://www.kelowna.ca/roads-transportation/roads/roadway-maintenance-equipment>

Desai, K. (2020, June 19). *The fate of the office: should it stay or should it go?* Retrieved from Altus Group: <https://www.altusgroup.com/data/insights/the-fate-of-the-office-should-it-stay-or-should-it-go/>





TA20-0020

230 Aurora Cres

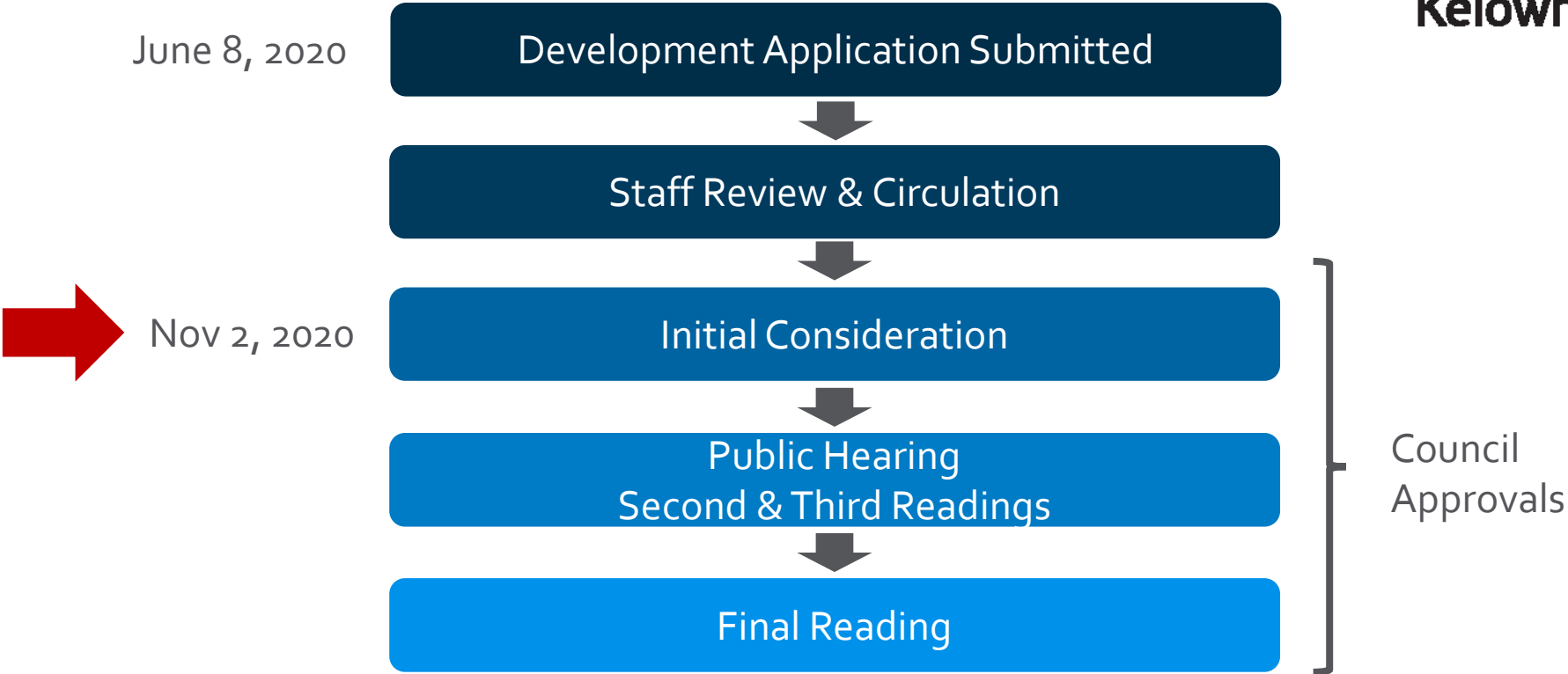
Text Amendment Application



Proposal

- ▶ To amend the C₄ - Urban Centre Commercial zone within the Zoning Bylaw to add 0.2 Floor Area Ratio bonus for five and six storey buildings in the Rutland Urban Centre that have a Residential Rental Tenure Only subzone and to add a map detailing which properties within are required to provide functional commercial space on the first floor.

