

Report to Council



Date: March 11, 2024
To: Council
From: City Manager
Subject: North End Plan – Manhattan Beach Parks
Departments: Policy & Planning and Parks & Buildings Planning

Recommendation:

That Council receives, for information, the Report from the Policy & Planning and Parks & Buildings Planning Departments, dated March 11, 2024, with respect to parks planning on Manhattan Beach for the North End Plan.

Purpose:

To inform Council of the process and implications of designating private property with a Park future land use in the Official Community Plan with an emphasis on Manhattan Point & Beach.

Background:

On December 4, 2023, staff presented to Council a Recommendation regarding a preferred concept and draft plan for the North End Plan (NEP). Specifically, staff recommended that Council direct staff to develop a preferred concept and draft plan for the North End neighbourhood based on Concept 3 with modifications as outlined in the report.

Previous Council Resolution

Council approved and issued the following resolution in response to this staff recommendation:

Resolution	Date
THAT Council direct Staff to develop a Preferred Concept and draft plan for the North End neighbourhood based on Concept 3 with modifications as outlined in the report dated December 4, 2023; AND THAT Council direct staff to bring forward a report on the process and implications of designating park as a future land use in the Official Community Plan with an emphasis on Manhattan Point.	December 4, 2023

This Report is to address the second part of Council’s resolution—regarding the process and implications of designating private property with a Park future land use in the Official Community Plan with an emphasis on Manhattan Point.

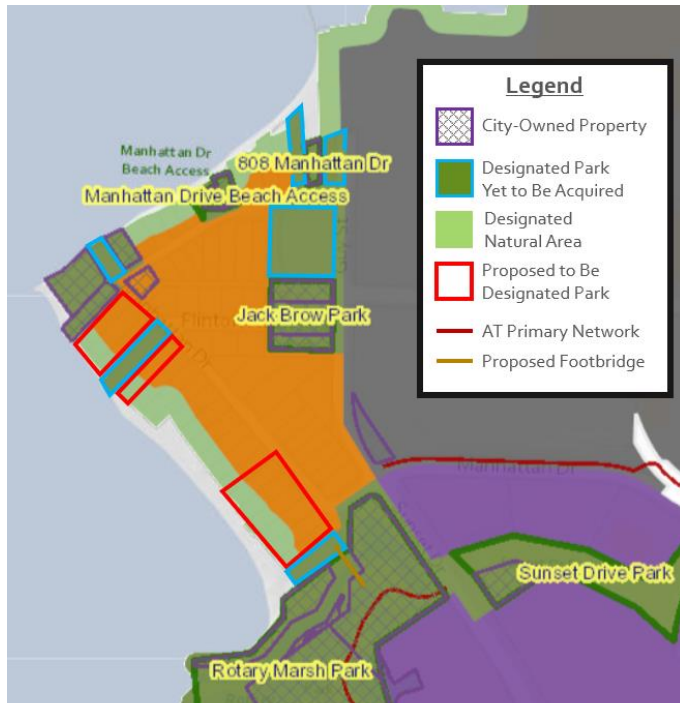


Figure 1. Manhattan Point Parks

Discussion:

2040 OCP:

The North End Plan builds upon the parks currently proposed in the 2040 OCP. The 2040 OCP parks strategy includes the objectives of waterfront access, park connectivity and park diversity. Specifically, the 2040 OCP already has designated:

- Four Manhattan Point properties designated as park and included in the DCC Program
- Linear Trail designated along the whole of the City of Kelowna waterfront
- Linear Trail to continue the Okanagan Rail Trail to Okanagan Lake
- Kingway as a designated 'Park on Street'

Manhattan Point Park

Manhattan Point Park includes three properties currently owned by the City with

another currently designated park. As one of the most westerly points of Kelowna, it affords spectacular views to the north, south and west over the lake and to the mountains beyond. It connects to Jack Brow and Bay Avenue through Flintoft Avenue and an east-west alley, and to Rotary Marsh and the Mill Site through Manhattan Drive. It lies along the Paddle Trail and anchors the whole of Manhattan Drive neighbourhood. The NEP Parks Strategy adds four additional properties in this location to those already owned by the City, or designated in the OCP. These properties would provide access to the north end of Manhattan Beach; a stable, sandy southwest facing beach.

South Manhattan Beach Park

South Manhattan Beach Park would create the new Kelowna destination terminus to the Okanagan Rail Trail. A pedestrian bridge across Brandt's Creek and trail will form a connection to Rotary Marsh Park and continue to the string of downtown waterfront parks beyond. One property has a future land use as park in the 2040 OCP. The NEP adds an additional six properties to this future park. Again these properties enjoy the same stable sandy beach and southwest aspect as the additional properties to the north. Together, these two parks will add two unparalleled beach park experiences to Kelowna's 'Sapphire Necklace' of waterfront parks.

Public Engagement

The desire for more waterfront park space and beach access is a persistent theme in public engagement in Kelowna, and the objective makes up a key component of the City's overall park strategy. The public engagement connected to the North End Plan reinforced this theme, despite a small cohort who raised concerns over the approach.

In the initial public engagement in Phase 2 of the process, a main priority on the part of participants was the addition of more waterfront parks and lake access—with a distinct desire shown to complete the public space connection along the waterfront from Knox Mountain Park in the north through to City Park

in the south. This was a key factor in including waterfront park space on Manhattan Beach in all of the NEP concept plans.

