

REPORT TO COUNCIL



Date: February 3, 2020

To: Council

From: City Manager

Department: Development Planning

Application: OCP20-0002 & Z19-0126 **Owner:**

Address: 640-650 Cawston Ave. & 1284-1292 Richter St. **Applicant:** Paul Pasutto; Innocept

Subject: OCP Amendment and Rezoning Application

Existing OCP Designation: MRM – Multiple Unit Residential Medium Density

Proposed OCP Designation: MXR – Mixed Use Residential / Commercial

Existing Zone: RU2 – Medium Lot Housing

Proposed Zone: C7 – Central Business Commercial

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP20-0002 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of The East ½ of Lot 19 District Lot 139 ODYD Plan 1037; Lot 18 District Lot 139 ODYD Plan 1037; Lot 17 District lot 139 ODYD Plan 1037; Lot A District Lot 139 ODYD Plan KAP68057; Lot 16 District Lot 139 ODYD Plan 1037; The South ½ of Lot 15 District Lot 139 ODYD Plan 1037; and Road Plan 1037 EPP99502, located at 640-650 Cawston Ave. and 1284-1292 Richter St., Kelowna, BC from the MRM – Multiple Unit Residential Medium Density designation to the MXR – Mixed Use Residential / Commercial designation, be considered by Council;

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

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the *Purpose* of Section 879 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated February 3, 2020;

AND THAT final adoption of the Official Community Plan Map Amending 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 February 3, 2020.

AND THAT Rezoning Application No. Z19-0126 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of The East ½ of Lot 19 District Lot 139 ODYD Plan 1037; Lot 18 District Lot 139 ODYD Plan 1037; Lot 17 District lot 139 ODYD Plan 1037; Lot A District Lot 139 ODYD Plan KAP68057; Lot 16 District Lot 139 ODYD Plan 1037; The South ½ of Lot 15 District Lot 139 ODYD Plan 1037; and Road Plan 1037 EPP99502, located at 640-650 Cawston Ave. and 1284-1292 Richter St., Kelowna, BC from the RU2 – Medium Lot Housing zone to the C7 – Central Business Commercial 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 February 3, 2020;

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 property;

AND THAT a covenant be placed on Title limiting development to 6 ½ storeys and 24m in height;

AND FURTHER THAT a covenant be placed on Title limiting permitted uses to residential with live-work units on the ground floor.

Purpose

To amend the Official Community Plan to change the future land use designation of the subject properties from MRM – Multiple Unit Residential Medium Density to MXR – Mixed Use Residential / Commercial and rezone the subject properties from the RU2 – Medium Lot Housing zone to the C7 – Central Business Commercial zone to facilitate the development of a 6 ½ storey apartment building with the potential for live/work units on the ground floor.

2.0 Development Planning

Development Planning supports the proposal to change the future land use designation of the subject property to MXR – Mixed Use Residential / Commercial and rezone the subject property to C7 – Central Business Commercial to facilitate the development of a 6 ½ storey apartment building with the potential for live/work units on the ground floor.

The C7 – Central Business Commercial zone was designed for the City Centre Urban Centre to accommodate the density, mix of uses and parking requirements appropriate for the downtown area. In this case, the C7 zone is deemed by staff to be the most appropriate zone so as to satisfy the desired density and set an appropriate parking requirement for the development. Though the C7 zone allows for commercial uses, the bulk of these commercial uses are intended to be confined primarily to certain Retail Corridors, as shown in the Zoning Bylaw on C7 Map B – Civic Precinct and Retail Streets. The site in question is well away from any of these Retail Corridors; and therefore, staff do not support locating commercial uses in this area. In order to ensure the C7 zoning will not be used for commercial uses at this site, a covenant will be required on Title limiting development to residential uses, and with the potential for live/work units on the ground floor. Live/work units are considered to be acceptable in residential areas.

With respect to height, the C7 zone allows for variable heights as governed by the C7 Map A – Downtown Building Heights Plan. The site in question straddles two distinct areas in the C7 Map A, as part of the site sits east of the laneway west of Richter St., and part of the site sits west of this laneway. See diagram below:



Table 1.

The area of the site west of the laneway allows for a height of 37m (approx. 12 storeys), while the area of the site east of the laneway allows for a height of 15m (approx. 4 storeys). In this case, staff support limiting the development to 6 ½ storeys in height, as development next to the site remains low profile, and the 6 ½ storey height is in keeping with the current future land use designation of the site, which is meant to accommodate mid-rise apartment buildings. In order to limit the development to 6 ½ storeys a covenant will be required on Title.