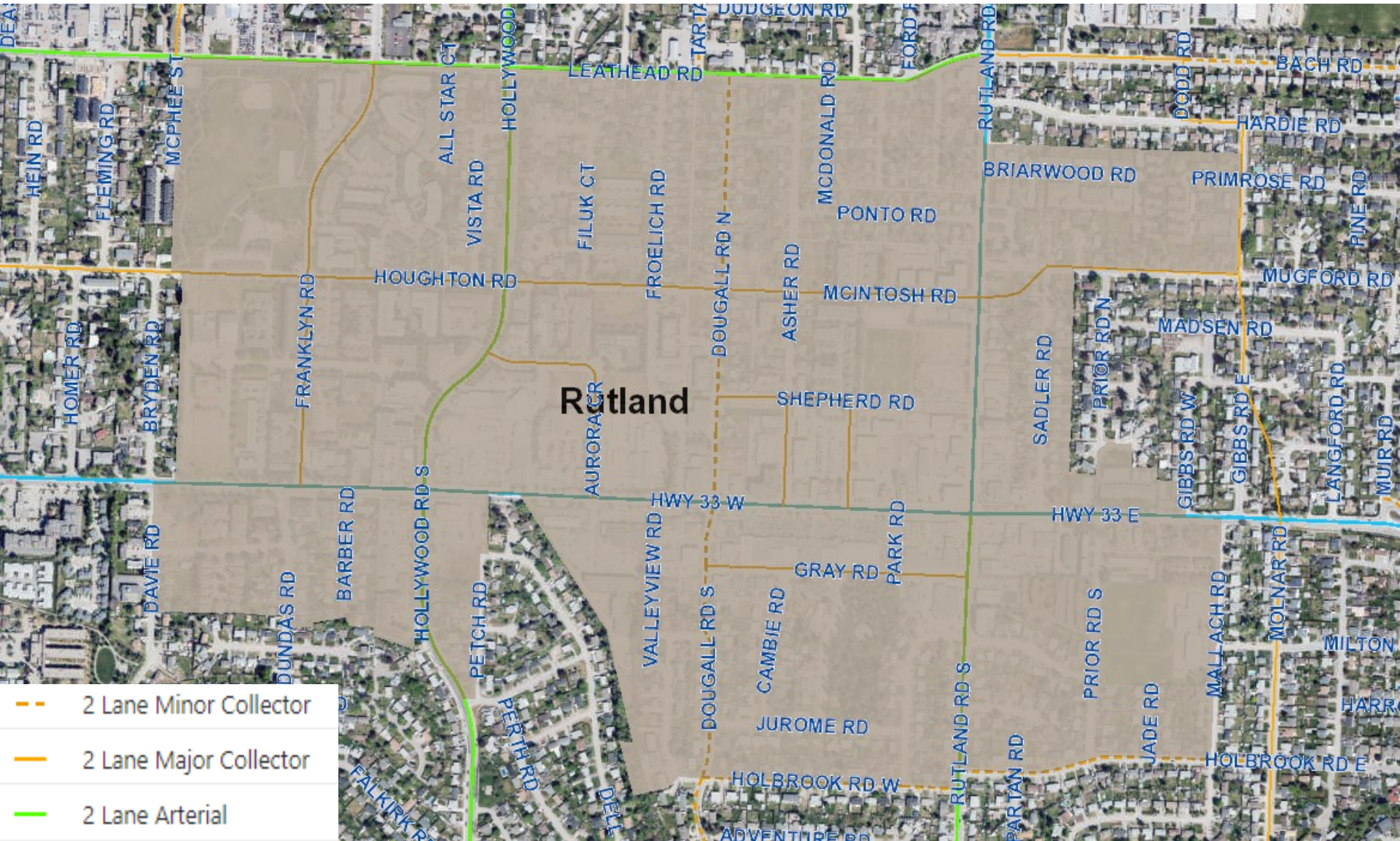
Development Process



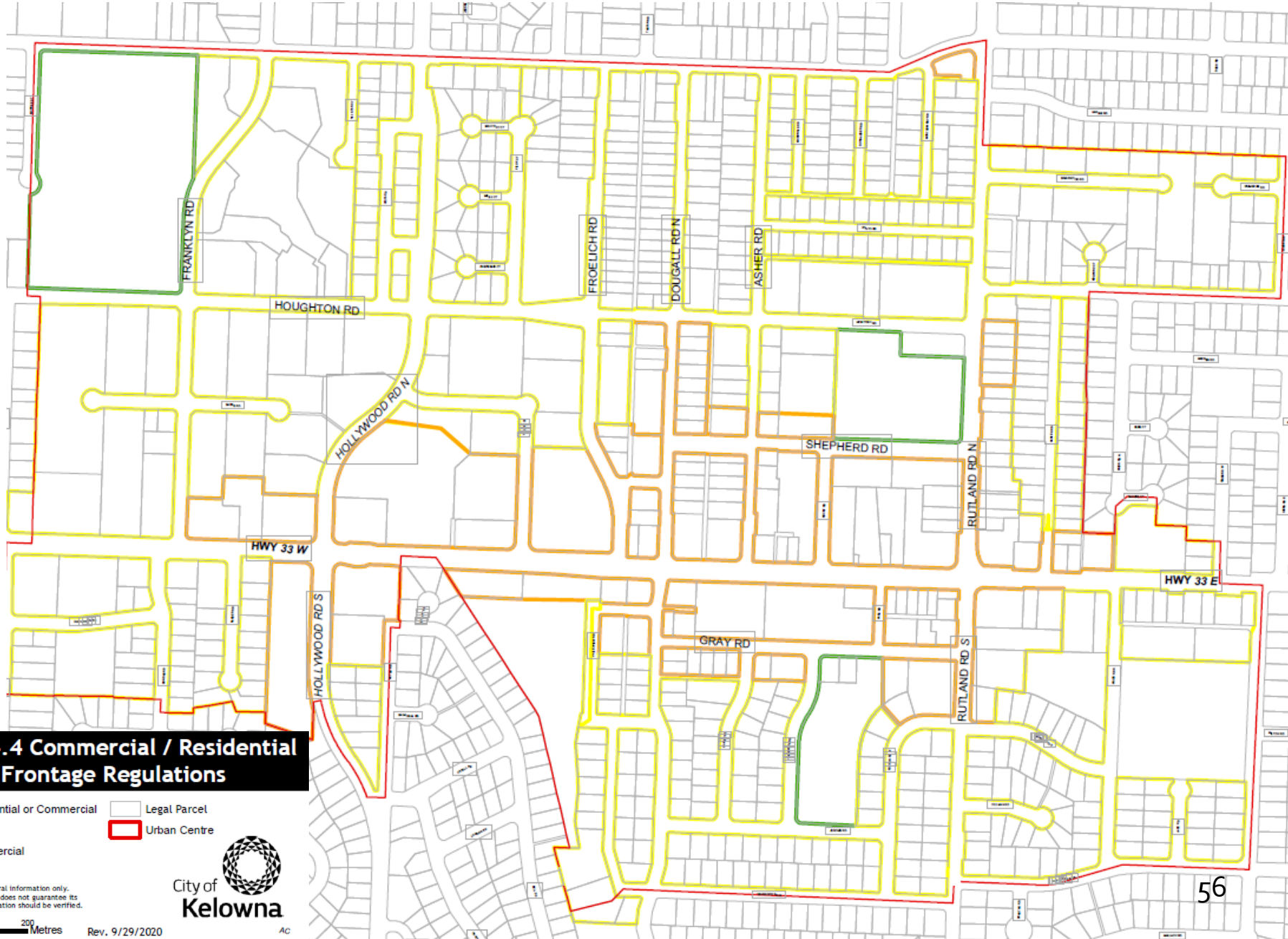
Text Amendment

- ▶ Floor Area Ratio
 - ▶ 0.2 FAR bonus, C₄ rental developments in Rutland Urban Centre
 - ▶ The total maximum allowable FAR in the C₄ zone is not proposed to change
 - ▶ Underground parking is possible in Rutland (less water table issues than other locations in the City)
- ▶ First Floor Functional Commercial Space
 - ▶ Current requirement for first floor commercial space on collector or arterial roads
 - ▶ Addition of a map further specifying which properties in the Rutland Urban Centre where this is required

Rutland Urban Centre



Rutland Urban Centre



MAP 14.4 Commercial / Residential Frontage Regulations

	Residential or Commercial		Legal Parcel
	Park		Urban Centre
	Commercial		



 City of Kelowna

This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

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Rev. 9/29/2020

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Development Policy

- ▶ Promoting and Protecting Rental Housing is a key direction in the Healthy Housing Strategy
- ▶ Meets the Intent of the Official Community Plan
 - ▶ Support the creation of affordable and safe rental, non-market and/or special needs housing.
 - ▶ Housing Mix
 - ▶ Address Housing Needs of All Residents

Staff Recommendation

- ▶ Staff recommend support for the Text Amendment
 - ▶ FAR bonus for Residential Rental Tenure Only subzone helps encourage rental developments in the Rutland Urban Centre
 - ▶ Greater clarification for commercial development requirement on arterial and collector roads in the Rutland Urban Centre
- ▶ Recommend the Bylaws be forwarded to a Public Hearing



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12115

TA20-0020

Amendment to C₄ – Urban Centre Commercial Section 14.4 and Addition of Map 14.4

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

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

1. THAT **Section 14 – Commercial Zones, Section 14.4 – C₄ – Urban Centre Commercial, 14.4.5(a)2 Development Regulations** be amended by:

Deleting the following:

"v. Five and six storey buildings can add a 0.2 Floor Area Bonus."

And replacing it with:

"v. Five and six storey buildings can add a 0.2 Floor Area Bonus and if the property is located within the Rutland Urban Centre and has the Residential Rental Tenure Only subzone a further 0.2 Floor Area Bonus can be applied."

2. AND THAT **Section 14 – Commercial Zones, Section 14.4 – C₄ – Urban Centre Commercial, 14.4.6(e) Other Regulations** be amended by:

Deleting the following:

"Any building located on streets classified as a collector or arterial as identified in the OCP Map 7.3 – 20 Year Major Road Network and Road Classification Plan shall provide a functional commercial space on the first floor, which must occupy a minimum of 90% of all street frontages, OR a minimum of 75% on secondary **street** frontages provided 100% of the principal frontage has a functional commercial space. Access driveways or other portions of the **street** frontage not used as a **building** will not be considered for the purpose of this calculation."

And replacing it with:

"Any building located on streets classified as a collector or arterial as identified in the OCP Map 7.3 – 20 Year Major Road Network and Road Classification Plan shall provide a functional commercial space on the first floor, which must occupy a minimum of 90% of all street frontages, OR a minimum of 75% on secondary **street** frontages provided 100% of the principal frontage has a functional commercial space. Access driveways or other portions of the **street** frontage not used as a **building** will not be considered for the purpose of this calculation. For properties located within the Rutland Urban Centre, Map 14.4 Commercial/Residential Frontage Regulations applies."

3. AND THAT **Section 14 – Commercial Zones, Section 14.4 – C₄ – Urban Centre Commercial, 14.4.6 Other Regulations** be amended by adding the diagram "Map 14.4 Commercial / Residential Frontage Regulations" at the end of **Section 14.4.6 Other Regulations** as attached to and forming part of this bylaw.
4. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 2nd day of November, 2020.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

