



PUBLIC HEARING REPORT
Development Services
For the October 23, 2019 Public Hearing

DATE: October 17, 2019

TO: Paul Gipps, CAO

FROM: Carla Eaton, Planner III

RE: Application: Z 17-07, Official Community Plan Amendment Bylaw No. 0100.49 and Zoning Amendment Bylaw No. 0154.59 and 0154.66 (PH), 2211 Campbell Road
Legal: All that portion of DL 522, Group 1, ODYD
Owner: 1087032 B.C. Ltd. (Blackmun Bay Development LP)
Agent: IBI Group / Samuel Alatorre

LEGISLATIVE REQUIREMENTS:

Section 464 of the *Local Government Act* (LGA) requires a local government to hold a public hearing as part of the bylaw amendment process to allow the public to make representations to Council regarding the matters contained in the proposed bylaw amendment. The public hearing must be held after first reading and before third reading. Notification of the public hearing was completed in accordance with Section 466 of the LGA.

BACKGROUND:

The proposed bylaw amendments received first reading on February 13, 2018 (OCP) and June 26, 2018 (Zoning), and second reading on May 14, 2019, where Council directed staff to schedule the Public Hearing subject to receipt of provincial comments on the Traffic Impact Assessment and three additional technical reports (geotechnical, water and sanitary modelling). The purpose of this report is to provide Council and the public with:

- 1) A summary of the proposed bylaw amendments, including the land use designations, the CD8 and W3 Zones; and
- 2) An updated technical reports status.

Proposal

This application is to amend the OCP land use designation on a portion of the subject property from Agricultural to Tourist Commercial and to rezone from Agricultural (A1) to Comprehensive Development Zone (CD8); and to rezone the waterfront to a Commercial Water Use Zone (W3) (*Attachments 1, 2 and 3*).

The proposed W3 zone and mixed use CD8 zone (Figure 1) includes:

- a mixed use area with some smaller commercial uses (personal service establishments, restaurant, convenience retail), various housing types allowing year round and vacation rentals on the non-ALR portion of the property including:
 - Resort apartment (up to 9 storeys with a maximum of 460 units¹);
 - Resort townhouse (up to 3 storeys with a maximum of 120 units);
 - Hotel (up to 9 storeys with a maximum of 120 units);
 - Overall density of 2.4 FAR without surface parking; and 2.2 FAR with surface parking;
 - Staggered front setbacks for the hotel and resort apartment;
 - Surface and underground parking (including marina/boat launch parking with 10 boat and trailer size spaces); and
- a marina (241 slips) and boat launch.



Figure 1: Context Map

Related Agricultural Land Reserve (ALR) Non-Farm Use Application

Although the proposed land uses are primarily restricted to the non-ALR portion of the site above Campbell Road² (Figure 2 in red); the applicant has applied for a separate ALR Non-Farm Use application (A 18-02) to accommodate the proposed boat launch and use of the shared driveway to access the boat launch and marina. It is anticipated that this application would be most appropriately brought forward with consideration of third reading, as applicable. This would enable Council to consider if the zoning amendment is moving forward before providing formal comment to the Agricultural Land Commission (ALC) on the non-farm use. It is anticipated that adoption of the bylaw



Figure 2: ALR land in Green and Excluded Area in Red

¹ Separate unit maximums for each use should not be totaled to estimate a unit maximum for the site as this will be regulated further by gross floor area ratios and actual development plans at the DP stage.

² a portion of this land was excluded from the ALR in 2011 (shown in red on Figure 2)

amendments would be conditional on confirmation of the ALC's conditional approval for the proposed non-farm use.

Location and Surrounding Uses

The 7.1 hectare (17.5 acre), Agricultural (A1) zoned subject property is bisected by Campbell Road lying approximately 900 m south of the interchange with Highway 97. There is an existing structure and older orchard trees located on the east side of the subject property.

The surrounding land uses include (*Attachments 4 & 5*):

- North – Westbank First Nation IR#10
- West and Southeast – Single Detached Residential (R1)
- East – Okanagan Lake
- South – Rural Residential (RU2 and RU4)

Policy and Bylaw Review

Waterfront Plan:

The Waterfront Plan has policies that support consideration for small-scale, mixed used waterfront development outside of Gellatly Village where it serves residential neighbourhood need and the use meets the intent of the OCP. The proposed development may provide for some residential services not currently available within the Casa Loma area, where the draft CD8 zone include uses such as personal service establishments, convenience retail, restaurant, farm retail, and a winery. However, the proposal is inconsistent with the plan as it is currently outside of the designated growth management areas of the OCP and would not be considered small-scale. Although the plan further recommends working cooperatively with developers to secure new motorized boat launches as a possible development amenity, where appropriate.

Official Community Plan No. 0100:

The proposed development is at an unprecedented level of density for this area of West Kelowna and is a distinct deviation from the growth management policies and objectives set by the OCP based on defined areas such as Westbank and Boucherie Centres. The proposed use is not in conformance with the existing Agricultural Precinct growth management designation or Agricultural land use designation. However, the mixed use nature of the proposed tourist commercial designation may warrant additional consideration of other relevant policies for the non-ALR portion of the land. Support for multiple family development may be considered along the waterfront, where view corridors are maintained and public enjoyment of waterfront is enhanced; however, the scale of the proposed development does not meet policies regarding appropriate transition from more intense to less intense uses. Additionally, Tourist Commercial development may be supported where it includes facilities and amenities for the tourists that they draw to the area, such as the proposed mixed use of the CD8 zone. These uses might also benefit the surrounding local community and generate opportunities for interaction with and employment for members of the community although existing waterfront development has tended to be much smaller³. In addition to focusing growth in the Westbank and Boucherie Centres, the OCP further notes that the waterfront is a key tourist commercial attraction but designates the Gellatly area for mixed use tourist commercial development.

³ This includes developments with mixed use zones, such as the Cove, Barona Beach, and Casa Loma Resort. The Cove and Barona Beach have heights up to 4 storeys with buildings right off the water's edge in comparison to the proposed development with heights up to 9 storeys and buildings that are set well away from the lake across the agricultural lands and stepping up the hillside from Campbell Road.

