

# REPORT TO COUNCIL



**Date:** August 28, 2017

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (TB)

**Application:** OCP16-0023 Z16-0068

**Owner:** Cabianca Holdings Ltd., Inc.  
No, BCo496656

**Address:** 4609 Lakeshore Road

**Applicant:** Paul Schuster  
Novation Design Studio

**Subject:** Official Community Plan Amendment, Rezoning

Existing OCP Designation: S2RES – Single / Two Unit Residential  
PARK – Major Park / Open Space (Public)

Proposed OCP Designation: MRL – Multiple Unit Residential (Low Density)  
PARK – Major Park/ Open Space (Public)

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RM2 – Low Density Row Housing  
P3 – Parks & Open Space

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## 1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP16-0023 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of portions of Lot A, DL 167, ODYD, Plan KAP85172, except Plan EPP52184, located at 4609 Lakeshore Road, Kelowna, BC from the S2RES - Single / Two Unit Residential designation to the MRL – Multiple Unit Residential (Low Density) designation, as shown on Map “A” attached to the Report from the Community Planning Department dated August 28, 2017, be considered by Council;

AND THAT Rezoning Application No. Z16-0068 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot A, DL 167, ODYD, Plan KAP85172, except Plan EPP52184, located at 4609 Lakeshore Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RM2 – Low Density Row Housing zone and P3 – Parks & Open Space as shown on Map “B” attached to the Report from the Community Planning Department dated August 28, 2017 be considered by Council;

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

AND THAT Council considers the Public Hearing 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 August 28, 2017;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw and the Rezoning Bylaw be considered subsequent to the applicant being required to register on the subject property a Section 219 no disturb/no build restrictive covenant to ensure the ongoing protection of Environmentally Sensitive Areas;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw and the Rezoning Bylaw be considered subsequent to the dedication of an approximate 15.0 m riparian area along Bellevue Creek as measured from top of bank and attuned to maintain a minimum 1.5 m setback from all proposed buildings;

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 August 28, 2017;

AND FURTHER THAT final adoption of the Official Community Plan Map Amending Bylaw and the Rezoning Bylaw be considered subsequent to a Staff-issued Natural Environment Development Permit;

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

## **2.0 Purpose**

To amend the Official Community Plan to change the future land use designation on the subject property from S2RES – Single / Two Unit Residential to MRL – Multiple Unit Residential (Low Density), and to rezone the subject property from RU1 – Large Lot Housing to RM2 – Low Density Row Housing and P3 – Parks & Open Space to facilitate the development of low density row housing.

## **3.0 Community Planning**

Community Planning supports the Official Community Plan (OCP) Amendment and subsequent rezoning to facilitate the development of low density row housing at 4609 Lakeshore Rd. The proposed development increases density and housing diversity in the neighbourhood, while preserving and protecting the Environmentally Sensitive Areas (ESA).

The development is consistent with OCP objectives regarding Compact Urban Growth by increasing density in an area of the City that has existing infrastructure and services. It is anticipated the increase in density will help support nearby commercial uses and municipal services such as transit and nearby parks. Rezoning to RM2 – Low Density Row Housing is consistent with the OCP Policy of Sensitive Infill by providing ensuring a building height of 2 stories consistent with that of the existing single family area to the east.

As a function of this development, the applicant will be protecting two Environmentally Sensitive Areas (ESA) on the subject property; a spring-fed creek at the north-east corner, and the Bellevue Creek riparian area on the south portion. The spring-fed creek at the north-east corner will be protected through the use of a Section 219 Restrictive Covenant for no-disturb consistent with the Environmental Assessment that was completed in April 2017. The riparian area on the south portion of the property along Bellevue Creek will be dedicated to the City ensuring long term protection and maintenance of the ESA.

Staff has reviewed the OCP application, and it may move forward without affecting either the City's Financial Plan or Waste Management Plan.

#### **4.0 Proposal**

##### **4.1 Background**

In 2007 an OCP Amendment and Rezoning application was submitted to rezone the subject property to C2 for the development of a professional building. It was not supported by Staff and was ultimately turned down by Council as it was inconsistent with existing land use policies. Subsequent inquiries over the years regarding commercial development on the property have not been favorable. As per Staff recommendation, a new applicant has come forward with a residential proposal that does not include any commercial.

The applicant applied in September 2016, and in preliminary staff reviews it was determined that an unmapped creek was located on the north-western corner of the property. As such, the applicant hired an Environmental Consultant to determine the appropriate riparian setback along the creek, and amended the proposed site plan to accommodate these setbacks.