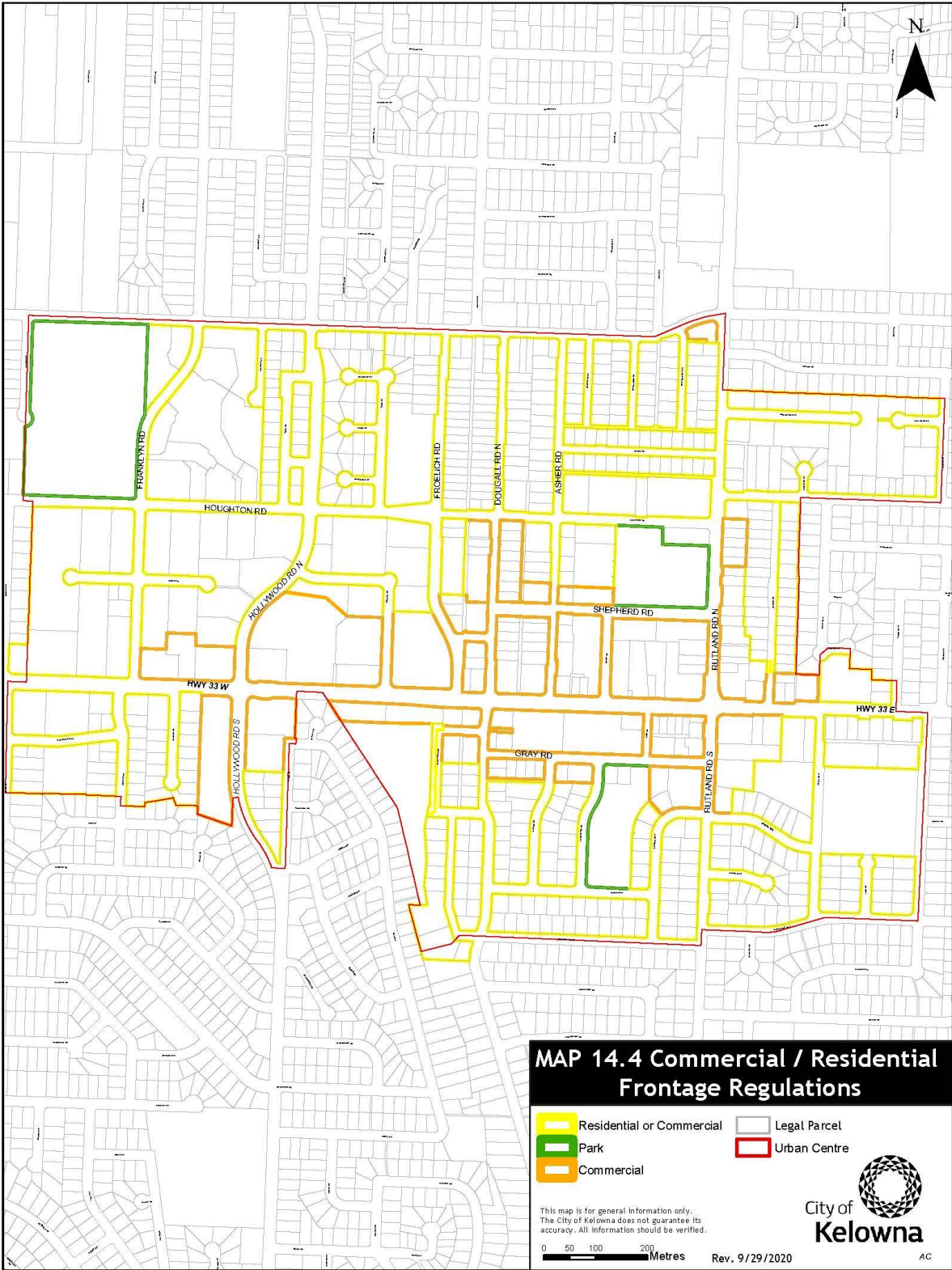
Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



REPORT TO COUNCIL



Date: November 2, 2020

To: Council

From: City Manager

Department: Development Planning

Application: Z20-0088 **Owner:** Lambert and Paul Construction Ltd., Inc.No. 80191

Address: 230 Aurora Crescent **Applicant:** Ironclad Developments Inc.

Subject: Rezoning Application

Existing OCP Designation: MXR – Mixed Use (Residential / Commercial)

Existing Zone: C4 – Urban Centre Commercial

Proposed Zone: C4r – Urban Centre Commercial (Residential Rental Tenure Only)

1.0 Recommendation

THAT Rezoning Application No. Z20-0088 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8 Section 26 Township 26 Osoyoos Division Yale District Plan KAP46961, located at 230 Aurora Crescent, Kelowna, BC from the C4 – Urban Centre Commercial zone to the C4r – Urban Centre Commercial (Residential Rental Tenure Only) zone, be considered by Council;

AND THAT 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 approval of the Ministry of Transportation and Infrastructure;

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

2.0 Purpose

To rezone the subject property to facilitate the development of a multiple dwelling housing project with the Residential Rental Tenure Only subzone.

3.0 Development Planning

Development Planning recommends support for the Rezoning application. The application proposes a zoning change from the C₄ – Urban Centre Commercial zone to the C_{4r} – Urban Centre Commercial (Residential Rental Tenure Only) zone, which would ensure this development remains as dedicated rental dwellings within the Rutland Urban Centre. The proposed apartment buildings will benefit from the central and convenient location of the subject property in close access to many nearby shops, services and amenities. This aligns with key directions from the framework of the Healthy Housing Strategy, as well as the broad objectives in the Official Community Plan to support the creation of affordable and safe rental, non-market housing.

4.0 Proposal

4.1 Background

The subject property is currently zoned C₄ – Urban Centre Commercial, and has a Future Land Use in the City's OCP of MXR – Mixed Use (Residential / Commercial) and approximately 1.01 acres in size. Research provided by the applicant indicated that this site has always been undeveloped, however it was used as a laydown for lumber from an adjacent sawmill from approximately 1956-1963, and on and off used for parking and equipment storage in the years since. The site is currently vacant.

4.2 Project Description

The applicant is proposing two six-storey wood-frame buildings for a multiple dwelling housing development, which would contain 104 dedicated rental units. The units are a mix of one, two and three bedrooms, and combination of surface, ground floor and underground parking is proposed.

This development proposal includes a rezoning application from the C₄- Urban Centre Commercial zone to the C_{4r} – Urban Centre Commercial (Residential Rental Tenure Only) zone, and multiple dwelling housing is a permitted principal use within this zone. A Zoning Bylaw Text Amendment to C₄ – Urban Centre Commercial regulations relating to FAR and functional commercial space on the first floor is being considered separate from this application. Should Council support the proposed Rezoning Bylaw, Staff would bring forward a Development Permit application for Council consideration prior to any building permits being issued.

4.3 Site Context

The subject property is a corner lot located on Aurora Cres in the City's Rutland OCP Sector. It is near existing residential and commercial uses, as well as public transit options. The Walk Score is 71, indicating that most errands can be accomplished on foot.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM ₅ – Medium Density Multiple Housing	Multiple Dwelling Housing
East	C ₄ – Urban Centre Commercial C ₁₀ – Service Commercial	Currently Vacant Land Retail Store, Service Commercial
South	C ₄ – Urban Centre Commercial	Retail Stores, General
West	C _{4rls} – Urban Centre Commercial (Retail Liquor Sales)	Retail Stores, General, Food Primary Establishments, Retail Liquor Sales Establishment, Personal Service Establishment

Subject Property Map: 230 Aurora Cres**5.0 Current Development Policies****5.1 Healthy Housing Strategy**

Four key directions form the framework for the strategy:

1. Promote and protect rental housing;
2. Improve housing affordability and reduce barriers for affordable housing;
3. Build the right supply; and
4. Strengthen partnerships and align investments.

5.2 Kelowna Official Community Plan (OCP)**Chapter 1: Introduction*****Goals for a Sustainable Future:***

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

Address Housing Needs of All Residents. Address housing needs of all residents by working towards an adequate supply of a variety of housing.

Chapter 5: Development Process

Objective 5.9 Support the creation of affordable and safe rental, non-market and/or special needs housing.

Objective 5.22 Ensure context sensitive housing development.

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

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

Policy .13 Family Housing. Support housing alternatives for families when single detached housing is too costly, including features that are important to families, such as: outdoor space, direct access to grade, workshop space, larger units, safe design, and neighbourhood characteristics (e.g.: location and amenities)

Objective 5.23 Address the needs of families with children through the provision of appropriate family-oriented housing.

Policy .1 Ground-Oriented Housing. Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with two 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 Development Engineering Department

See Attachment A: City of Kelowna Memorandum

7.0 Application Chronology

Date of Application Received: June 8, 2020
Date Public Consultation Completed: September 14, 2020

Report prepared by: Kimberly Brunet, Planner II
Reviewed by: Jocelyn Black, Urban Planning Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: City of Kelowna Memorandum

Attachment B: Applicant's Rationale

Attachment C: Draft Site Plan and Conceptual Rendering

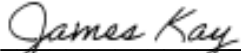
CITY OF KELOWNA

MEMORANDUM

Date: October 14, 2020
File No.: Z20-0088
To: Community Planning (KB)
From: Development Engineering Manager (JK)
Subject: 230 Aurora Cr C4 – C4r

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

1. This application to rezone the subject property from the C4 Urban Centre Commercial zone to the C4r Urban Centre Commercial (Residential Rental Tenure Only) zone does not compromise any City of Kelowna municipal infrastructure.
2. All the offsite infrastructure and services upgrades are addressed in the Development Engineering Report under the Development Permit application file number DP20-0147.
3. These Development Engineering comments/requirements are subject to the review and requirements from the Ministry of Transportation and Infrastructure (MoTI).