Summary of Proposed Zoning Bylaw Amendments

Proposed Comprehensive Development CD8 Zone, As Amended at Second Reading:

Given the complex mixed use nature of the proposed development, the applicant is proposing a Comprehensive Development (CD8) zone (*Attachment 2*). The CD zone was amended at second reading based on the applicant's consideration of public consultation feedback. This included changes to the proposed density (FAR), heights, hotel setbacks, and inclusion of parking for a boat launch, as well as staff changes proposed for clarity and consistency within the bylaw. A summary of the key elements of the CD8 zone is provided below.

Permitted Uses

The site and permitted uses have been separated into three development areas (Figure 3). The proposed principal uses consist of hotel (Site 1A) and residential uses within an apartment or townhouse form (Site 1B) which will allow for year round occupancy and vacation rentals, with the addition of limited live/work units in townhouse form only. Site 2 is to be preserved entirely as a natural area primarily consisting of steep rocky slopes, with the exception of potential right of ways for servicing that would be restored if disturbed.

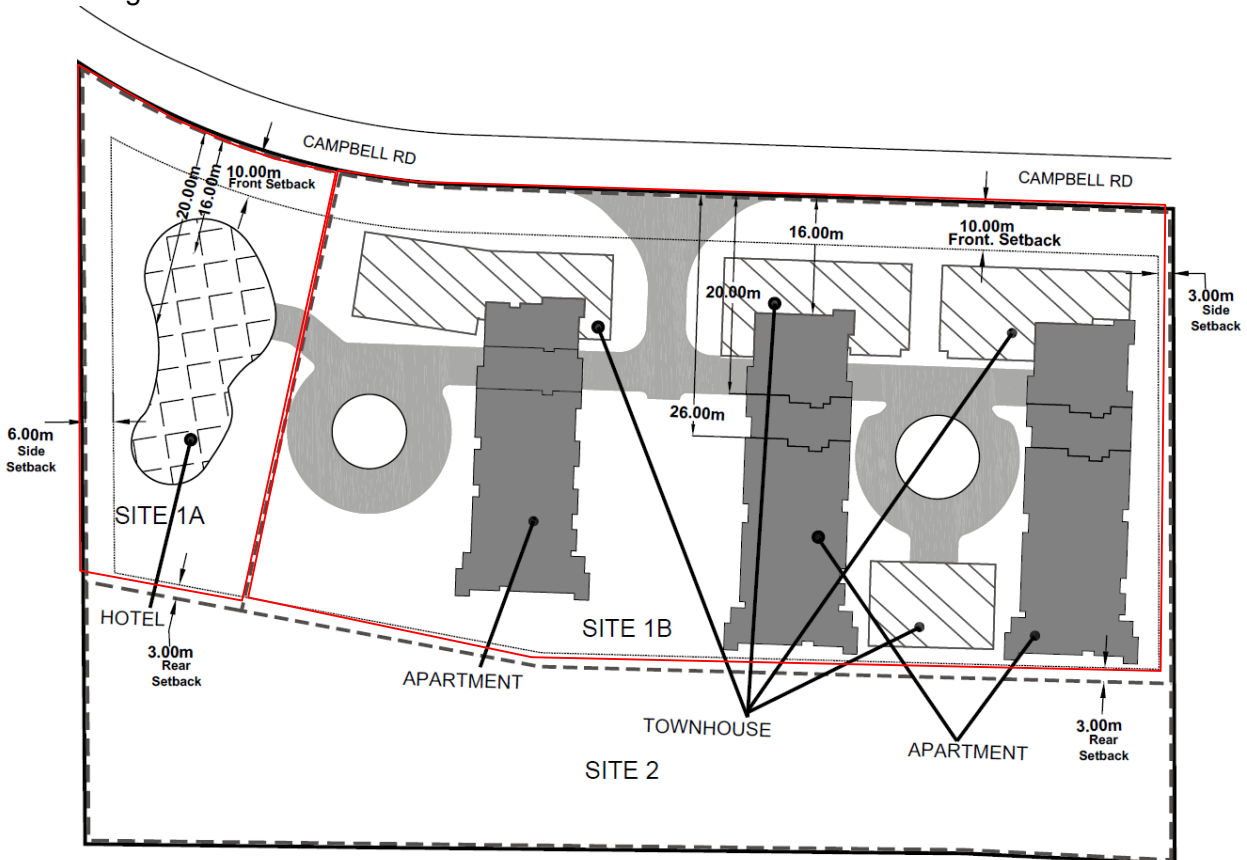


Figure 3 – Development Areas and Building Setbacks

Secondary Uses

The list of permitted secondary uses for Site 1 can only be constructed as a subsidiary part of any principal (residential or hotel) use in an attempt to ensure that the mixed use development form is built out as intended. With the exception of the office and indoor entertainment facility uses, the secondary uses are all restricted to much smaller floor areas than any principle use and includes both amenities typically associated with a hotel or resort, as well as some commercial and service

uses. Boat launch and marina parking (shown in blue on Figure 4) is also included as a secondary use on Site 1 as it would otherwise not be permitted within the CD zone as it is not associated with a principal use.

Density, Height and Floor Area Ratio

The CD zone was drafted to reflect Council's previous direction⁴. This

includes a combination of land uses, Floor Area Ratio⁵ (FAR), maximum height/number of storeys, parcel coverage, and setbacks as some key limiting factors. Based on public feedback, the CD zone was amended at second reading to reduce the density and maximum heights, noted below in greater detail. The following Table 2 compares existing multi-family and commercial zones that include similar townhouse, apartment and hotel uses with the proposed development:



Figure 4 – Boat Launch and Marina Parking Proposed in Parking Areas within Site 1A & 1B

Table 2: Comparative Summary of Density across Zones That Permit Multi-family Uses

Regulation	R4 Zone	R5 Zone	C1 Zone	Previous CD8 (1 st reading)	Proposed CD8 (2 nd reading)
FAR	1.0	1.4 – 1.8	2.35 – 2.5	2.5 to 2.8	2.2 – 2.4
Estimated # Units~	175	316	412 to 491 (with density bonus)	482 (216 apartment/86 Townhouse/180 hotel)	520£ (360 apartment/ 60 Townhouse/100 hotel)
Height*	12 m to a max of 3 storeys	15 m to a max of 4 storeys	15 m to a max of 4 storeys (or 22.5 m or up to 6 storeys with conditions)	35 m or 10 storeys	31.5 m or 9 storeys
Land Uses+	Apartment Townhouse	Apartment Townhouse	Apartment Townhouse Commercial Hotel	Resort Apartment Resort Townhouse Commercial Hotel	Resort Apartment Resort Townhouse Commercial Hotel

~ Estimates based on developable Site 1A and 1B only assuming 20% un-useable building area, maximum parcel coverage, maximum GFA and average unit sizes based on MLS data

* Only noting height for principal uses

+ Only noting uses applicable to the proposed CD8 zone

£ Estimates based on applicant's most recent conceptual plan although unit numbers would only be finalized as part of a development permit process

⁴ Council supported first reading of the proposed OCP amendment and directed the development of the CD zone with consideration of a maximum of 8 to 10 storeys.

