

# REPORT TO COUNCIL



**Date:** November 28, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** OCP22-0006 & Z22-0041

**Owner:** 1575 Bernard Projects Ltd, Inc.  
No. BC1354921

**Address:** 1575 Bernard Ave

**Applicant:** Chris Joslin, Zeidler  
Architecture

**Subject:** OCP Amendment and Rezoning Application

**Existing OCP Designation:** EDINST – Educational/Institutional

**Proposed OCP Designation:** C-NHD – Core Area Neighbourhood

**Existing Zone:** P2 – Education & Minor Institutional  
RU1 – Large Lot Housing

**Proposed Zone:** MF3r – Apartment Housing Rental Only

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## 1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP22-0006 to amend Map 3.1 in the Kelowna 2040 – Official Community Plan Bylaw No. 12300 by changing the Future Land Use designation of LOT 8 SECTION 20 TOWNSHIP 26 ODYD PLAN 32159, located at 1575 Bernard Ave, Kelowna, BC from the EDINST – Educational/Institutional designation to the C-NHD – Core Area Neighbourhood 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 475 of the Local Government Act, as outlined in the Report from the Development Planning Department dated November 28, 2022;

AND THAT Rezoning Application No. Z22-0041 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of LOT 8 SECTION 20 TOWNSHIP 26 ODYD PLAN 32159, located at 1575 Bernard Ave, Kelowna, BC from the P2 – Education & Minor Institutional zone and the RU1 – Large Lot Housing zone to the MF3r – Apartment Housing Rental 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 outstanding conditions of approval as set out in Attachment “A” attached to the Report from the Development Planning Department dated November 28, 2022;

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

AND FURTHER THAT final adoption of the Official Community Plan Map Amending Bylaw and Rezoning Bylaw be considered in conjunction with Council’s consideration of a Development Permit for the subject property.

## 2.0 Purpose

To amend the Official Community Plan Map 3.1 to change the future land use designation of the subject property from the EDINST – Educational/Institutional designation to the C-NHD – Core Area Neighbourhood designation and to rezone the subject property from the P2 – Education & Minor Institutional and RU1 – Large Lot Housing zones to the MF3r – Apartment Housing Rental Only zone to facilitate the development of long-term rental apartment housing.

## 3.0 Development Planning

There are two proposed land use bylaw changes that the applicant has requested for the subject property: an OCP amendment and a Rezoning application. The OCP amendment relates to a proposed change to the Future Land Use Designation of the subject property of which the current EDINST, Educational/Institutional is a reflection of the original historic use of the property as religious assembly and more recently childrens’ daycare. All other properties in the neighbourhood are designated C-NHD, Core Area Neighbourhood in order to achieve key OCP housing objectives. Therefore, the proposed change in land use designation for this property will not have a negative impact on the neighbourhood and will provide consistency in land use regulations for future redevelopment. It is for this reason that Staff are in support of the proposed land use designation.

The proposed rezoning bylaw to MF3r – Apartment Housing Rental Only would facilitate the development of the subject property for long-term rental apartment housing. Staff are in support of this zone as the request is consistent with several [OCP Pillars](#), Policies, and Objectives.

1. **Target growth along transit corridors:** Apartment Housing would bring additional residential density along Bernard Ave, which is identified in [OCP Map 3.1](#) as a transit supportive corridor. It is in close proximity to Burtch Ave, a second transit supportive corridor. As such, policy directs apartment housing as an appropriate form and use along these corridors.
2. **Promote more housing diversity:** The proposed Rental Only subzone provides guaranteed long-term rental housing which is much needed in this area and the City as a whole. The most recent statistics from CMHC (October 2021) show that Kelowna has less than 1% vacancy rate in the primary rental market. The proposal is for a low-rise (6 storey) apartment format which is consistent with Core Area land use policies.
3. **Stop planning new suburban neighbourhoods; protect agriculture; protect and restore the environment:** The proposed change in land use designation directs more housing within the Core



Area; away from agricultural and environmentally sensitive lands; while maximizing existing infrastructure.

