



**CITY OF WEST KELOWNA**  
**MINUTES OF THE ADVISORY PLANNING COMMISSION MEETING**

Wednesday, December 16, 2020  
COUNCIL CHAMBERS  
2760 CAMERON ROAD, WEST KELOWNA, BC

MEMBERS PRESENT: Wayne Kubasek, Chair  
Julian Davis  
Joe Gluska  
Bea Kline  
Katalin Zsufa

MEMBER ABSENT: Anthony Bastiaanssen, Vice Chair  
Nicole Richard

Staff Present: Carla Eaton, Planner III  
Jayden Riley, Planner II  
Hailey Rilkoff, Planner II (via Teams)  
Natasha Patricelli, Recording Secretary  
Taylor Mellen, Service Desk Technician

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**1. CALL THE ADVISORY PLANNING COMMISSION MEETING TO ORDER**

The meeting was called to order at 9:31 a.m.

In response to the COVID-19 pandemic, the orders of the Provincial Health Officer and the Province of BC Ministerial Order No. M192, the Advisory Planning Commission meeting space was not open to the public. The meeting was webcast live and is archived on the City's website.

**2. INTRODUCTION OF LATE ITEMS**

**3. ADOPTION OF AGENDA**

It was moved and seconded

**THAT** the agenda be adopted as presented.

CARRIED UNANIMOUSLY

**4. ADOPTION OF MINUTES**

**4.1 Minutes of the Advisory Planning Commission meeting held November 18, 2020 in the City of West Kelowna Council Chambers**

It was moved and seconded

**THAT** the minutes of the Advisory Planning Commission meeting held November 18, 2020 in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

**5. PRESENTATIONS**

**6. DELEGATIONS**

**7. UNFINISHED BUSINESS**

**8. REFERRALS**

**8.1 TUP 20-04, Temporary Use Permit, 3145 Coventry Cres**

Highlights of the presentation include:

- 3145 Coventry Crescent;
- 1,015 sq. m parcel area;
- Glenrosa neighbourhood;
- Zoning: Single Detached Residential (R1);
- Existing single detached dwelling;
- Surrounding Land Uses:
  - North: Parks and Open Space (P1);
  - East: Vacant (R1)/City owned (water);
  - Single Detached Dwelling (R1);
- Hillside, Aquatic, Wildfire, Terrestrial DPAs at rear of parcel/Glen Canyon Regional Park;
- Proposal: Temporary Use Permit to allow home based brewery contained within the garage (325 sq. ft.);
- Hours of Operation: Brewing one (1) day per week, 4:30 pm to 9:30 pm;
- Client visits: customer pickup Thursday and Friday, 5:00 pm to 7:00 pm, and Saturdays 4:00 pm to 6:00 pm;

- No sampling to take place at the brewery;
- Production Volume: 117L per week to a maximum 486 L;
- Equipment: 2 x 115L kettles, propane burner, pump and plate chiller, brew commander, 4 x 150L Unitank, 1 x glycol chiller;
- All activities and storage needs to take place within the garage;
- To adhere to all home based business regulations, with exception of brewery;

#### Legislative Requirements

##### *Local Government Act (S.493) - Temporary Use Permits*

- Gives Council the authority to issue a Temporary Use Permit (TUP) to allow a use on a property for up to 3 years;
- Council may specify conditions under which the use may be carried out;
- A TUP may be extended once for a period up to 3 years;

##### *Liquor & Cannabis Regulation Branch (LCRB)*

- Manufacturing license required to produce alcohol for sale;
- Zoning must permit manufacturing (TUP determined to be acceptable);

##### *Zoning Bylaw No. 0154*

- Brewery is permitted as a principle use in the C1, C4, A1 zones;
- Single Detached Residential Zone (R1) permits "home based business, major" as a secondary use;
- S.3.14 of the Zoning Bylaw outlines regulations associated with home based businesses, including:
  - Number of client visits (max. 3 at any one time);
  - Employees residing outside the dwelling (max. 2);
  - Employees residing in the dwelling (min. 1);
  - Signage (1 non-illuminated sign);
  - Retail sale (limited to goods produced on site);
  - Prohibited uses (vehicle repair, welding or machine shops, spray painting);
    - Brewery not specifically restricted;
  - unique proposal for home based business;