⁵ Floor Area Ratio means the gross floor area on all storeys of all buildings and structures on a parcel divided by the area of the parcel.

The proposed reduced FAR ranges from 2.2 to 2.4 (reduced from 2.4 to 2.8) is similar to the City's C1 zone for Westbank Centre. This element of density ranges was provided to Council with the first reading of the OCP amendment where Council directed the drafting of the CD8 zone as proposed.

Building Siting and Staggered Setbacks

The mixed use area was separated into two development areas to define the location of the hotel site adjacent to the northern boundary (Site 1A) and to set the number of potential buildings on the remaining mixed use area (Site 1B). A number of different front setbacks were established to ensure staggered building forms that work by stepping up the hillside away from Campbell Road. Based on the proposed heights, the front setbacks have been increased from typical front setbacks in a multiple residential or commercial zone. This includes a staggered front setback for the hotel which would allow the first three floors of the hotel to be setback at 10 m, floors four to eight at a 16 m setback, and the final ninth floor at a 20 m setback (shown in Figure 3). This mimics the approach taken with the other building forms that ensures an adequate setback for the upper floors of the hotel, while further reducing potential disturbance into the hillside by allow the building base to be set forward (see Figure 5).

Building Heights

Building heights have been defined by establishing a maximum overall height as well as a maximum building height (see Figure 5). The maximum overall height is set at a geodetic elevation to ensure that grade cannot be manipulated to create unintended impacts. The geodetic elevation of 420 m is requested by the applicant in line with the extent of other development in the Casa Loma area. The additional maximum building heights are used in concert with the townhouse and apartment building setbacks to create a staggered or stepped building form and to reduce the impact of height adjacent to Campbell Road.

In response to public feedback and Council direction, the CD zone was amended at second reading to revise the maximum building height regulations to:

1. Reduce the height from 4 storeys (15.0 m) to 3 storeys (11.3 m) for the townhouse form; and
2. Reduce the maximum building height from 10 storeys (35.0 m) to 9 storeys (31.5 m) for the apartment and hotel form.

These heights are measured from grade⁶ as per the standard definition within Zoning Bylaw No. 0154, in combination with the building setbacks.

⁶ Grade means the lowest of the average levels of finished ground adjoining each exterior wall of a building, except that localized depressions such as those used or intended for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.

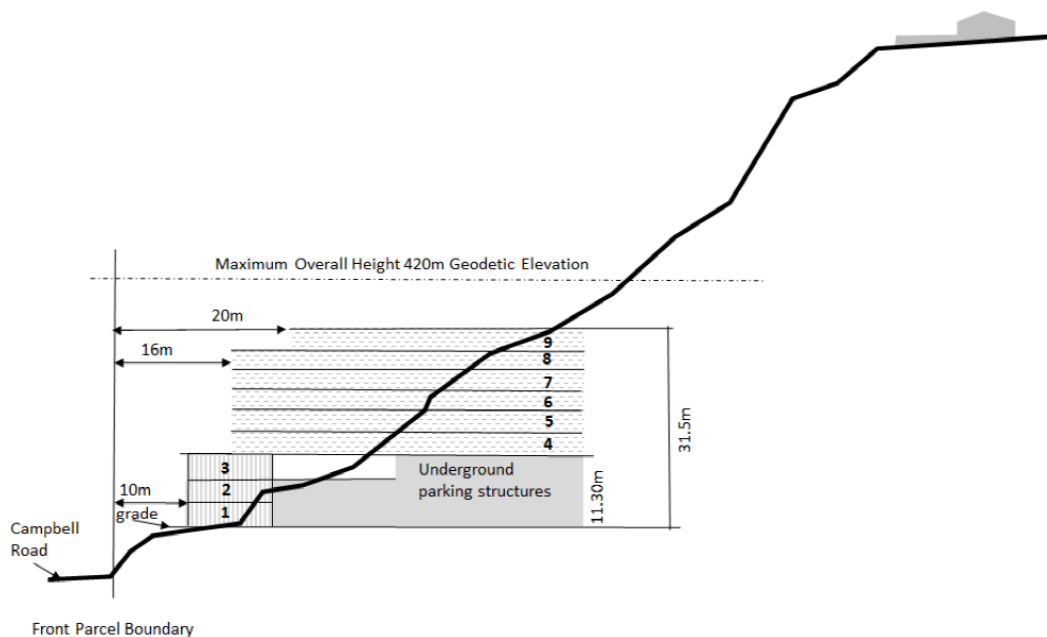


Figure 5 – Maximum Overall Height and Maximum Building Heights with Staggered Setbacks

Amenity Space for Multiple Residential Uses

Amenity space⁷ requirements have been set to match those required in the Westbank Centre Multiple Residential Zone (R5). Amenity space is provided to enhance community engagement and the health and well-being of residents through the provision of on-site gathering places and amenities, such as trails, gardens, sitting areas, patio areas, play areas, fire pits, etc.

Parking and Loading

Off-street parking and loading space requirements as per Zoning Bylaw No. 154, Part 4 will apply to the proposed development. Standard required parking spaces are established in Table 4.1, where each type of proposed use in the CD8 zone has a defined parking requirement. For example, townhouse parking is 2 spaces per dwelling unit, a hotel is 1 space per guest room, and a restaurant is 1 space per 4 seats. Visitor, accessible, and boat and trailer spaces will be provided based on a calculation that uses the number of standard parking spaces. For example, in applicable buildings 2 accessible spaces must be provided per every 100 required standard spaces and truck and boat trailer parking is required at a rate of 10% of the total number of parking spaces provided. Loading spaces are established in Table 4.10, where the type of use has defined loading space requirements typically related to the total floor area of a building or number of dwelling unit/guest rooms. For example, a hotel with more than 10 guest rooms is required to provide 1 loading space per 2,800 m² of total floor area.