4. **Focus investment in Urban Centres; Strengthen Kelowna as the region’s economic hub:** Although the property is not located within an Urban Centre, it is within 800 m walking distance to the Capri-Landmark Urban Centre which is a key employment hub for Kelowna. Supporting increased housing within walking distance of this Urban Centre reinforces investment and economic growth through supporting increased density.
5. **Take action on climate:** Increased housing density within the Core Area promotes a more compact urban form which is a key factor in reducing greenhouse gas emissions and automobile dependence.

The applicant hosted a Public Information Session in accordance with Council Policy #367 on October 5, 2022 and a summary is provided as Attachment C. The feedback received from the neighbourhood has been considered as the applicant puts together their design proposal and applies for a Development Permit.

Staff have reviewed this application, and it may move forward without affecting either the City’s Financial Plan or Waste Management Plan. Should Council support this OCP Amendment and Rezoning Application, Staff will bring forward a Form & Character Development Permit for consideration.

#### 4.0 Proposal

##### 4.1 Background

The historical use of the subject property was religious assembly initially and then a daycare known as Monkey’s Playhouse. The daycare relocated in 2012 to a property better suited for pick-up and drop-off activities. The building was in need of extensive repairs and remained vacant since 2012. It has recently been demolished in anticipation of redevelopment.



##### 4.2 Project Description

The proposed building project is for approximately 150 units of long-term rental housing in the form of ground-oriented townhomes wrapped around a 2 level parkade with apartment housing above. Vehicle access is proposed from Noble Ct, and a road dedication is required along Bernard Ave to allow for future expansion. Additional traffic improvements for movement of cyclists, pedestrians, transit users, and vehicles may be identified through a Traffic Impact Assessment that is currently underway for the subject property.

##### 4.3 Site Context

The subject property is located within the Core Area, Central City Sector on Bernard Ave. The closest intersection is Bernard Ave and Burtch Road (both transit supportive corridors), adjacent to Parkinson’s Recreation Centre. It is within a 100 m walk to bus stops in both directions, and is less than 800 m to the Capri-Landmark Urban Centre. The neighbourhood is a mix of single family dwellings, duplex housing, multi-dwelling complexes, and institutional uses. It is an appropriate location for increased residential density and housing, particularly in the form of long-term rentals.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P2 – Education and Minor Institutional RU4 – Duplex Housing	Church Single & Two Dwelling Housing
East	MF2 – Townhouse Housing MF3 – Apartment Housing	Multi-Dwelling Housing
South	MF3 – Apartment Housing	Multi-Dwelling Housing
West	RU4b – Duplex Housing with Boarding House MF3 – Apartment Housing	Multi-Dwelling Housing

**Subject Property Map: 1575 Bernard Ave**



**5.0 Current Development Policies**

**5.1 Kelowna Official Community Plan (OCP)**

<b>Objective 5.2 Focus residential density along Transit Supportive Corridors</b>		
Policy	5.2.1.	Encourage development that works toward a long term population density of between 50 – 100 people per hectare within 200 metres of each corridor to achieve densities that support improved transit service and local services and amenities. Discourage underdevelopment of properties along Transit Supportive Corridors.
Transit Supportive Corridor Densities		<i>The proposed rezoning application to MF3r supports a Floor Area Ratio of up to 2.05 which represents the appropriate population density along a Transit Supportive Corridor.</i>
		Encourage low rise apartments and stacked townhouses up to six storeys in height in Core Area Neighbourhoods that front or directly about Transit