James Kay, P. Eng.
Development Engineering Manager

SK



October 13, 2020

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

Dear Ms. Brunet,

Re: Letter of Rationale for 230 Aurora Crescent, Kelowna, BC – Zoning By-law Text Amendment and Rezoning

Ironclad Developments Inc is applying for a Rezoning and Text Amendment to the City of Kelowna Zoning By-law No. 8000 for a proposed multi-unit residential development at 230 Aurora Crescent. The proposed development consists of two buildings, Building A will have five storeys of residential above ground floor parking and Building B will have six storeys of residential. The subject property is zoned C4 – Urban Centre Commercial which allows developments with a FAR between 1.6 and 1.7 and requires any building on a collector street to provide commercial space on the first floor. This first floor commercial space must occupy 90% of all street frontages. The purpose of this site-specific Text Amendment is to allow for a higher density of FAR 1.82 and to eliminate the ground floor commercial space requirement along Aurora Crescent which is identified as a Major Collector Road.

The proposed rezoning will rezone the property to C4R, a subzone of the current C4 zone. C4R – Urban Centre Commercial (Residential Rental Tenure Only) will ensure that the building remains rental for the long term.

ICD is asking for a site-specific Text Amendment to increase the FAR to 1.82, as we believe it is appropriate for the following reasons:

- 1) Low vacancy rate in Kelowna
- 2) Kelowna's Urban Centres Roadmap policies
- 3) Surrounding context

In October 2018, the vacancy rate for apartments in the City of Kelowna was 1.9%. Although this vacancy rate is not severely low, it is low, indicating a need for apartments in the community. Ironclad constructs and manages purpose built rental apartment buildings and intends on maintaining this development as rental units, not selling them as condominiums.





BUILDING THE FUTURE

IRONCLAD DEVELOPMENTS INC.

The buildings will be composed of a mix of one-, two- and three-bedroom units, providing an option of unit size to students, young professionals, seniors, and small families. Increasing the FAR from a maximum of 1.7 to 1.82 will allow Ironclad Developments to maximize the development potential of the lot with a total of 104 units in two six storey buildings and increasing Kelowna’s rental options.

Kelowna’s Urban Centres Roadmap outlines policies and targets for urban centres as they continue to develop. Two of the policies to create a healthy housing mix are ‘promote a mix of unit types, building form and tenure in multi-family residential developments’ and ‘encourage multi-family buildings in areas with schools and parks to contain ground-oriented units and family-oriented units.’ The proposed multi-unit residential development fits these policies as it will increase the mix of housing in the urban centre and is near multiple parks and schools.

The six storey design of the development is appropriate for the property as it is near a commercial area and other multi-unit residential buildings. The nearby residential buildings are three storeys tall, however, the proposed development will not shade the nearby residential buildings for most of the year. A shadow study has shown that the shadow will be contained within the property and the street during the day for the majority of the year.

We are asking for a site-specific Text Amendment for no ground floor commercial on this site, as we believe it is not appropriate or viable for the following reasons:

- 1) OCP Major Collector Road designation error
- 2) Surrounding context
- 3) Low traffic volumes/lack of destination
- 4) Marketability of commercial on this site
- 5) COVID implications on commercial space

The City of Kelowna Zoning Bylaw requires any building located on a collector or arterial road in the Urban Centre Commercial zone to provide a functional commercial space on the first floor. In pre-application discussions with the planning staff at the City of Kelowna, they indicated that Aurora Crescent was incorrectly designated as a Major Collector Road when the Official Community Plan was adopted. Ironclad Developments believes this is true as the street does not act as a Major Collector Road.

The City of Kelowna defines a collector road as ‘that part of the roadway system servicing traffic between major and local roadways (e.g. Sutherland Avenue, Valley Road and Baron Road)’ (City of Kelowna, 2020). A local road is defined as ‘roadways used primarily for direct access to





residential, industrial or other abutting property (e.g. typical residential roads found in most neighbourhoods)' (1). Aurora Crescent is used to access the multi-unit residential properties along the street and the commercial uses along the highway that have access off Aurora. As per the City's definition, Aurora Crescent acts more as a local road than as a collector road as drivers do not use it to access other roadways, the only other road connected to it other than the highway, is Hollywood Road North, which bisects the highway on its own one block away.

Aurora Crescent is largely a residential street as the northern portion is fronted by multi-unit residential developments surrounding where the proposed development would be located. The southern portion of Aurora Crescent is not fronted by any businesses but is used to access the parking lots for the commercial uses. If approved, the proposed development would front onto the southern portion of Aurora, providing an active frontage for this section of the street. Although there would not be commercial uses on the main floor, the main floor suites would be pushed out towards the street and have private patios adjacent to the sidewalk. These patios, along with the balconies in each suite above the ground floor would provide private outdoor space for each resident and create eyes on the street for pedestrian safety.

On nearby collector roads like Asher Road and Roxby Road there are multiple commercial uses fronting onto the street. Aurora Crescent does not have the same commercial frontage as the commercial uses adjacent to Aurora (Value Village, KFC/Taco Bell and Mara Lumber Home Building Centre) front onto Kelowna-Rock Creek Highway and most likely only use Aurora to just access the parking lot. Unlike other collector roads, Aurora is not part of a wider commercial core or mixed-use area and does not connect to or adjacent to a commercial district or destination. Franklyn Road, another nearby collector road with multiple multi-unit residential developments along the street, however it services local roads and connects two arterial roads that do not intersect. As Aurora does not have other commercial uses adjacent to the subject property to help draw customers to the area, and does not serve a purpose as a connection to another area, the marketability of commercial uses at this location is questionable.

In March 2020 the Canadian economy changed dramatically as a result of COVID-19, causing a huge impact on businesses in Canada and their ability to operate. Sales dropped, businesses had to shut down temporarily and close to a third of businesses feel it will take a year or two to get back to pre-COVID business volumes (CIBC, 2020). Businesses are now reevaluating what is needed after months of successfully staying connected and doing business in a virtual workplace. Office workplaces have adapted to work-from-home arrangements, having fewer in-person meetings and increasing technology support, their costs have been reduced, causing





them to consider downsizing their office space permanently (Desai, 2020). This shift in workplace operations may alter the demand for commercial office space for years to come (Beaudoin, Georgules, & Raicht, 2020). With uncertainty around the demand for commercial space as COVID-19 continues, and in its aftermath, new commercial spaces may sit empty while the enters a prolonged long and slow recovery period. Until the economy improves, building additional commercial spaces when many businesses are downsizing or unsure if they will be able to remain open, is problematic and with increased risk as it may be hard to lease commercial space.

It is for the above reasons that we believe a Rezoning and Text Amendment is appropriate for the site to permit an increased FAR and allow for a new development without the required ground-floor commercial component. By rezoning to a residential rental subzone, the building will remain rental for the long term.