##### **4.2 Project Description**

The proposed OCP Amendment and Rezoning would facilitate the creation of low density row housing on the northern portion of the property (as per Map "A"). The southern portion of the property along Bellevue Creek has a Future Land Use of Park, and as such that portion of the property will be rezoned P3 - Parks & Open Space (as per Map "B") to protect the ESA and riparian area along the creek. A Section 219 Restrictive Covenant will be placed on the property to protect the ESA along the unmapped creek along the north-western corner. An approximate 15.0m riparian area dedication along the south property line bordering Bellevue Creek will ensure long term preservation and protection of the ESA.

The proposed OCP Amendment is in line with supporting higher density residential development in a Compact Urban Form, where infrastructure already exists and transit is a viable transportation option. The proposed zone is in line with OCP Policy of Sensitive Infill, and the increased density will help support nearby commercial uses and contribute to housing diversity.

The proposed development includes 12 three-bedroom townhome units within 3 buildings. The property is accessed from McClure Road, and all parking is located within double garages with room for visitor parking in the driveways of the units. The buildings have been kept to a modest 2 storeys to be sensitive to the average heights within the Single Family Dwelling neighbourhood. The units along Lakeshore are ground-oriented to provide an interaction between the public and private realm at a pedestrian level. Ample outdoor space is provided in rooftop garden spaces, and high quality exterior finishes have been selected.

Should Council support the OCP Amendment and Rezoning on the subject property, Staff will work with the applicant to issue a Natural Environment Development Permit; and a Development Permit for the Form and Character will be brought before Council for consideration. There are no requested variances at this time.

#### **5.0 Site Context**

The subject property is located on the corner of McClure Road and Lakeshore Road, north of Bellevue Creek. Nearby is the Surtees' property which is currently under a Heritage Revitalization Agreement Application which would allow increased commercial uses while protecting heritage assets and

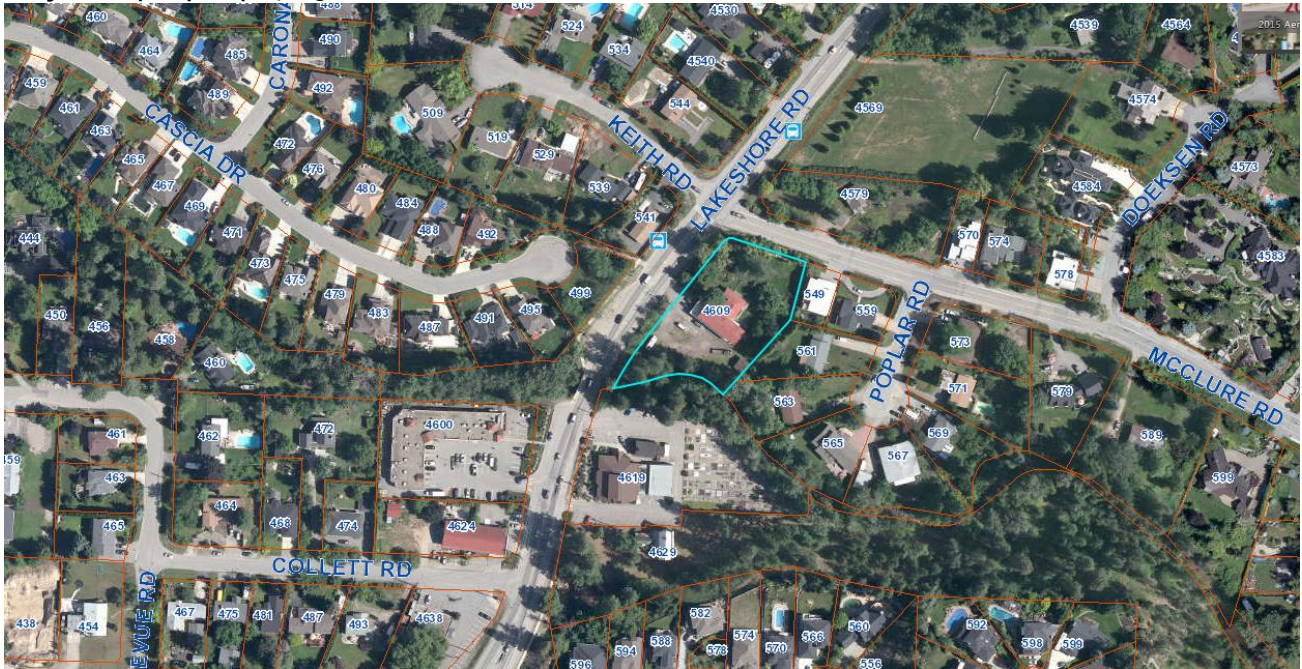
contributing to the Linear Park network. There is modest neighbourhood commercial located nearby, with the majority of the neighbourhood is containing single family dwellings.