In the Phase 3 public engagement, the vast majority of respondents again supported the inclusion of more waterfront park space and beach access. Once again, this was a contributing factor for signaling additional park space and beach access on Manhattan Point in the recommendation for the preferred concept for the Plan.

In addition, it is noted the North End Plan and Mill Site Area Redevelopment Plan (ARP) will signal a significant amount of neighbourhood growth and new residents in this area and adjacent areas. It is important that, as infill growth proceeds, new parks and amenities are introduced to accommodate and serve the growth. In this case, the new waterfront parks and beach access would be introduced in an area that is now completely inaccessible to the general public.

Municipal Park Acquisitions

While the City acquires property for Parks development in a number of ways, the most common approach begins with the City designating properties as Park in the Official Community Plan (OCP), based on the City's policy for parks acquisition and development (OCP, Objective 10.1-10.5).

The practice of designating future land use in an OCP as Park is sanctioned under the Local Government Act (LGA); and, in fact, the LGA stipulates that an OCP *must* include statements and map designations for the area covered by the plan for the approximate location and type of present and proposed parks (LGA 473 (1) (f)). Designating properties as Park meets this LGA requirement while allowing the City to be transparent with property owners, residents and the development community regarding which properties the City intends to develop as park. The practice also provides more certainty for budgeting for parks acquisition and development.

Property owners of lots with a future land use designation as Park are not obligated to sell their property to the City. The zoning on the property does not change and a property owner is free to use the property as it is currently being used, redevelop the property under the existing zoning, or sell the property to another owner who would enjoy the same rights as they do.

The City looks to acquire "Park"-designated properties as the opportunity to do so arises. Acquisition terms are based on fair market value, often as determined by an independent, third-party appraisal professional. Property owners are compensated on the basis of the highest and best use of the property in the absence of its Park designation.

Safety & Security in Parks & Public Space

While there was strong support for additional waterfront park space and beach access as part of public engagement for the NEP, there were some concerns raised regarding public safety.

Security is a priority for the City, including in public parks and beach access areas, and this is ensured through design measures as well as regulation and enforcement. With respect to design measures, there are a collection of these called Crime Prevention through Environmental Design (CPTED) that focuses on physical design features that work to minimize opportunities for crime and anti-social behaviour. Adherence to CPTED principles in park design is reinforced in City policy (OCP, Objective 10.3) and the Parks & Building Planning team is well-versed in these principles and are committed to their application and implementation.

Beyond that, in broad terms, security in the city is handled jointly by police officers, bylaw enforcement officers, and security contractors. The Parks and Public Spaces Bylaw in particular is meant to supplement broader laws to ensure public safety and security in public parks and spaces in the city. In addition to security efforts, the City dedicates considerable resources to keep the parks clean and free of vandalism to discourage ongoing undesirable behavior.

Environment

A second concern resulting from engagement was raised regarding potential environmental impacts on Rotary Marsh Park and the wildlife in the area. To begin with, Manhattan Beach is separated from Rotary Marsh by a berm and Brandt's Creek. The pedestrian link crosses Brandt's Creek and the spit of land to the north of Rotary Marsh, avoiding the marshland itself. Beyond this, the ecological health of the waterfront is a concern of the City and there are policies and procedures in place to ensure its protection. These policies and procedures would be followed in the case of development of any waterfront park and public access proposed on Manhattan Point to ensure the environment and wildlife are protected there.

Next Steps

Affected property owners on Manhattan Point will be contacted to ensure they are aware of the situation, the rationale for the proposal, and that they are informed of all relevant legislation, procedures and processes. It is noted that the acquisition of private property for parks purposes is part of long-term planning and is often years, and even decades in the making.

Staff are in the process of developing the preferred concept and draft plan for the NEP, as per Council's direction. The preferred concept and draft plan will be brought back to Council for review at completion. The NEP is to proceed irrespective of progress in the Mill Site ARP, as the latter is an owner-led development application, and Staff do not control the timeline of the ARP.

Conclusion:

The North End Plan will significantly increase the population and visitors in the area, and an increase in amenities and park space—including waterfront park space and beach access—is warranted to accommodate and serve the growth. In this case, the Plan offers a prime opportunity for legacy planning in the area of increased waterfront park, beach access and park connectivity in a beautiful but previously inaccessible area on Kelowna's waterfront in a very prominent area of the city between Knox Mountain and the downtown. The City's protocols and procedures will ensure this legacy planning is achieved in a way that is lawful, transparent, and fair to all; well-designed to ensure public safety; and is respectful of the environment and ecology.

Internal Circulation:

Transportation Engineering
Utilities Planning
Real Estate Services
Partnerships Office
Capital Planning & Asset Management
Infrastructure; Development Engineering
Development Planning
Active Living & Culture
Communications

Climate Action & Environmental Stewardship
Cultural Services
City Clerk

Existing Policy:

Official Community Plan: Objective 10.1. Acquire new parks to enhance livability throughout the City;
Objective 10.2. Ensure parks and public spaces are connected to each other and
Accessible for all citizens;
Objective 10.3. Ensure parks reflect their unique natural and cultural context; Objective 10.4. Increase
public access to water.
OCP Future Land Use and Trails maps.

Submitted by: A. Thibeault, Planner Specialist; M. Steppuhn, Parks Planner

Approved for inclusion:



D. Noble-Brandt, Dept. Manager of Policy and Planning