- Parcel area, location of proposed home based business, no outdoor storage permitted. TUP will follow these home based business regulations but further conditions can be established;

#### Key Considerations

- In providing recommendations to City staff and Council, the APC may want to consider the following:
  - Home based business is a permitted secondary use in the R1 Zone;
  - Other than the proposed use, the business will otherwise meet the home based business regulations;
  - A TUP application requires public notification to residents within 100 m. The feedback received will be summarized and included in the report for Council's consideration;
  - Council may specify conditions in which the use may be carried out;
- Specific comments would be appreciated should the APC have any concerns with the proposal so that they may be further investigated prior to staff presenting the application for Council's consideration.

#### Highlights of the discussion include:

- TUP is a 3 year permit with the option for a 3 year extension? Yes that is correct, and it could continue on through subsequent applications.
- No issue for grow ops, distillery, and other opportunities that could create a concern?
- Hours of operation were through dinner time? That is correct.
- Any special ventilation for using propane in the garage? Building permits will be required for this use. Same as other home based businesses.
- Can we be specific in placing limits on the TUP? Wants to create a fun atmosphere, doesn't sound like strictly manufacturing the garage. He is proposing not to have any on site sampling of the product. Can choose as conditions such as 3 customers at one time.
- With the TUP can it permit more production than it is listed in the report? The proposal is limiting production per week.
- Applicant mentioned pick up for waste product, where are the spent grains being stored for pick up? On site storage will be contained in the garage in RV waste tanks. Don't have details at this time of how many pick ups per week.
- Neighbours didn't buy their houses to have a brewery next door.

- There could be multiple cars show up at dinner time.
- Storage of spent materials, there is a concern for smell. It is there on a continual basis as long as he is manufacturing beer.
- Applicant should look for a suitable piece of property such as C1, C4 and A1 zone.
- Glenrosa is a family neighbourhood - don't support this business in a subdivision.
- The comments within 100 meters are only for Council's consideration.
- 100 meters is incredibly limited - it may only be 5 houses.
- Suggest area be expanded to 1000 meters.

It was moved and seconded

**THAT** the TUP be approved subject to strict limitations on volume and consumption on premises and storage of materials within the premises.

DEFEATED; Joe Gluska, Wayne Kubasek, Bea Kline opposed

It was moved and seconded

**THAT** the APC does not recommend support to the proposal as presented.

CARRIED; Julian Davis opposed

## **8.2 Z 20-05, Zoning Amendment Application, 2485 Hayman Road**

Highlights of the presentation include:

- 2485 Hayman Road;
- Neighbourhood: Lakeview Heights;
- Land Use Designation: Single Family Residential;
- Growth Management Designation: Neighbourhood;
- Currently Zoned: R1 - Single Detached Residential Zone;
- Adjacent to A1 - Agriculture Zone & ALR;
- Subject Property: 0.35 acres (1,416 m<sup>2</sup>);
- Currently developed with a Single Detached dwelling;

Proposal

- Rezone southern portion of property to RC3 - Single Detached Compact Residential Zone;

- Facilitate a 2 lot subdivision;
- Owners are renovating existing home on proposed remainder lot;
- Functional Servicing Report does not identify new servicing concerns;
- Cash-in-lieu proposed for frontage upgrades;
- Urban Standard with curb, gutter and 1.5 m paved pedestrian walkway;

#### Policy and Bylaw Review

##### *Official Community Plan*

- Neighbourhood: Growth Management Designation
  - Low and medium density residential areas;
  - Ground oriented residential;
  - Slower traffic movement, and;
  - A system of safe bicycle and pedestrian pathways;
- SFR - Single Family Residential Land Use Designation
  - Traditional single family housing opportunities;
  - Encourages more land efficient compact housing forms;

##### *Zoning Bylaw*

- Proposed subdivision meets R1 and RC3 zone regulations;
- Much smaller minimum parcel area in RC3 zone;
- Proposed lots have adequate frontage;

#### Key Considerations

- Proposal aligns with the OCP Designations of Neighbourhood and SFR for the subject property;
- This would be the first property to have the compact residential zoning in this neighbourhood;
- Should Council give first and second reading a public hearing would be held.