Respectfully submitted,

Breanne Jack





References

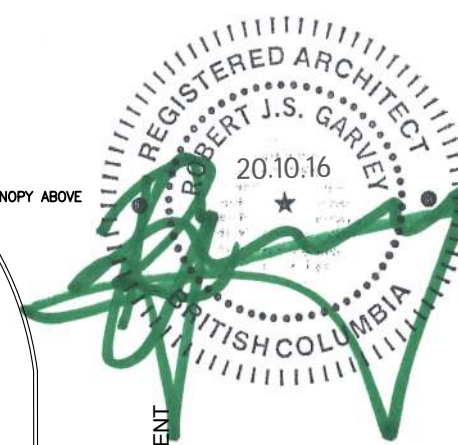
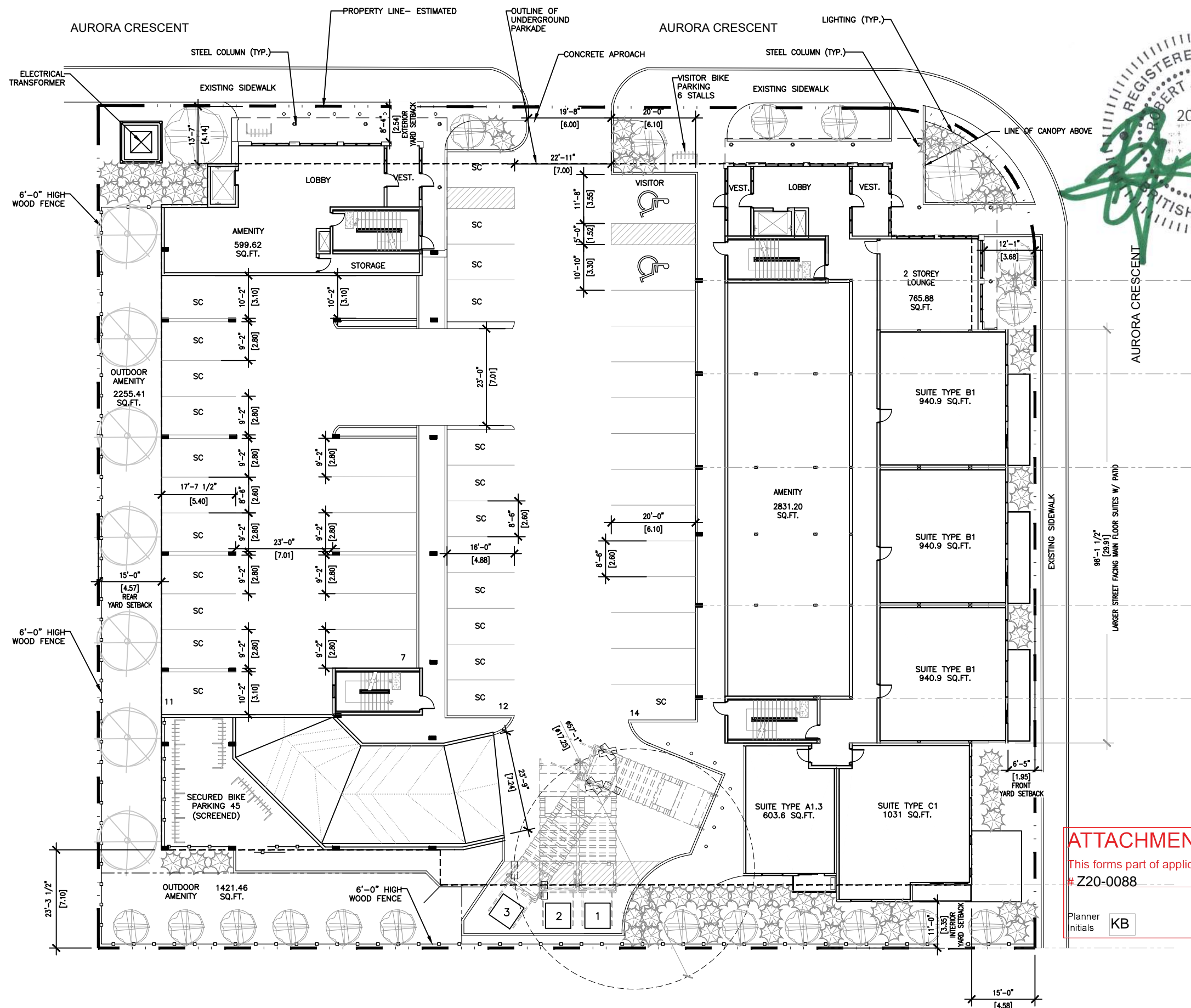
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Ironclad Developments Inc.




Project Management
General Contracting
Design/ Build

101-57158
Symington Rd.
Springfield, MB.
R2J 4L6

PH:
204-777-1972

info@icdev.ca

Consultant



ROB J.S. GARVEY, ARCHITECT
MAA, AIBC, LEED AP

201-57158 SYMINGTON RD 20E
SPRINGFIELD, MB R2J 4L6
T: 204.227.9274
E: RGARVEY@A77.CA

DEVELOPMENT DESCRIPTION:

230 AURORA CRESCENT,
KELOWNA, BC

SITE AREA : 4,099.81 Sq.Ft
CURRENT ZONING: C4

PROPOSED UNITS: 104
1 BED = 45 UNITS
2 BED = 53 UNITS
3 BED = 6 UNITS

PARKING REQUIREMENTS:

TOTAL PARKING REQUIRED: 122 STALLS
(INCLUDING VISITOR AND ACCESSIBLE)

TOTAL PARKING PROVIDED: 122 STALLS
SURFACE PARKING: 44 STALLS
UNDERGROUND PARKING: 78 STALLS
SMALL CAR PARKING: 51 STALLS

BIKE PARKING (LONG TERM): 110 STALLS
BIKE PARKING (SHORT TERM): 12 STALLS

REV.	DESCRIPTION OF WORK REVISED	DATE
0	DEVELOPMENT APPLICATION	20.10.16

230 Aurora Crescent;
Kelowna BC;

**PROPOSED SITE PLAN
AND MAIN FLOOR PLAN**

ATTACHMENT C

This forms part of application
Z20-0088

Planner Initials **KB**



City of
Kelowna
DEVELOPMENT PLANNING

Project Number: 2004

04-30-2020	Rev Date 09-30-2020
Drawn By	J.P.M.
Designed By	J.P.M.
Checked By	



PROPOSED SITE PLAN

SCALE 1:300

ESP-1.0

Scale 1:300



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ATTACHMENT C

This forms part of application
Z20-0088

Planner Initials **KB**



City of
Kelowna
DEVELOPMENT PLANNING

REV.	DESCRIPTION OF WORK REVISED	DATE

230 Aurora Crescent;
Kelowna BC;

RENDERINGS

Project Number: 2004	
04-30-2020	Rev Date 09-30-2020
Drawn By	J.P.M./D.D.
Designed By	J.P.M.
Checked By	