In addition to the Part 4 requirements, the following conditions also apply to the CD8 zone:

- Requirement for resort apartment and townhouse parking the same as non-resort parking;

⁷ Amenity space means an outdoor or indoor area designed and provided for use by all residents of a residential development for cultural, social or recreational activities where a minimum of 25% of the required space is provided at grade. Parking areas, driveways, and decks and patios intended for individual dwelling units, service areas, storage areas and areas within the required minimum siting distances from a front, interior side or exterior side parcel boundary do not constitute amenity space.

- Requirement for 10 vehicle and boat trailer parking spaces to be provided for the boat launch within the CD8 zone⁸;
- Requirement for boat launch and marina parking to be provided within Site 1 of the CD8 zone;
- Clarification that excess boat slips not tied to a residential use will trigger parking requirements; and
- Requirement for resort uses to provide bicycle parking for staff and residents.

A new Parking Study⁹ has provided additional clarification confirming that the proposed development can provide the required parking on-site with proposed surface and underground parking for all uses consistent with the zoning bylaw. The study analysed three different development scenarios that included worst case parking demands for the marina consisting of only public use and various combinations of residential and commercial uses. Required total parking (including visitor spaces) ranged from 688 to 759 stalls, with 79 to 86 of the stalls provided as the required larger truck and boat trailer spaces¹⁰. Consideration for shared parking or any other parking variances would be expected to be addressed at the development permit stage where detailed site information would better inform the process.

Proposed Commercial Water Use Zone:

The zoning bylaw amendment proposes to amend the waterfront zoning from Recreational Water Use Zone (W1) to Commercial Water Use Zone (W3) (*Attachment 7*), with a site specific text amendment where the servicing, repair or construction of boats and other water vessels will not be permitted as part of the marina use (*Attachment 3*). The key land use changes between these zones allow for a more intensive commercial use over the water zone, including uses such as boat launch, marina, retail convenience and temporary moorage. However, the marina definition use was restricted to remove some of the more intrusive repairs or construction type activities and does not include fuelling.

Should the water use bylaw amendment (W3 zone) proceed and as it is subject to other jurisdictional approvals, including the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD), and the Agricultural Land Commission (ALC), it is recommended that the City receives confirmation as a condition of the amendment that:

- FLNRORD has given conditional approval of the boat launch permit; and
- the ALC has conditionally approved the proposed non-farm (marina/boat launch/shared driveway) use (File: A 18-02).

There is an active tenure application for the boat launch pending approval from the province and the marina has already received conditional approval.

Technical Review

The applicant has submitted a number of technical reports to support the proposed development, as well as completed the required update reports and additional modeling noted as required at second reading (*Technical Reports Summary - Attachment 8*). The following sections will elaborate on the individual technical issues in further detail.

⁸ This is in addition to the regular boat and trailer sized parking spaces required for waterfront development that includes multiple residential, hotel or resort uses within 250m of defined waterfront areas, Zoning Bylaw No. 154, s.4.8.1

⁹ Blackmun Bay Parking Study (Version 2), dated June 7, 2019, prepared by Bunt & Associates

¹⁰ The estimate of 79 to 86 boat and trailer sized spaces includes 10 spaces for the boat launch plus 10% of the total required spaces to meet the waterfront development requirements.

Servicing Review:

Water

The City's Water Master Plan Consultant has confirmed that this development can be serviced from the Rose Valley Water System with a connection to Lakeview Heights. The Functional Servicing Report (FSR) provides water demand for domestic and fire flow. As noted as a condition of second reading, the system was modelled by the City's water consultant AECOM¹¹ to:

- review the City's existing water system capacity in relation to the proposed development; and
- comment on the proposed development's impact to the Casa Loma water system and review the capacity of the City's water system to provide water to Casa Loma.

Existing Water System – As noted in the AECOM report, the following offsite upgrades will be required within the existing water system to accommodate the proposed water demand:

- upgrades to the main water line along Thacker Drive (310 m of watermain must be increased from 150mm to 200mm);
- extension of the main water line from the development site to connect to the existing watermain on Thacker Drive;
- registration of statutory rights of way to accommodate the extension of the water line;
- a new Pressure Reducing Valve (PRV) structure (location to be determined through future design); and
- a connection tee on the main water line at Campbell Road (south leg of tee capped for potential future use by the Casa Loma Water Utility – see additional comments below).

Should the bylaw amendment proceed, it is recommended that a covenant is registered as a condition of adoption to restrict development in the CD8 zone until off-site water infrastructure works have been constructed or secured, including any required statutory right of ways (SRW). It is recommended that a conceptual design drawing and cost estimate is submitted as a condition of zoning, with the final detailed design completed with the future development and building permit processes.

Casa Loma Water System – The Casa Loma water intake lies approximately 1.2 km south of the proposed Blackmun Bay development at an approximate depth of 23 m. Given concerns regarding water quality related to the proposed development, a number of professional reports have considered this issue. The AECOM report (July 2019) noted that they do not anticipate impacts from the proposed Blackmun Bay development on the Casa Loma water intake, reiterating comments from the Ecosystem letter¹² (June 2019) that the marina and boat launch are not likely a significant risk to water quality in Okanagan Lake or to the Casa Loma water intake. As a specialist in oceanography and management of water systems, Tetra-Tech, was also engaged by the developer to specifically review the Casa Loma water intake in relation to the proposed Blackmun Bay development concluding the proposed marina would not add more risk than that which is already present in Okanagan Lake and would not impact the water-quality drawing at the Casa Loma water intake.

In reviewing the water systems, the AECOM report also noted that the existing City water system has adequate capacity to supply water to Casa Loma however there are constraints with peak water demand¹³ that would require further review if the proposed Blackmun Bay development and Casa Loma were to be serviced. If there is an expectation that Casa Loma be provided City water at some

¹¹ Blackmun Bay Village Development – Water Servicing Review Final, Memorandum prepared by AECOM, dated July 11, 2019 which was completed at the Developer's expense

¹² Casa Loma Water Quality, letter prepared by Ecoscape Environmental Consultants Ltd., dated June 5, 2019

¹³ Concerns with potential bylaw compliance with peak hour demand, maximum day demand and fireflow (150 L/s) if water was supplied to Casa Loma and Blackmun Bay simultaneously (AECOM, pg 5)

future date, the City may want to open a dialogue with the affected parties as there may be an opportunity for a mutually beneficial servicing strategy.