The location is serviced with transportation options including an active transportation corridor and a BC Transit Route. It is in close proximity to Lake Okanagan, local parks, and schools. It earns a WalkScore of 42 based on current amenities in the area. It is anticipated this walk score will increase as more density and commercial uses are developed in the area.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Family Dwelling
East	RU1 – Large Lot Housing	Single Family Dwelling
South	P2 – Educational & Minor Institutional	Religious Assembly
West	RU1 – Large Lot Housing	Single Family Dwelling

**Subject Property Map: 4609 Lakeshore Road**



## 5.1 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM2 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	0.70	0.39
Site Coverage (Buildings)	50%	28%
Site Coverage (Buildings, Driveways, & Parking)	55%	43%
Height	9.5 m / 2.5 storeys	7.0 m / 2 storeys
Front Yard	1.5 m	1.5 m
Side Yard (east)	4.0 m	4.1 m
Side Yard (west)	1.5 m	1.5 m
Rear Yard	7.5 m	15.0 m
Other Regulations		
Minimum Parking Requirements	24 spaces	30 spaces
Private Open Space	375 m <sup>2</sup>	1500 m <sup>2</sup>

## 6.o Current Development Policies

### 6.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Compact Urban Form.**<sup>1</sup> 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.

**Sensitive Infill.**<sup>2</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighborhood with respect to building design, height and siting.

**Protection Measures.**<sup>3</sup> Protect and preserve environmentally sensitive areas using one or more of the following measures, depending on which measures are appropriate to a given situation:

- Ensure setbacks on adjacent developments are adequate to maintain the integrity of the ESA and to minimize hazards created at the interface between natural areas and development. For example, ensure housing is setback an adequate distance adjacent to an interface area with potential tree, rockfall, flooding or fire hazards.

**OCP Amendment Applications.**<sup>4</sup> Ensure all development is consistent with the

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.15.7 (Development Process Chapter).

vision, goals and objectives of the OCP.

## **7.0 Technical Comments**

### **7.1 Building & Permitting Department**

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.
- A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
  - Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
  - Roof hatches are not allowed under the Building Code to access the town homes patio roofs. Access doors on vertical hinges c/w landings are required. Refer to comments from the fire department as well.
  - Roofs must be designed for adequate loading of plants and planter boxes which may require the review of a structural engineer.
- Full Perimeter guardrails are required for all roof top decks. The drawings provided don't clearly identify these requirements, but will be reviewed at time of building permit application. The appearance of these guards may affect the form and character of the building. Please provide connection details of the guards as they connect to the roof structure and how the roof membrane is affected
- Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of NAFS are being applied to this structure.

### **7.2 Development Engineering Department**

- Please see attached Schedule "A".

### **7.3 Fire Department**

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- Engineered Fire Flow calculations are required to determine fire hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. New hydrants on this property shall be operational prior to the start of construction and shall be deemed a private hydrant

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<sup>4</sup> City of Kelowna Official Community Plan, Objective 5.39 (Development Process Chapter).

- All buildings shall be addressed off of the street it is accessed from. One main address off of McClure access and unit numbers for the strata.
- Fire Department access is to be met as per BCBC 3.2.5. if the road is over 90 metres long, a turnaround facility shall be constructed.
- Approved Fire Department steel lock box acceptable to the Department is required by the entrance and shall be flush mounted should there be a gate.
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met
- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met

#### 7.4 FortisBC Electric

- There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Lakeshore Road and McClure Road. Based on the plans submitted, it is unclear whether adequate space has been provided to accommodate the transformation required to service the proposed development. It is recommended that FBC(E) be contacted as soon as possible to determine servicing and land rights requirements for the proposed design. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

#### 8.o Application Chronology

Date of Application Received: September 27, 2016  
Date Public Consultation Completed: November 11, 2016  
Date of Revised Drawings Received: August 8, 2017

**Report prepared by:** Trisa Brandt, Planner

**Reviewed by:** Terry Barton, Urban Planning Manager

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

#### **Attachments:**

Map "A": OCP Amendment  
Map "B": Zoning Bylaw Amendment  
Site Plan  
Conceptual Elevations  
Conceptual Renderings  
Landscape Plan  
Schedule "A": Development Engineering Memorandum