#### Highlights of the discussion include:

- First RC3 zoning in the neighbourhood. Is that including entire Lakeview Heights area? Thought there was a subdivision property near Hudson. The closest RC3 zone would be in the Boucherie Centre neighbourhood.

#### It was moved and seconded

**THAT** the APC support the file as presented.

CARRIED UNANIMOUSLY

### **8.3 P 20-16, Short Term Rental Regulations**

Highlights of the presentation include:

- West Kelowna's DRAFT regulations for Short Term Rentals;
- September 29, 2020 Council directed staff to prepare a DRAFT Regulations program for Short Term Rentals
  - Council asked that regulations be based on regionally consistent practices;
  - Council asked that the public be engaged prior to bylaw amendments;
  - Council identified enhanced and proactive enforcement should be included in the program;
  - Council chose to combine options of Best Practices within the region with Stakeholder Engagement and Enhance Enforcement Options;

Guiding Principles:

- November 24, 2020 Council reviewed and directed staff to engage the community based on the Draft Regulations developed;
- Short Term Rental regulations guided by regional goals, current context in West Kelowna and previous discussions with Council;
- Guiding Principles:
  1. Mitigate Negative Neighbourhood Impacts;
  2. Protect Long Term Rentals;
  3. Recognize Importance of Short Term Rentals for Tourism;
  4. Comprehensive Licensing, Compliance and Enforcement.

Policy and Bylaw Review

*Zoning Bylaw*

- Vacation Rentals (Short Term Rentals) Prohibited in all Zones currently;
- Agri-tourism Accommodations permitted in A1 - Agricultural Zones;
- Bed and Breakfasts permitted in Agricultural (A1), Rural Residential (RU1 - RU5) and Residential (R1 and R1L) Zones;

- Resort Apartment and Resort Townhouse Uses permitted in the C6 - Tourist and Resort Commercial Zone and CD2 Zone (The Cove);
- Key Difference with a Bed and Breakfast is the expectation that the operator/host is on-site during a guest's stay;

#### Zoning Bylaw No. 0154 Regulations

- Bed and Breakfast Regulations at a Glance:
  - Permitted in Single Detached Dwelling;
  - Not permitted on properties with Secondary Suite or Carriage House;
  - Occupancy limit: up to 4 guests per room (no more than 8 guests);
  - Operator: must be occupant;
  - Multiple bookings permitted;
  - Parking requirements;
  - Business Licence required;
- Compared to Agri-Tourist Accommodation Regulations:
  - Permitted within a Single Detached Dwelling;
  - All or part of the parcel shall be classified as farm;
  - Parking requirements;
  - Business Licence required;

#### Regional Practices

- Reviewed regulations that have been adopted or are under consideration in other municipalities;
- Regional Municipalities: Kelowna, Lake Country, Penticton;
- Other BC Municipalities include: Gibsons, Nelson, Pemberton, Squamish and Tofino;
- Consistent regulation components include:
  - Requiring a business licence;
  - Principal residence requirements for operation;
  - Requirement of on site parking;
  - Maximum occupancies (# of bedrooms/# of guests);

#### Proposed Short Term Rental Regulations



- Proposed to be permitted in Rural Residential (RU1 - RU5) and Residential (R1 and R1L) Zones;
- Same zones which permit Bed and Breakfasts;
- Not proposed for A1 Zone as Bed and Breakfast and Agri-Tourism Accommodation already permitted;
- Will not affect permitted uses of Resort Apartment or Townhouse;
- Proposed that Short Term Rentals:
  - Are only permitted in Single Detached Dwellings;
  - Must be operated by the occupant of the dwelling;
  - Have a maximum occupancy of 6 guests (3 bedrooms);
  - Require off-street parking (1 space per 2 bedrooms);
- Snapshot of Proposed Short Term Rental Regulations:
  - Permitted within a Single Detached Dwelling;
  - Not permitted on properties with Secondary Suite or Carriage House;
  - Up to 3 Guest Rooms (no more than 6 guests);
  - Operator must be the occupant of the Single Detached Dwelling;
  - Only 1 booking at a time permitted;
  - On-site parking required;
  - Business Licence is required;
- New definition being proposed for Short Term Rental: means the accessory use of a single detached dwelling, or a portion of it, that provides temporary accommodation for paying guests for a period of less than 30 days but does not include Bed and Breakfast.
- Bed and Breakfast key differences:
  - The expectation that a B&B is hosted by the operator;
  - There may be multiple bookings;
  - B&B's maximum occupancy is 8 guests (up to 4 rooms);