Sanitary

A Servicing Report was provided that confirms the site can be adequately serviced by community sanitary sewer. An existing sanitary trunk sewer extends along the frontage of the subject property and the downstream system is composed of gravity sewers, lift stations and forcemains owned and operated by the RDCO. As noted as a condition of second reading, the RDCO's consultant, Urban Systems, modelled the downstream sanitary system¹⁴.

The report identified sanitary collection system upgrades that would be required to support the development, including consideration for upgrades that would either be required prior to the development proceeding or those that might be accelerated by the development (see the summary in Table 3 below). The report also considers whether or not the projects are identified within the Regional District's Development Cost Charge program.

Table 3: Summary of Sanitary Upgrade Requirements

Upgrade	Estimated Cost (Class D)	Comment
Casa Loma Lift Station	\$3.6M	DCC Project. BBV development will accelerate timing for this upgrade.
Casa Loma Forcemain (250 m)	\$2.85M	Not included in the DCC projects. Upgrade required to accommodate BBV development. Timing for upgrade to be confirmed after pre-design for Casa Loma Lift Station is completed.
Phase 1 – East Trunkmain Upgrades	\$0.5M	DCC Project. Gravity sewer to be upgraded prior to allowing BBV development.
East Trunk Lift Station and Forcemain	\$4.6M	DCC Project. Station and Forcemain upgrade to be constructed prior to allowing BBV development.
Phase 2 – East Trunkmain Upgrades	\$0.6M	DCC Project. BBV development will accelerate the timing for this upgrade.
Phase 3 – East Trunkmain Upgrades	\$3.8M	DCC Project. BBV development will accelerate the timing for this upgrade.

It is noted that the Blackmun Bay development potentially accelerates the timing of the RDCO's DCC projects downstream of the site. If a project has not already been constructed and the developer must construct the project(s) in support of their development, they would receive a DCC credit for the project(s). If not a DCC project and the developer constructs, they may be eligible to charge a latecomer fee to all other developments that benefit from the construction project(s). At the time of development, there may also be consideration for a proportional funding rate that the developer would pay for the portion of the project attributed to their development.

Should the bylaw amendment proceed, it is recommended that a covenant is registered as a condition of adoption to restrict development in the CD8 zone until the identified off-site sanitary sewer infrastructure works have been constructed or secured, including any required statutory right of ways (SRW), where both the Regional District and City are parties to the agreement. Final design detail will be addressed through the future development and building permit processes, including entering into works and services agreements and/or the assignment of DCC's payable,

¹⁴ Blackmun Bay Village - Offsite Sanitary Sewer Capacity (Rev 1), memorandum prepared by Urban Systems, dated October 4, 2019 which was completed at the Developer's expense

creditable, or calculation of proportional fees payable toward a project in accordance with the proposed covenant.

Stormwater Management

A Stormwater Management report was provided that outlines a preliminary stormwater site design for onsite collection, retention and infiltration. Future design through the development permit process will address technical comments provided by the City's stormwater consultant, RSB Engineering, based on his review of the drainage areas above the proposed development in consideration of the City's Master Drainage Plan¹⁵. Based on the RSB report, it is recommended that if the bylaw amendments proceed that a blanket Statutory Right of Way (SRW) is registered as a condition of adoption for two future stormwater connections through the site in accordance with the City's Master Drainage Plan (*Attachment 9 - Project 10.3 and 10.4*), including any required extension for the safe outlet potentially to Okanagan Lake. This will accommodate the existing overland flow routes from adjacent upland areas.

Additionally, if the bylaw amendments proceed, it is recommended that a covenant is registered as a condition of adoption to restrict development until the collection and safe conveyance of this drainage from the Lakeview Heights area through the subject property has been constructed or secured. The final design detail will be addressed through the future development and building permit processes when building locations and site specific drainage can be addressed.

Transportation and Off-Site Impacts at Hwy 97:

The applicant has provided a number of updated Transportation Impact Assessments (TIA) to address their revised proposal and to update background traffic estimates. The most recent TIA reviewed updated traffic volumes, site access, off-site impacts, and active transportation using a projected six (6) year build out for the project. Analysis also included the proposed neighbouring development in Westbank First Nation that will also access Campbell Road and noted the area is currently not serviced by transit service. The report reviewed the weekday morning congestion on the bridge which includes shortcutting through Sneena and the Campbell Road roundabout. To reduce congestion and longer wait times at the Campbell roundabout, several options for mitigation were presented. Based on the review, the report recommends the short-term addition of signage to the approaches to the roundabout that identify that drivers should alternate during times of congestion. Medium term solutions include consideration of ramp metering which is a signal (red/green) that stops vehicles upstream of the roundabout. No other off-site improvements were noted and despite concerns with traffic operations at the Hwy 97 interchange, the TIA noted that the existing roundabouts have sufficient capacity until 2034.

The revised TIA was reviewed by the City's Traffic Consultant (Watt Consulting Group) and referred to the Ministry of Transportation and Westbank First Nation, as these works lie outside the City's jurisdiction. Watt's review¹⁶ noted that traffic operations at the Campbell Road roundabout at Hwy 97 are susceptible to traffic congestion (queuing and delays at peak periods) and related recommendations to mitigate traffic congestion lie within MOTI jurisdiction and would require enforcement. As noted in the referrals summary (*Attachment 10*), MOTI noted that "based on our technical review, the options presented in the report will have little to no effect on the reported highway congestion during the AM commuter peak period on either Highway 97 or Campbell Road. Should the City of West Kelowna wish to pursue or explore improvements at the interchange, this would require the City to approach the Ministry with a formal proposal as a

¹⁵ Blackmun Bay Drainage, memorandum prepared by RSB Engineering, dated May 29, 2019

¹⁶ Blackmun Bay Village – Bunt TIA Version 2 Review, prepared by Watt Consulting Group, dated April 10, 2019

separate process.” In regard to the proposed potential ramp metering, WFN noted that “if it were a ramp light or signage it would not be owned and operated by WFN [and] Traffic modifications would require WFN Council approval.”

Development Access:

The applicant has proposed a City owned roundabout on Campbell Road which would be constructed by the developer to provide private driveway access to the proposed development and marina. The TIA does not provide a warrant (traffic analysis) to support a roundabout, but describes its purpose as traffic calming with the advantage of reduced speeds, reduced vehicle collisions and enhanced neighbourhood appearance when properly landscaped. There are no other cases of roundabouts or traffic signals supporting private development access in West Kelowna and a City owned roundabout would create additional operating and maintenance costs, as well as impacting potential road dedication widths (see additional discussion below). As such, a traffic warrant will be required as part of any future development permit process.