Policy 5.2.2. Low Rise Corridor Development	Supportive Corridors. Consider lower heights for such projects where adjacent neighbourhoods are not anticipated to experience significant infill and redevelopment. Consider buildings above six storeys where the project is adjacent to higher capacity transit along Highway 97, a major intersection, or near an Urban Centre, with due consideration for the context of the surrounding neighbourhood.
	<i>The proposed project is for a 6 storey low rise apartment building which aligns with this policy for projects along a Transit Supportive Corridor. The surrounding Future Land Use is also Core Area which would support other similar building forms such as apartments and townhomes between 3 and 6 storeys in height.</i>
<b>Objective 5.11</b> Increase the diversity of housing forms and tenure to create an inclusive, affordable and complete Core Area.	
Policy 5.11.2. Diverse Housing Tenures	Encourage a range of rental and ownership tenures that support a variety of households, income levels and life stages. Promote underrepresented forms of tenure, including but not limited to co-housing, fee-simple row housing, co-ops, and rent-to-own.
	<i>The proposed rental tenure will support a variety of households with a mix of unit types and sizes from townhome units to apartment units.</i>
<b>Objective 5.14</b> Provide safe, walkable, Core Area neighbourhoods that are connected to key destinations.	
Policy 5.14.2. Roadway Congestion	Recognize and accept that Kelowna’s streets and parking will become busier as the city grows. Reduce reliance on automobiles as redevelopment occurs in the Core Area by shifting trips away from driving by creating walkable streets, protected bike routes and investing in improved transit service.
	<i>A road dedication is required along Bernard Ave for this property for future expansion of cycling infrastructure and road widening.</i>
Policy 5.14.9. Access Management	Protect the functionality of Active Transportation Corridors, transit supportive corridors and arterial roads by limiting direct driveway accesses. Ensure that new development takes vehicular access via laneways or secondary streets. Where that is not possible, encourage lot assemblies that reduce the total number of driveway accesses.
	<i>All vehicle access for this project is proposed from Noble Ct with no accesses directly onto the Transit Supportive Corridor.</i>
<b>Objective 5.15</b> Create major streets that are walkable, support local retail and connect neighbourhoods to Urban Centre by car, bike and transit.	
Policy 5.15.2. Transit Supportive Corridor Streets	Create pedestrian-friendly tree-lined streetscapes along Transit Supportive Corridors, providing easy and comfortable movement along the corridor.
	<i>Road improvements along Bernard Ave and Noble Ct include curb and gutter, separated sidewalk, street lighting, burial of overhead wires and landscaped and irrigated boulevards.</i>
Policy 5.15.7. Safe Crossings	Create safe and accessible crossing opportunities on collectors and arterials.
	<i>An east-west crosswalk will be installed as a function of this development at the intersection of Bernard Ave and Noble Ct.</i>

<b>Objective 12.1 Design the community to be more resilient to a changing climate.</b>	
Policy 12.1.2.	<p>Build climate resiliency through land use design by:</p> <ul style="list-style-type: none"> <li>• Protecting natural areas and habitats;</li> <li>• Increasing park space and tree canopy coverage;</li> <li>• Focusing growth in connected, walkable, Urban Centres and Core Area;</li> <li>• Providing diverse transportation options to shift away from car-centric culture; and</li> <li>• Reducing energy consumption by constructing energy efficient buildings and neighbourhoods</li> </ul>
	<i>Increasing housing density in this location is an example of focusing growth within the Core Area to help build climate resiliency.</i>

**6.0 Technical Comments**

6.1 Development Engineering Department

Please refer to Attachment “A” Development Engineering Memorandum.

6.2 Ministry of Transportation

The Ministry has no concerns with the proposed re-zoning from P2 and RU1 to MF3r as per documents submitted.

**7.0 Application Chronology**

Date of Application Accepted: June 27, 2022  
 Date Public Information Session: October 5, 2022

**Report prepared by:** Trisa Atwood, Planner II  
**Reviewed by:** Lydia Korolchuk, Urban Planning Manager  
**Reviewed by:** Terry Barton, Development Planning Department Manager  
**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

**Attachments:**

- Attachment A: Development Engineering Memo
- Attachment B: Applicant’s Letter of Rationale and Site Photos
- Attachment C: Draft Project Statistics and Draft Site Plan
- Attachment D: Public Information Session Summary
- Staff Presentation