#### Business Licencing

- Business Licence Required: fee to be determined with goal to offset program costs;

- Required Permissions: Proof of Owner Consent and or Strata Permission;
- Proof of Principal Residence: Through Homeowner Grant, Drivers Licence or Government Records;
- Annual Self Evaluation Safety Audit: Initial Licencing Inspection by Fire Department;
- Identified Local Contact: to respond to issues while operator is away;
- Good Neighbour Agreement: signed by operator to acknowledge expected code of conduct;
- Short Term Rental Operators Must:
  - Operate only within a licenced dwelling;
  - Display their licence number;
  - Display the Fire Safety Plan;
  - Only have one booking at a time;

#### Bylaw Compliance and Enforcement - Resources and Measures

- Additional Staff Resources:
  - New position of Business Licencing Supervisor;
  - Review of 0.5 FTE Business Licence Clerk for full time status for 2022 (1.0 FTE);
  - Casual clerk during intake period as required;
- Enhanced Enforcement Measures:
  - Regulations within Zoning and Business Licencing Bylaws;
  - 11 new offences and fines between \$100 and \$1,000;
  - Increased maximum daily fine in MTI Bylaw from \$500 to \$1,000;

#### Bylaw Compliance and Enforcement - Third Party Contractor

- Identification of Short Term Rental Properties:
  - Third party contractor to identify listings on multiple sites;
  - Ongoing identification of new listings;
- Proactive Enforcement:
  - Third party contractor to send automated compliance letters;
  - Second letter send within 30 days;

- Refer file to Bylaw for enforcement action if compliance is not achieved;

#### Public and Stakeholder Engagement

- Gather feedback and provide a lens from residents;
- Neighbourhood Associations will be invited to participate;
- Community and Industry stakeholders have been identified;
- All three Council Committees will be engaged for comments;
- Ongoing input from internal departments will be required;
- Online Questionnaire launched November 30 to ask: What did we get right?
- Questionnaire is available until January 3, 2021;
- Website is: [westkelownacity.ca/shorttermrentals](http://westkelownacity.ca/shorttermrentals).

#### Next Steps

- Public and Stakeholder Engagement - November 30, 2020 to January 3, 2021;
- Review of Engagement results - January 2021
- Refinement of Proposed Regulations - January/February 2021;
- Bylaw Amendments - Starting February 2021:
  - 1st and 2nd Reading;
  - Public Hearing;
  - 3rd Reading;
  - Adoption;
- Goal would be to have regulations in place for the start of the tourism season of April/May 2021.

#### Highlights of the discussion include:

- Talk about advertisement for short term rental would it include permit number at that time? It is proposed that a requirement for business licence would be that the operator include the business license number through any advertising of their rental. To assist bylaw and business licence in determining compliant properties or non compliant properties.
- Is there any short term rental regulations that would put bed and breakfast and hotels at a competitive disadvantage - tax vs no tax? City of West Kelowna does not have hotel tax in place at this time. Municipal and Regional

District Tax (MRDT) in consultation with accommodation stakeholders and majority of operators and rooms agreeing to implement such a tax.

Provincially regulated tax that the City of West Kelowna has not opted into at this time. Online accommodation platform tax currently only collected through AirBnB through the province to collect that tax. Anyone operating or providing goods and services will have to apply and remit taxes. At this point and time there is no mechanism to collect online platform bookings through VRBO or AirBnB.