Emergency Services and NFPA:

There continues to be concern that the Casa Loma neighbourhood, which has approximately 372 parcels along Campbell Road, exceeds the National Fire Protection Association’s (NFPA Guideline 1141) for 2 accesses when there are more than 100 units. With the addition of the proposed 528 residential and hotel units, the NFPA Guidelines would recommend that there are a minimum of 3 access routes in an out of the area with over 600 residential units. The TIA suggests that a holistic discussion that includes all stakeholders (MOTI, WFN, CWK, and emergency response) is required to review emergency access options. Due to steep slopes and existing development including park and residential uses, there are currently no proposed options for an emergency access/egress routes out of the neighbourhood other than Campbell Road. The City’s Traffic Consultant (Watt) notes that with limited emergency access opportunities, careful consideration should be taken to allow additional development in the Casa Loma area without provisions suitable to emergency services.

Fire Hall Station 32 is outside the recommended maximum 2.5 to 5 km response distance from fire stations for insurance purposes (approximately 5.8 km to the edge of the subject property with a 9 minute response time). Additionally, the property is outside of the ladder response time with the nearest aerial ladder over 12 km away. As a result of the response time, there may be building design implications at time of future building permit, as well as impacts to the owner’s insurance. The scope and scale of the development, including building heights, potential limited site access, and inclusion of a marina¹⁷, combined with its location relative to existing fire stations adds complexity and time to ensure adequate fire department response. The proposed density may also result in increased volume of fire department calls leaving other areas uncovered when a response is required to the proposed development.

Campbell Road Improvements and Dedication:

A portion of Campbell Road that extends through the subject property is not currently located within a dedicated road right of way. As per Section 42 of the *Transportation Act*, the road is deemed and declared to be a highway and would be required to be dedicated as a condition of the development.

Campbell Road is identified with an Urban Minor Collector road standard (Drawing No. 205) as per the Works and Services Bylaw No. 0249 and the Recreational Trails Master Plan recommends a

¹⁷ Marina must conform to National Fire Protection Association (NFPA) 303 standards

Narrow Multi-Use Trail (pedestrians and cyclists) along Campbell Road¹⁸. The TIA also recommended connections to the site from the trail/road, and potential pedestrian crosswalks or overpass. Further discussion is necessary to address how this trail requirement is incorporated into the Campbell Road design. Additionally, the road design should clarify the required dedication widths to accommodate the road standard as well as access to the site.

Should the amendment proceed, it is recommended that:

1. a preliminary design drawing for the proposed Campbell Road improvements, including provision for a Narrow Multi-use Trail, is provided to the satisfaction of the Director of Development Services within the required covenant noted below; and
2. that a restrictive covenant is registered to restrict development until a Narrow Multi-use Trail along Campbell Road has been constructed or secured, including any dedication or required statutory right of ways.

Given the concerns regarding conflicts with parking, road design considerations will also include potential parking restrictions along Campbell Road. Final construction details would typically be addressed as part of the future development and building permit process in accordance with the covenant.

Parks and Open Space:

As per the LGA, no park dedication would be required as part of this development. However, as the proposed development anticipates a large number of units that will potentially create additional waterfront pressures, the development must ensure that it provides adequate waterfront access and supporting facilities. Although it is noted that the ALR status and steeper slopes along this waterfront area constrains the ability to develop the waterfront. It is further noted that existing parks within the area require upgrades¹⁹ and it is anticipated that the proposed use will create some increase in use and demand on these areas outside of the development. Following public hearing, the developer has indicated that they are amenable to further discussion regarding a potential contribution towards identifiable projects that would benefit the community.

Boat Launch and Public Access to Waterfront:

As noted in the Waterfront Plan, given the constrained nature of West Kelowna's waterfront, few potential launching sites are readily available and the City should work to secure new launch sites. However, there are potential parking and access concerns with the proposed boat launch depending on whether it is for public or private use. The proposed CD8 zone requires the marina and boat launch parking to be accommodated on the upland portion of the property as an accessory use²⁰ and the proposed W3 zone would permit a marina and boat launch. To ensure that parking concerns have been adequately addressed, it is recommended that a covenant is registered as a condition of the application to restrict development in the W3 zone unless the required boat launch and marina parking are constructed in the CD8 zone. It is further recommended that the covenant restrict development until a statutory right of way has been registered to secure public pedestrian access to the waterfront, subject to ALC approval as applicable. Additional information regarding the new Parking Study is noted above in the Parking and Loading section of the CD8 zone.

¹⁸ Campbell Road is identified as a major trail corridor route.

¹⁹ For example, the Parks Master Plan identifies the need for a non-motorized water launch with the Casa Loma area, as well as improvements to the Casa Loma dock and beach facilities.

²⁰ The number of required parking spots for the marina will depend on the composition of public marina slips versus those associated with an upland residential use. Based on 3 potential development scenarios, the parking plan had noted an estimated range of 69 to 76 boat and trailer sized parking stalls required for the marina. However, 10 boat and trailer sized stalls are required for the boat launch which is in addition to the require marina parking.

Development Permit Areas:

The subject property lies within the Sensitive Terrestrial Ecosystem, Aquatic Ecosystem and Hillside development permit areas and will require a Development Permit (DP) prior to development of the lands. The Geotechnical and Environmental review sections below provide additional detail regarding the DP areas.

The development will also trigger a Commercial (Mixed use) and Multiple Family Residential Development Permit to address form and character and landscaping considerations. Revisions to the CD8 Zone considered at second reading amended the zone to address some elements of building form that are not currently contemplated in the OCP through the use of varied setbacks to create staggered building forms and rooflines appropriate to a hillside setting, and minimizing visual and massing impacts associated with mid to higher rise buildings. Additionally, existing guidelines already address visual impact, shadow analysis, pedestrian scale, façade detail, and roofline detail for buildings in excess of three (3) storeys. However, given that the City has started to receive development proposals for buildings over six (6) storeys in height, specific guidelines to address architectural detailing and building form for greater building heights may be considered during the upcoming review of the OCP.