ESP-5.1

Scale N.T.S.
74



Z20-0088

230 Aurora Cres

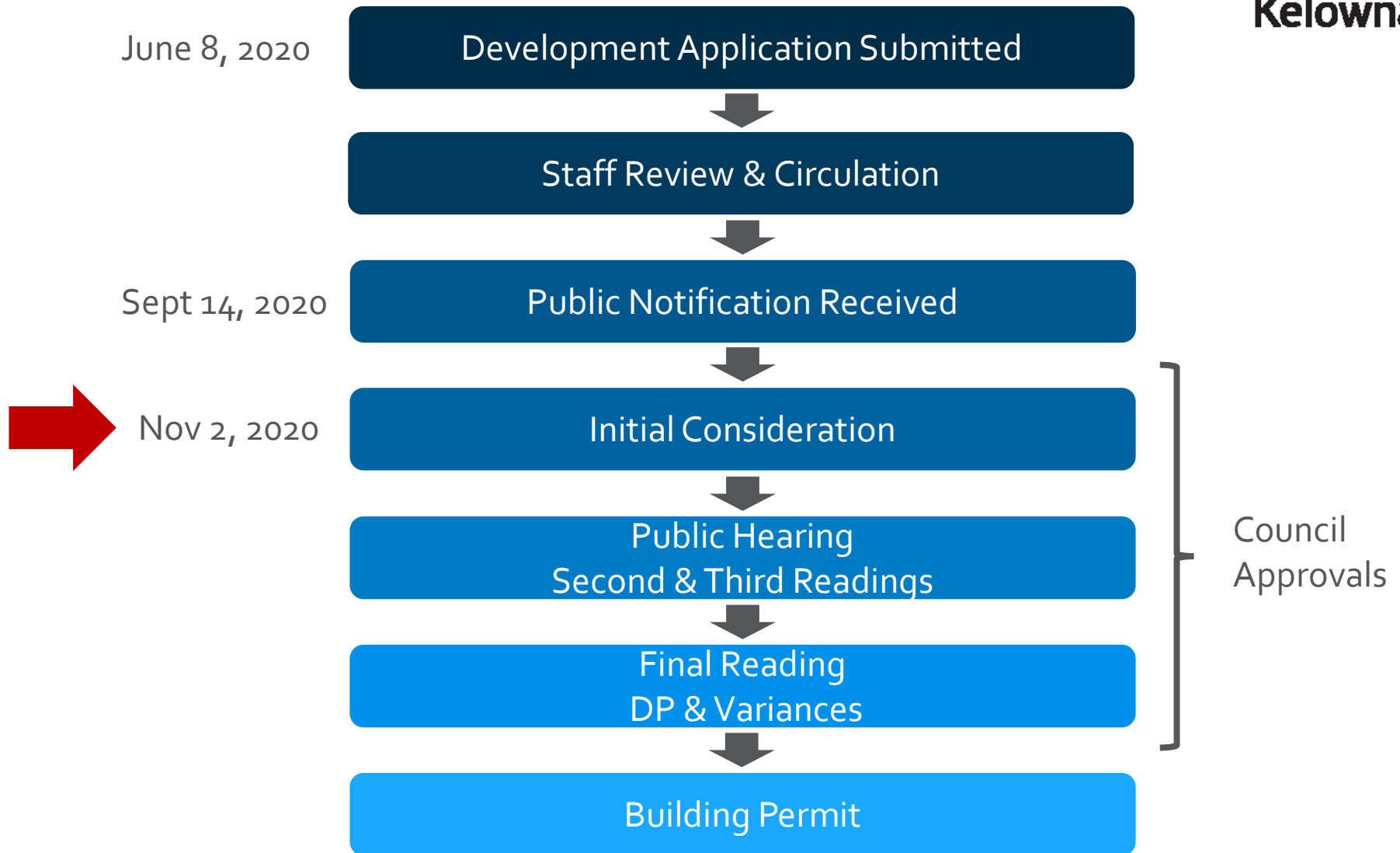
Rezoning Application



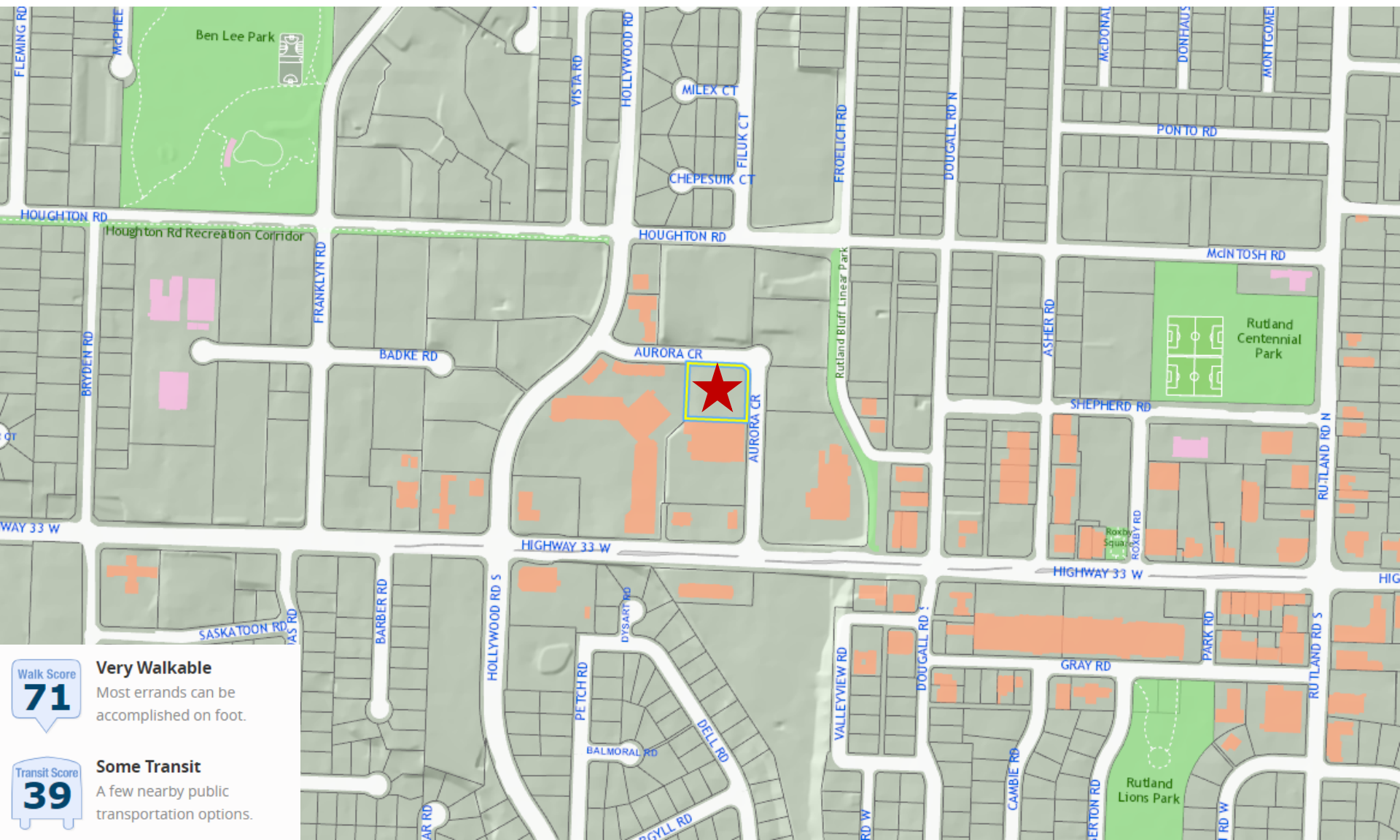
Proposal

- ▶ To rezone the subject property to facilitate the development of a multiple dwelling housing project with the Residential Rental Tenure Only subzone