- Designated areas for short term rentals and what the criteria would be for that? Would it go to a public hearing for the community to be involved? Current regulations are not proposing any specific area or licence restrictions. It could be implemented by limiting the number of licences within a geographic area or neighbourhood or as a percentage based on the number of homes per block or street. Was identified as a tool through a few municipalities but not a consistent tool within BC. Any draft regulations will be sent forward to Council for consideration at first and second reading and then a public hearing will be held on any of the proposed regulations.
- Strong recommendation to limit the number of business licences issued for a neighbourhood. For example Casa Loma could have a higher number of rentals being close to the beach and boat launches.
- September 29 Council made a decision and to what extent was residents of West Kelowna asked if they were in favour of short term rentals or not? In Fall 2019 there was a delegation where a resident presented concerns in the community. Council identified the needs for research of short term rentals. Staff provided information on current state of short term rentals in the community, regional regulation comparison and presented options for Council to consider: to continue to prohibit or to regulate short term rentals. Council directed staff to develop regulations for short term rentals and to engage the community once the rough draft was prepared. No public hearing to date because of no bylaw amendments at this time.
- Completed survey, it doesn't canvas the opinion of if you are in favour of short term rentals or not. Have there been concerns with the survey? Results will be reviewed once the survey is completed. Council has made the decision that they would like to see regulations on Short Term Rentals and Council is asking for strictly feedback on the short term rentals.
- Is there ability to prevent multiple survey results? Tool is being hosted through Engagement HQ Bang the Table. Don't have the answer at this moment. The survey could be completed multiple times - which could be stacked if someone wanted to.
- How were the fine and permit amounts determined? Are they too low and not protecting the neighbourhood. The proposed fines are based on current fines

for similar business licence regulations. Current limitations of \$500 per day. Proposed to increase to \$1000 per day for more severe or ongoing infractions which is maximum allowed.

- Fines are pretty low, it should be the cost of doing business. Fines should be equal or greater to the cost of the nightly rental.
- 2 night stay in some neighbourhood is \$1500. Wish that the fine was relevant to the cost of the stay.
- Short Term Rentals are defined as an accessory use - what does that mean? Proposed that Short Term Rental would be accessory or secondary use to a residential property - A secondary use to a primary residence.
- So many the owners do not live there and it is rented out for the entire summer. Why wouldn't we make a requirement that the owner be present when they are renting the place out? It is proposed that short term rentals are a accessory use, the key difference is that the operator may be away where a bed and breakfast is hosted. If there were no provisions for the owner to be away then it would be permitted already as a bed and breakfast.
- Consideration that a limit to the number of days per year that you can have the short term rental ex. 60 days. Is there any context around maximum number of days to avoid a commercial business? It was seen in a few municipalities to have certain criteria for how many days the rental could be booked for or different tiers (30 days or summer months only). A restriction for the number of nights but it was not a consistent regulation.
- Suggestion that there needs to be a cap in the number of dates permitted.
- Definition around the principal residence? Owner needs to provide proof of their principal residence such as home owner grant, drivers licence or government records. Consistent with other municipalities.
- Can an operator only be a person or can it be a corporation? Kelowna has a prohibition against corporations, it is not considered in our draft regulations, although could be included. The owner must be the occupant in our current draft regulations.
- Need to define owner/occupant being away.
- Currently bed and breakfasts - how is it checked that the person lives on site? No specific regulations other than operator must be the occupant of the dwelling unit. No specific regulations on how that would be confirmed. Probably on a complaint basis and bylaw enforcement would investigate as they arise.
- If the operator owns 4 houses - how do regulations determine owner occupant? Operator needs to prove that it is their principal residence. If a

person owns multiple properties, the homeowner grant can only be claimed for one property.