Geotechnical Review:

The development site gradually steepens above Campbell Road to include slopes in excess of 30% and ranging up to 80% slopes with near vertical rock bluff upslope of the development, resulting in the proposed development lying within a rock fall hazard zone. Preliminary site designs indicated that the development would require significant cuts and disturbance in hillside areas, including cuts up to 6 stories in some places. Development Permit Hillside Guidelines note development of slopes over 30% are not generally supported. As such, the geotechnical investigation was proposed as a phased approach, where Ph. 1 confirmed that the land could be developed safely to tolerable risks provided that rock fall mitigations measure are undertaken and outlined four potential rock hazard mitigation options.

Following 2nd reading, the Ph. 2 and 3 investigation²¹ completed additional subsurface testing and surface analysis to provide greater background for determining the impact of potential cuts and related rock fall mitigation measures, as well as prepared a series of preliminary design comments and recommendations for consideration at time of more detailed design. Based on the results, “it is Golder’s professional opinion that the land may be used safely for the use intended” and meets the City’s standards for landslide assurance where all recommendations are followed and the rockfall hazard is sufficiently mitigated.

The report includes specific recommendations for the use of a rock fall catchment fence with locations to be determined with the design of the final building locations with consideration for access for future fence maintenance, debris removal and limiting additional hillside disturbance²². It notes that based on the conceptual plan and investigation results that the excavation area of the site will not likely encounter bedrock, but could encounter large boulders. As such, the report recommends consideration for the installation of a Soil Nail Wall to support the possible over steepened cut slope required for construction as the top down installation allows for safe excavation in the noted soil conditions. Where large boulders are encountered, they may have to be removed through blasting, breaking or crushing with careful monitoring by the Geotechnical

²¹ Geotechnical Investigation Report, prepared by Golder Associates Ltd., dated September 11, 2019

²² Geotechnical Investigation Report, pg. 16, “...based on the configuration of the proposed development and the environmental considerations, it is Golder’s opinion that only the implementation of a rockfall catchment fencing system between the upper cut area for the development and the rock bluff will provide the required rockfall mitigation measures.”

Engineer. They further note that this type of installation can be designed to support the required cut slopes without decreasing the overall slope stability during or after construction, as well as having the added benefit of reduced hillside disturbance above the construction area.

The reports notes that some recommendations may be preliminary in nature which will require refinement as additional design details becomes available, such as specific foundation considerations, the rock catchment locations, conveyance of storm drainage from Lakeview Heights, etc. Final design details will be addressed through the future development permit process with collaboration between the civil and geotechnical engineers.

Environmental Review:

A number of environmental reports have been provided by the applicant in support of the proposed development. The most recent report supported the boat launch application with the province including additional technical information regarding the proposed access through the ALR lands, as well as provided recommended species at risk (SAR) studies (upland and foreshore). In addition to the original studies, recommendations included:

- Maintaining the proposed larger 20 m riparian area and foreshore setback;
- Moving development away from identified high environmental sensitivity areas (ESA);
- Ensuring rock fall mitigation measures include the least environmental disturbance; and
- Identification of endangered and blue listed species of special concern (bats and birds) resulting in the requirement for site development to preserve key habitat areas and follow protocol regarding construction timing and methods (noise and vibration).

This information was in addition to the original reports, where it was noted that the conceptual design will have direct impact on ESA2 areas and some potential impact on ESA1 areas upslope of the development, as well as impacts from the marina and boat launch. These details would be addressed in greater detail through the future development permit process and were used in support of staggered front setbacks to reduce the impact to the ESA.

Referral Responses

The application has been referred out to external agencies and presented to Council Committees at various stages of the bylaw development. A summary of responses received to date is attached to this report (*Attachment 10*).

Summary of Anticipated Zoning Conditions

Should the bylaw amendments proceed, the following list summarizes the anticipated conditions of rezoning; it is a preliminary list and is subject to change through the application review and public hearing process:

1. Submission of the following items to the satisfaction of the Director of Development Services:
 - a. Off-site water infrastructure improvements (conceptual design drawing and cost estimate); and
 - b. Preliminary design drawings for the proposed Campbell Road improvements, including provision for a Narrow Multi-use Trail;
2. Dedication of the portion of Campbell Road that crosses the subject property;
3. Registration of blanket Statutory Right of Way (SRW) for two future stormwater connections through the site in accordance with the City's Master Drainage Plan (Project 10.3 and 10.4), including any required extension for the safe outlet potentially to Okanagan Lake;
4. Registration of a Covenant to:

- a. Restrict development in the W3 zone until the required boat launch and marina parking have been constructed or secured in the CD8 zone;
 - b. Restrict development until a Narrow Multi-use Trail along Campbell Road has been constructed or secured, including any dedication or required statutory right of ways;
 - c. Restrict development until off-site water infrastructure works have been constructed or secured, including any required statutory right of ways;
 - d. Restrict development until off-site sanitary sewer infrastructure works have been constructed or secured;
 - e. Restrict development until the collection and safe conveyance of drainage from the Lakeview Heights area through the subject property has been constructed or secured;
 - f. Restrict development until a statutory right of way has secured pedestrian access to the waterfront, subject to ALC approval as applicable;
 - g. Require that the access road to the boat launch is fenced to prevent parking encroachment on to the agricultural land²³; and
5. Conditional approval²⁴ by the Province for the proposed boat launch.
 6. Conditional approval²⁵ by the ALC for the proposed non-farm use (separate application File: A 18-02) to permit the boat launch and shared driveway access (including pedestrian access to the foreshore).

Key Considerations

- Council supported first reading of the proposed Official Community Plan (OCP) amendment and directed the development of the comprehensive development zone with consideration of a maximum of 8 to 10 storeys.
- Council directed consideration of second reading subject to the applicant completing additional public consultation to allow for early feedback on the proposed development and potential refinement of the bylaws prior to second reading.
- An increase in density may be considered to promote the efficient use of land by encouraging more compact development patterns, although this area lies outside of designated growth management nodes.
- The Advisory Planning Commission (APC) and Agricultural Advisory Committee (AAC) supported the proposed CD8 and W3 zone, with conditions²⁶.
- The CD8 zone has been reduced to include only the Non-ALR lands.
- The applicant has amended the proposal to reduce the agricultural impacts on the Agricultural Land Reserve (ALR) portion with the exception of a required non-farm use application for the shared driveway and boat launch (separate application A 18-02).
- The applicant has provided geotechnical assurances that the land may be used safely for the use intended with recommendations to address potential construction methodology to reduce site disturbance and to clarify the recommended rock fall hazard mitigation.
- The site can be adequately serviced with community water and sewer with off-site improvements.