As the C7 zone fits under the future land use designation of MXR – Mixed Use Residential / Commercial the rezoning necessitates a change in the future land use designation from MRM – Multiple Unit Residential Medium Density to MXR – Mixed Use Residential / Commercial. Again, though, the intention here is not to

introduce commercial uses to this site, and a covenant will be required on Title limiting the development to residential uses (with the potential for live/work units on the ground floor).

3.0 Proposal

3.1 Background

The laneway west of Richter St. in the site area was closed to vehicular access from Cawston Ave. in late October/early November 2019, and bollards were placed to prevent private vehicles from accessing the lane. The lane was closed as part of an initiative to close access to all lanes on Cawston Ave. between Bertram Ave. and Graham St. so as to minimize conflicts between vehicles and pedestrians and cyclists on the Cawston Ave. multi-use pathway. The decision to close access to these lanes was made by the Transportation Planning Department in July of 2019, and a letter was sent to local residents informing them of the closure of the lanes on July 19, 2019. The need to close the laneway in question to vehicular access opened up the possibility of closing the laneway permanently through a Road Closure Bylaw, and of ultimately disposing the lane. On January 13, 2020 Council resolved to permanently close the laneway extending from Cawston Ave. to the north lot line of 1284 Richter St. (described as Road Plan 1037 EPP99502) and to dispose of this portion of the laneway for consolidation with the adjacent lands.

3.2 Project Description

The applicant proposes to change the future land use designation and rezone the subject properties to facilitate the development of a 6 ½ storey apartment building with the potential for live/work units on the ground floor.

The C7 – Central Business Commercial zone is considered to be the most appropriate zone for the site so as to satisfy the desired density and set an appropriate parking requirement. The C7 zone allows for a mix of residential and commercial uses, including retail at grade. In this case, intensive commercial uses are not desirable in this area, as the area is well away from any of the Residential Corridors cited in the Zoning Bylaw under C7 Map B – Civic Precinct and Retail Streets. Therefore, a covenant will be required on Title limiting the development to residential uses with the potential for live-work units on the ground floor.

With respect to height, the C7 zone allows for a height of 37m (approx. 12 storeys) on that part of the site west of the laneway west of Richter St. In this case, staff support limiting the development to 6 ½ storeys in height, as development next to the site remains low profile, and the 6 ½ storey height is in keeping with the current future land use designation of the site, which is meant to accommodate mid-rise apartment buildings. As such, a covenant will be required on Title limiting the development to 6 storeys. The area of the site east of the laneway west of Richter St. allows for a height of 15m (approx. 4 storeys) under the C7 zone. As the proposed development in the Development Permit application is proposed to be 6 ½ storeys in height throughout, the 6 ½ storey height east of the laneway west of Richter St. would require a variance, which staff is tracking.

In addition to the height variance, staff are also tracking three other variances related to the corner setback, setback distance above 16m height, and the ratio of car parking devoted to regular size parking stalls. These potential variances are not to be considered formally at this stage of the development process.

As the C7 zone falls under the future land use designation of MXR – Mixed Use Residential / Commercial, the proposed development also requires an OCP Amendment to change the future land use designation of the site, which currently sits as MRM – Multiple Unit Residential Medium Density.

3.3 Site Context

The subject properties are located at the northwest corner of Cawston Ave. and Richter St. on the eastern edge of the City Centre Urban Centre. As a property in the City Centre Urban Centre, the site is within walking distance of a wide range of amenities and destinations, including retail and dining opportunities; employment opportunities; and cultural and recreational facilities. Related to this, the lot has a walkscore of 92, and is considered to be a Walker’s Paradise, where “daily errands do not require a car”. In addition, the lot has direct access to the Cawston Ave. multi-use pathway and is within 400m of the Ethel St. multi-use pathway, and thus has excellent access for all forms of active transportation.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU2 – Medium Lot Housing	Single Family Housing
East	RU6 – Two Dwelling Housing	Single Family Housing
South	RM5 – Medium Density Multiple Housing	Stacked Row Housing
West	RU2 – Medium Lot Housing	Single Family Housing

Subject Property Map:



4.0 Current Development Policies

4.1 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 .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 per ha located within a 400m 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.

5.0 **Technical Comments**

5.1 Development Engineering Department

- See Schedule A

6.0 **Application Chronology**

Date of Application Received: November 13, 2020

Date Public Consultation Completed: January 14, 2020

Report prepared by: Aaron Thibeault, Planner II

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Schedule A: Development Engineering Memo

Attachment A: Applicant Rationale