- Consideration to strengthen the powers of the bylaw officers? Currently proposed regulations would work within current bylaw parameters. Would be able to increase the ticketing. This current project scope is not advocating to increase powers or authority to bylaw officers.
- How is real time enforcement happening? For example party at Short Term Rental at 11pm? Based on understanding, if there is a complaint, Bylaw officers would attend and speak to people onsite. There would be a local contact identified if owner was not on site. Local contact or owner would address any concerns or infractions taking place. If there was non compliance, tickets would be issued depending on the infraction - in person or by mail. Compliance not achieved there is a graduated proposed short term rental offence - first offence \$250 daily, second offence is \$350 daily and ongoing would be \$500 or \$1000. Requirements and processes that may involve the courts. Bylaw Compliance and Enforcement department would be best to address those specific concerns.
- Review of other jurisdictions, imposed a minimum stay of 3-5 nights to mitigate options of party houses on Friday or Saturday nights? Minimum night stay was not something that was identified in the regional review.
- Number of places on AirBnB that had 3-5 night minimum, but now during this season it is a 30 day minimum.
- In the potential licencing numbers, pre COVID 420 listings for short term rentals, expected to reduce to 125 if regulations brought in. Would the other 270 just go away? Data numbers listed were from the City of Kelowna from pre and post regulations. We thought those were comparable because our proposed regulations are similar to the City of Kelowna.
- Costs to run the program adds a supervisor and a clerk and third party contractor. Will we be in the hole through licencing? There is no set fee currently there was a range of licence fees that were across the province. Current CWK Business Licencing fees range between \$60 to \$350. It is not anticipated that licencing fees would completely cover the costs of the compliance and enforcement program but to offset the program which is a decision for council to make.
- Should be a total offset but that is a decision for Council.
- Do the reduction of numbers come with regulations being in place? The initial reduction in the number of listings were seen in Kelowna were due to conditions and regulations and processes of licencing Short Term Rentals.

- A drop in numbers when a licence is brought in because now they have to pay taxes. Right now it is the wild west because it is cash in everyone's pocket.
- Bed and Breakfast requires special home owners insurance, however short term rentals don't have to have that option. If there was a fire with short term rental, their insurance would be voided.
- Most people with rentals just say that people are coached what to say - you're a relative.
- Hiring a casual clerk but not extending the hours of the bylaw officers? A lot of short term rental issues happen between 6pm and midnight. For example maybe even just through the tourist season? Bylaw Compliance and Enforcement program was developed through the Bylaw Department. It was identified that a casual clerk could assist if there was an increase in the number applications and on an as required basis. No proposal to change the operational hours. Anticipated that most of the compliance will come through the licencing program and third party contact. If voluntary compliance is not received then it will be passed to bylaw and compliance officers.
- Maximum number of guests allowed in the rentals - is there a limit on invitees? For example if it has a swimming pool and they invite additional people over. There is currently not a proposed regulation for invitees which is similar to our bed and breakfast regulations.
- If the Business Licence Supervisor is hired, they will have the power to suspend or revoke licences within a reasonable time. What is a reasonable time? Determined on a case by case basis by the Supervisor.
- Good neighbour agreement provision to allow bylaw officer to enter? Short Term Rental operator has gone through the business licensing process, they allow city staff to enter the property for inspections. Operator outside of approved business licence then it would be similar to current system of short term rentals being prohibited and officers needing to speak to owner.
- Why is the requirement for licence to be displayed inside the premises vs outside? Licence number to be displayed on marketing materials and displayed within the short term rental for when Business Licensing Officer or Bylaw Officer attends the premises.
- Would there be a list of authorized short term rental facilities publicly available? Similar to Bed and Breakfast regulations, they are not required to display their licence outwardly. City would have record of all licenced short term rentals. Business Licencing department could confirm if they were licenced or not.

#### **8.4 Z 20-10, 2749 & 2769 Shannon Lake Road**

Highlights of the presentation include:

- 2749 & 2769 Shannon Lake Road;
- Directly accessed south off Shannon Lake Road;
- Between the south end of Tallus Ridge and north end of Shannon Lake neighbourhood;
- West of Shannon Lake Golf Course;
- Upland of newly dedicated park on Shannon Lake;
- Surrounding Land Uses:
  - North - Agricultural (A1) and Parks and Open Space (Privately held)
  - East - Low Density Multiple Family (vacant) (R3);
  - South - Undeveloped dedicated park land & Shannon Lake;
  - West - Large parcel Single Detached Residential (R1L), Low Density Multiple Family (vacant) (R3) and Parks and Open Space (privately held) (P1);
- Previously rezoned (Z18-04) on April 23, 2019 to R3 zone;
- Previous conceptual plan included approx. 65 townhouse units in 12 buildings;
- As condition of zoning:
  - Two properties were consolidated;
  - Land dedicated as park adjacent to Shannon Lake;
  - Pedestrian SRW registered along west side;
- Additional covenants registered on title to secure construction of:
  - Off-site infrastructure to provide a looped waster connection;
  - Pedestrian crosswalk across Shannon Lake Road and 3m wide trail;
  - Park improvements/environmental restoration;