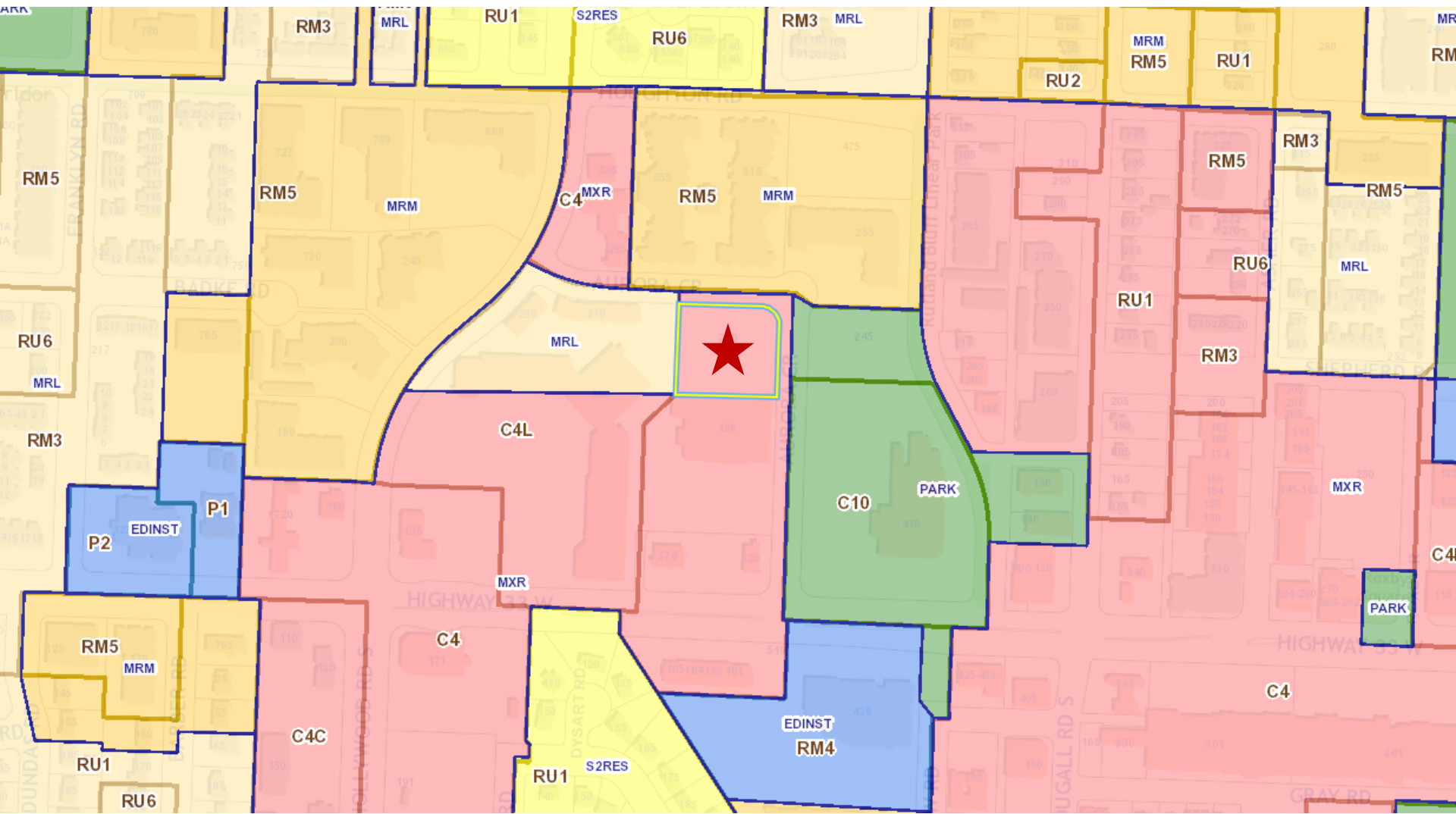
Development Process



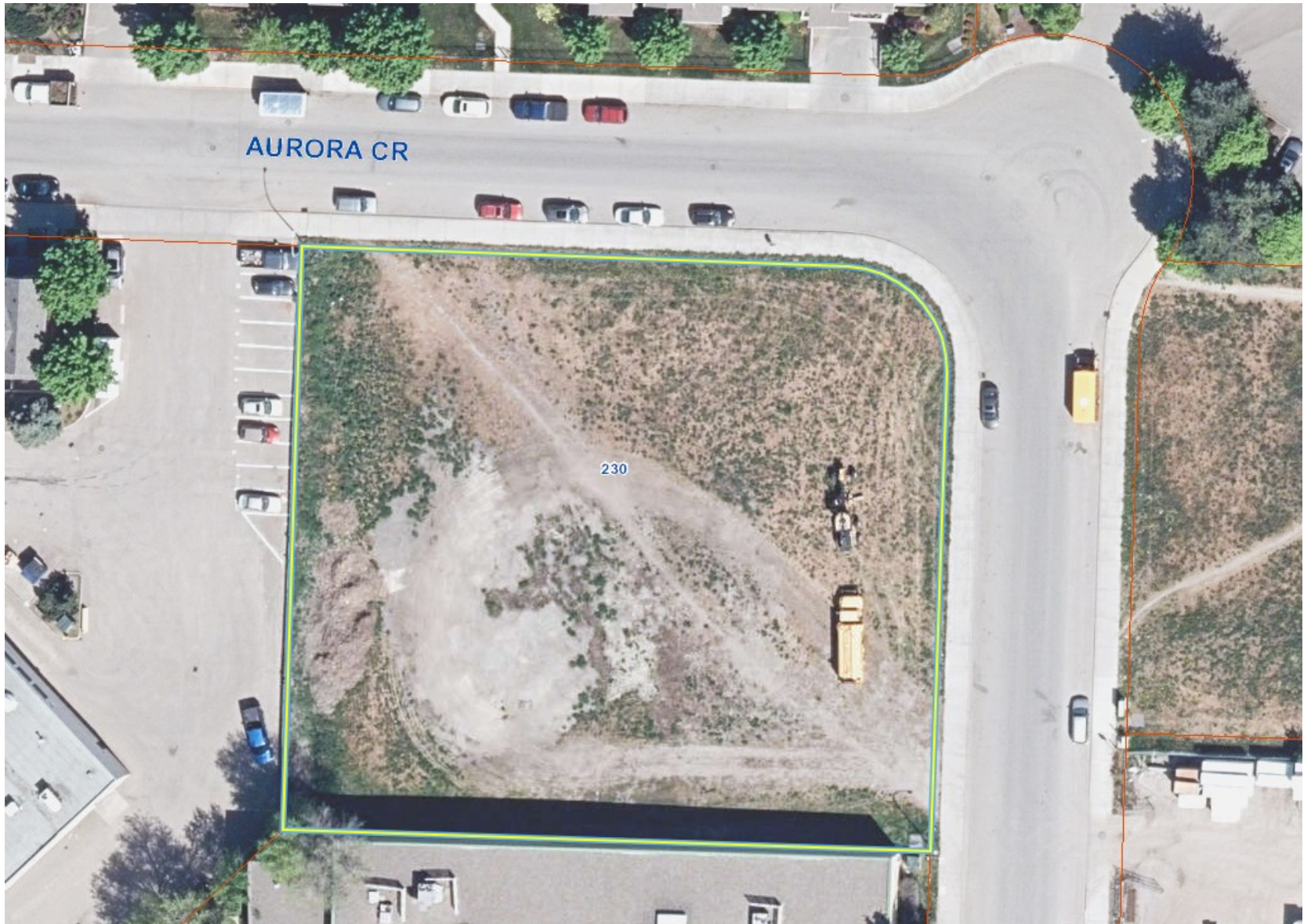
Context Map



OCP Future Land Use / Zoning



Subject Property Map



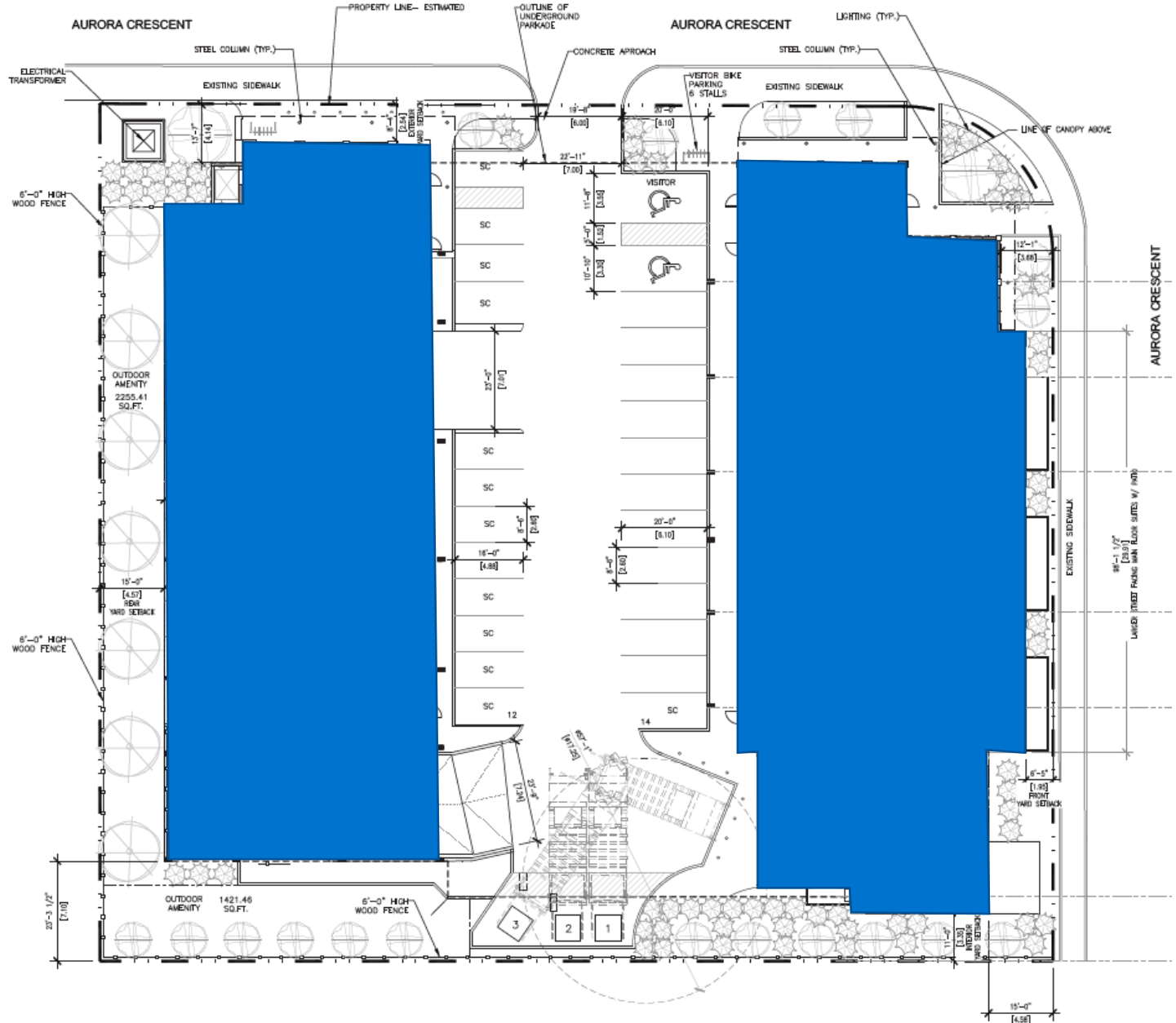
View from Aurora Cres



Project Details

- ▶ Multiple dwelling housing development
 - ▶ Two, six-storey wood frame buildings
 - ▶ 104 dedicated rental units
 - ▶ Mix of one, two and three bedrooms
 - ▶ Surface, ground and underground parking

Draft Site Plan



Draft Rendering



Development Policy

- ▶ Meets the Intent of the Official Community Plan
 - ▶ Support the creation of affordable and safe rental, non-market and/or special needs housing.
 - ▶ Housing Mix
 - ▶ Family Housing
 - ▶ Address Housing Needs of All Residents
- ▶ Promoting and Protecting Rental Housing is a key direction in the Healthy Housing Strategy

Staff Recommendation

- ▶ Staff recommend support for the Rezoning application
 - ▶ The C4r – Urban Centre Commercial (Residential Rental Tenure) zone would ensure this development remains as dedicated rental
 - ▶ Policies in the OCP and Healthy Housing Strategy support a variety of housing and rental housing developments
- ▶ Recommend the Bylaw be forwarded to a Public Hearing



Conclusion of Staff Remarks



230 Aurora Crescent

Ironclad Developments

File Z20-0088

Ironclad Developments

- Development company focusing on multi-family rental buildings
 - Projects across Western and Central Canada
 - Over a thousand rental residential units currently under construction
- First project in City of Kelowna
- Past projects in the Okanagan – Vernon and West Kelowna
 - Rockwood Landing (Vernon)
 - The Highland (Vernon)
 - Lake View Pointe (West Kelowna)
- www.ironcladdevelopments.com