Proposal

*Official Community Plan Amendment*

- Designated: Low Density Multiple Family;



- Propose to amend land use designation to Mixed Use to facilitate the proposed mix of multiple family residential and congregate housing, with some small-scale commercial secondary uses;
- Proposed amendment is necessary to facilitate changes to use and form;

#### *Zoning Amendment*

- Zoned: Low Density Multiple residential (R3);
- Amend to Comprehensive Development Zone CD10 (Injoy Lakeview);
- Proposed CD10 zone includes:
  - Townhouse - up to 3 storeys;
  - Apartment - up to 4 storeys;
  - Congregate housing (in apartment form);
  - 3 small scale secondary commercial uses:
    - Retail, General;
    - Personal Service Establishment;
    - Restaurant (not including drive-through);
- Future development would be in general accordance with this layout and key features include building heights and topography are relevant;
- Site allows for additional greenspace opportunities;

#### *Policy and Bylaw Review*

##### *Official Community Plan*

- Residential policy supports the sensitive integration of housing forms and residential growth areas in support of neighbouring diversity;
- Ground oriented townhouses as in-fill housing complement the type, scale and character of the neighbourhood;
- Proposed apartment form up to 4 storeys challenges policy which typically encourages greater building height and density within Westbank Centre;
- Proposed development does not increase density and increase in number of storeys facilitates an increase in on-site greenspace which is supported by greenspace policy;
- Proposed Mixed Use designation supports compatible service-related and low intensity commercial uses to promote a livable community;

- Trails and park improvements are still required consistent with policy;

#### *Development Permit (DP) Areas*

- Hillside, Aquatic and Sensitive Terrestrial Ecosystem DP areas will be addressed prior to the future site development;
- Form and Character DP will also be required for the Multiple Family residential development with secondary commercial uses to facilitate future building permits;

#### *Zoning Bylaw*

- Proposed CD10 Comprehensive Development Zone (Injoy Lakeview) is intended to accommodate proposed land uses, setbacks and building forms that are a combination of regulatory elements from the R3, R4, and R5 zones;
- A detailed Zoning comparison table highlights the changes to allow multiple family and congregate housing in apartments up to 4 storeys, with 3 small scale commercial uses;
- Many key elements of the existing R3 zone are retained such as density (FAR) still at 0.75 and maximum cap at 99 units.
  - All elements of the proposed zone that are the same from the existing zone;
- Proposed changes will permit (which are not currently permitted in the R3 Zone):
  - Apartments;
  - Congregate housing as an additional use;
  - Care facility;
  - Group home in apartment form;
  - 3 small scale commercial uses;
  - Personal service establishment;
  - Retail, general;
  - Restaurant;
- Necessity of the mixed use allows private and public use of those facilities. Requested by the applicant to support businesses within there.
- Question on presentation: Comprehensive Development zone can be prescriptive to the 99 units? Distinctions for zoning amendments is a menu of

zones. Most uses fit within those choices, some zones have a broader list of uses. Also consider site specific text amendments. CD zone prepared as elements introduced specific changes/uses. Applicant tried to minimize impact and enhance setbacks to respect uses such as density to not make too much change.

## Technical Review

### *Transportation and Access*

- Access off Shannon Lake Road;
- Frontage improvements to full urban standard;
- Construction of off-site improvements with water looping required by covenant (previous rezoning);
  - Shannon Lake Road And crosswalk at Crown Crest Drive;
- Proposed off-site improvements in covenant under review based on new CD10 zone;
- Prior to Public Hearing - confirm impact on potential off-site road improvements;
- Primarily no change to access point from previous application;