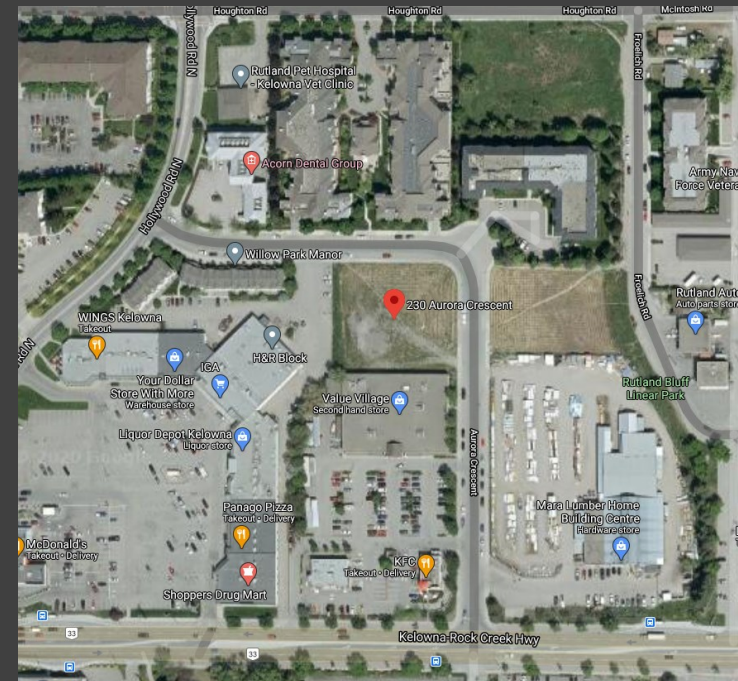
Proposal – Rezoning 230 Aurora Crescent

- Rezone to a rental subzone
 - Current Zone - C4 –Urban Centre Commercial
 - Proposed Zone - C4r– Urban Centre Commercial (Residential Rental Tenure Only)
- Rezoning will ensure development remains as dedicated rental dwellings
- Concurrent with City of Kelowna Text Amendment to allow for higher FAR for rental housing and elimination of ground floor commercial space requirement



Current Context

- Vacant land for multiple years
- Adjacent to
 - Multi Unit Residential
 - Commercial
- 3-minute drive to other major retailers
 - Costco, Walmart, Canadian Tire, Home Depot



Rezoning Rationale

- Urban Centre policies in OCP
 - ‘promote a mix of unit types, building form, and tenure in multi-family residential developments’
 - ‘encourage multi-family building in areas with schools and parks to contain ground-oriented units and family-oriented units.’
- Area designated as Mixed Use (MXR) under OCP
 - Promotes increased density and variety of housing type and tenure
- Strong demand for rental housing; 2.3% vacancy rate in 2019 (CMHC)
- Project is purpose built residential
 - Mix of one-bedroom (45 units), two-bedroom (53 units), and three-bedroom units (6 units)

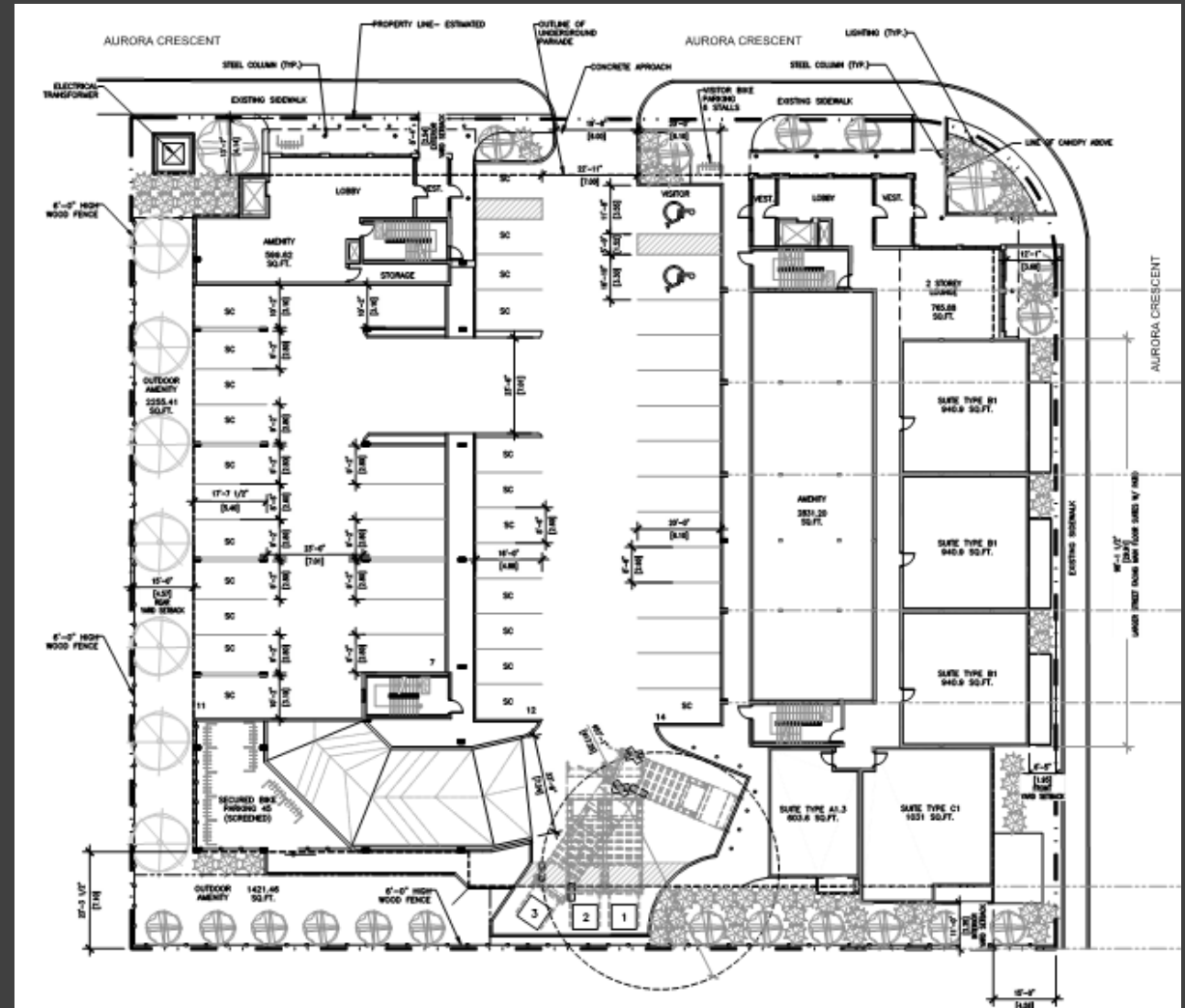
Proposed Development

- 2 buildings – 6 floors
 - Building A – main floor parking with 5 floors of residential
 - Building B- 6 floors of residential
- 104 residential units
 - 1, 2, 3-bedroom units



Proposed Development

- Parking – 122 spaces
 - 44 surface parking spaces
 - 78 underground parking spaces
- Bike Spaces – 122 spaces
 - Long term – 110 spaces
 - Short term – 12 spaces



Proposed Development

- Connection to Aurora Crescent
 - Main floor private patios along east side of Building B (Ground Oriented Units)
 - Main entry lobbies at north side of Building A & B



Proposed Development

- Amenity space
 - Private balconies/patios
 - Rooftop patios on both buildings above lobby
 - Indoor amenity space on main floor of Building B (Gym and Business Centre)



Consultation with Planning Department

- Working with the Planning Department to ensure proposal is supported by department
- Multiple revisions after receiving feedback



Council Comments at First Reading

- Council members asked about parking provision, reduced parking for rental housing
 - Parking meets zoning-bylaw requirements
 - No parking reduction for rental housing sought

Conclusion

- Meets Rutland OCP aspirations
- Provides purpose-built rental multi-family housing in proximity to commercial and community amenities.
- Two- and Three-bedroom units are the scarcest and needed in the rental market. Ground-Oriented Units provided along Aurora.
- Zoning text Amendments will ensure that the development is primarily residential and utilize the vacant land to it's highest and best use.
- All required parking is being accommodated without utilizing the parking reduction entitlements for Rental Zoning.

CITY OF KELOWNA

BYLAW NO. 12116

Z20-0088

230 Aurora Crescent

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 8 Section 26 Township 26 ODYD Plan KAP46961 located at Aurora Crescent, Kelowna, BC from the C₄ – Urban Centre Commercial zone to the C_{4r} – Urban Centre Commercial (Residential Rental Tenure Only) zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 2nd day of November, 2020.

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