### *Site Servicing*

- Confirmed site can be adequately serviced but need to review to confirm up to 99 units in FSR;
- Water - new on-site hydrants and inclusion into water service area;
  - Off-site water looping is required as a condition of the covenant but need to confirm upgrade details based on CD10 uses as larger pipe size may be required;
- Sanitary Sewer - on-site private pump system and noted downstream capacity is sufficient;
  - no anticipated off-site improvements but will be confirmed prior to public hearing based on CD10 uses;
- Stormwater - new private detention proposed on-site and emergency overland route;
  - no anticipated off-site improvements but will be confirmed prior to public hearing based on CD10 uses;

### *Geotechnical*

- Confirmed that site is safe for use intended;
- Recommend additional geotechnical investigations to review proposed 4 storey apartments;

#### *Environmental*

- Rezoning area identified as ESA-3 and ESA-4;
- Areas are so impacted by human disturbance that there is little or no change for recovery or rehabilitation;
- Previous park dedication included the small ESA-2 area near the lake - includes outstanding restoration works (Covenant CA7432658);

#### *Park Analysis*

- Previous rezoning (Z18-04) dedicated 0.2719 park area;
- Park to be constructed as a condition of development (CA7432658);

#### *Pedestrian Connectivity*

- Inclusion of sidewalks within proposed road network;
- Pedestrian SRW registered as condition of previous rezoning to be constructed as a condition of development (CA7432658);

#### *Referral Comments*

- No concerns noted with the proposed amendment but comments:
  - BC Transit recommends internal sidewalks and sidewalks on east side of Shannon Lake Road in support of future transit service in the neighbourhood;
  - Interior Health recommends safe pedestrian design within the site, and encourages incorporating social space such as community garden spaces with raised beds/amenities suitable for accessibility;
  - Parks - no new recommendations from previous rezoning and ensuring covenant conditions would remain in place through this rezoning;

#### *Key Consideration*

- OCP encourages medium to high density multiple family developments off collector and arterial roads - proposal consistent with access off Shannon Lake Road (Urban Arterial);
- Proposed amendments allow additional storeys and height BUT no increase in density and compact building form allows increased greenspace;

- Growth Management Designation encourages an interconnected network of community-wide linear parks supported by existing covenants on title to construct park improvements with the proposed development;
- Policy challenge as congregate housing and apartment form are more typically encouraged within the Westbank Centre based on proximity or walking distance to community amenities, shops and services;
- Mixed Use designation is intended to meet the needs of residents for employment, shopping, and personal services where there are residential densities to support the walkable services, although typically encouraged within identified Centres or Neighbourhood Centres to which this property is an outlier.

Highlights of the discussion include:

- Going from 65 units to 99 units - approximately 50% increase? From the concept plan presented that is correct but from the FAR the number of units is quite variable.
- All apartments are aligned on Shannon Lake Road? Currently this is the concept plan that would be attached to the draft CD zone. Development Permit would be in accordance with this same General layout.
- Existing pathway on the left side but not the right side. Is there an opportunity for the city or developer to have a better flow down to the lake? The parking area is attached to the neighbouring property. Access will not be accessible until adjacent property is developed.
- Congregate care - senior apartments. Congregate care definition could include prisoners on release, etc. Can congregate care be defined for this zoning? Currently congregate housing hasn't been brought forward as an issue. It is a use that is typically seen in downtown centres. This particular applicant markets in senior facilities.
- Hard to sustain a business with only 99 residents - is there any parking along Shannon Lake Road or other places for people to stop and shop? The development permit process design would be onsite with current parking regulations. A detail that hasn't been reviewed at this time. Commercial uses would be required to have parking in accordance with our current parking regulations.
- Recommendation to provide an alternative sidewalk or something to access the park is an important. Multiple accesses to provide more enhanced experience. For example walk down to the lake, walk through the park and up through the other side.

It was moved and seconded

**THAT** the APC recommend support of the application as presented.

CARRIED UNANIMOUSLY

**9. CORRESPONDENCE AND INFORMATION ITEMS**

**10. OTHER BUSINESS**

The APC would like to bring back the outstanding Community Discussion Topic - Streetscaping at the next meeting.

**11. ADJOURNMENT OF THE MEETING**

The meeting adjourned at 11:49 a.m.

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CHAIR

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RECORDING SECRETARY