²³ Recommended restriction based on comments of the Agricultural Advisory Committee

²⁴ Approval subject to successful rezoning for the Commercial Water Use Zone (W3)

²⁵ Approval subject to successful rezoning for the Commercial Water Use Zone (W3)

²⁶ See referral responses for recommended conditions.

- The conceptual storm water management plan is in general accordance with the City's Master Drainage Plan which includes conveyance of off-site drainage through statutory rights of way.
- There continues to be concerns with emergency access and traffic impacts.

Public Consultation/Notification

Applicant Public Consultation:

The applicant engaged in a public consultation process including four open houses in February 2019, as outlined in their "What We Heard Report" which was presented at second reading (*Attachment 11*). The report summarized the consultation process, materials presented and public feedback which primarily focused on the following issues:

- | | |
|--|---|
| • Traffic | • Preservation of agricultural land |
| • Density | • Servicing |
| • Emergency response and exit options | • Pedestrian/cycling pathways |
| • Building height and built form | • Wider choice of amenities in the area |
| • Environmental impacts | • Views from and to top-of-bank |
| • Proposed marina and increased motorboat activity | • Economic contribution |

In response to the public feedback, the applicant proposed a number of amendments to the CD8 zone which were considered and included at second reading. In addition to applicant's more recent public consultation, the applicant completed additional public engagement prior to consideration of the bylaws that included two open houses in September 2017 and an online survey through their project website.

City Public Consultation/Notification:

A Development Proposal sign has been posted on site in accordance with the Development Applications Procedures Bylaw No. 0260 and the Public Hearing Notification was placed in the local newspaper on two separate days (October 16th and 18th, 2019). Additionally, the Notification was mailed (63 notices) to property owners and/or tenants within 100 metres of the subject property (*Attachment 12*) on October 4, 2019. The Public Hearing was also announced at the September 17, 2019 Council Meeting, as well as distributed through the CityView notification process on October 1, 2019.

At the time of writing this report, 113 public submissions (*Attachment 13*) have been received during the public hearing notification window including three (3) submissions in support and one hundred and ten (110) submissions in opposition to the proposed development. A summary of the comments is provided below:

Support for the project generally noted:

- there is an increased demand and need for more housing options including smaller dwellings in the community;
- support for business and economic development that expands the tax base so that the City can provide more services and infrastructure;
- support for development that supports tourist/restaurant/shopping in the City;

- support for development that creates economic spinoff and construction jobs in the City; and
- higher density communities promote greater choice for less travel.

Opposition to the project generally noted:

- increased density will negatively change the character of the neighbourhood and is not consistent with growth policies in the Official Community Plan;
- concern that the proposed density is too great for this area but some support for a more appropriate scale of development;
- growth should be encouraged in the centre of West Kelowna closer to other services, business and amenities rather than in the Casa Loma neighbourhood;
- increased traffic in the neighbourhood will worsen congestion (bottleneck) at Highway 97 with Campbell Road;
- negative impact of increased traffic on emergency service response and ability to exit the neighbourhood during emergency evacuations;
- questions with the geotechnical stability of the proposal and potential risk to adjacent properties;
- potential noise and disruption to the area during years of proposed construction (construction parking, construction noise, heavy equipment traffic on an already congested road, impacts to health from dust, impact to daily commuter traffic if road is under construction);
- potential damage to water quality and shoreline impacts from additional waterfront activity associated with the marina and boat launch;
- loss of wildlife corridor and negative environmental impacts associated with development;
- impact of additional development on a sewer system that already has odour problems;
- impact to pedestrian and cyclist safety during periods of construction and with a busier road; and
- concern that the development will create ongoing parking issues along Campbell Road.

COUNCIL REPORT/RESOLUTION HISTORY:

Date	Report Topic/Resolution	Resolution No.
May 14, 2019	<p>THAT Council give second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.49, 2018 (Z 17-07); and</p> <p>THAT Council give second reading as amended to City of West Kelowna Zoning Amendment Bylaw No. 0154.59, 2018 (Z 17-07); and</p> <p>THAT Council give second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.66, 2018 (Z 17-07); and</p> <p>THAT Council direct staff to schedule the bylaws for Public Hearing subject to:</p> <ul style="list-style-type: none"> • Receipt of the Ministry of Transportation and Infrastructure (MOTI) comments regarding the revised Traffic Impact Assessment (TIA); 	C188/19

	<ul style="list-style-type: none"> • Submission of the following technical reports/modeling to the satisfaction of the General Manager of Development Services: <ul style="list-style-type: none"> a. Geotechnical Report Phase 2, with Landslide Assurance Statement; b. Sanitary Sewer Modeling from Regional District of Central Okanagan; and c. Water Modelling from the City's Water Consultant. 	
January 8, 2019	THAT Council direct the applicant (Z 17-07) to hold additional public consultation prior to Council consideration of the applicant's request for second reading.	C004/19
June 26, 2018	<p>THAT Council give first reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.59, 2018 (Z 17-07); and</p> <p>THAT Council give first reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.66, 2018 (Z 17-07); and</p> <p>THAT Council direct staff to schedule the bylaws for Public Hearing subject to referral of the draft CD8 Zone to the Agricultural Advisory Committee and external agencies.</p>	C270/18
February 13, 2018	<p>THAT Council give first reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.49, 2018; and</p> <p>THAT Council direct staff to draft a Zoning Amendment Bylaw for consideration of the CD8 Zone as proposed.</p>	C12/18

REVIEWED AND APPROVED BY:

Brent Magnan, Planning Manager
Tracey Batten, Deputy CAO/Corporate Officer
Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Official Community Plan Amendment Bylaw No. 0100.49, 2018 (2 pages)
2. Zoning Amendment Bylaw No. 0154.59, 2018 (CD8 Zone) (9 pages)
3. Zoning Amendment Bylaw No. 0154.66, 2018 (W3 Zone) (3 pages)
4. Context Map (1 page)
5. Subject Property Map (1 page)
6. A1 Zoning Excerpt (3 pages)
7. W3 Zoning Excerpt (1 page)
8. Technical Report Summary (2 pages)
9. Master Drainage Plan- Project 10.3 and 10.4 (2 pages)
10. Referral Responses (5 pages)
11. What We Heard Report (24 pages)
12. Map of Notification Area (1 page)
13. Public Hearing Submissions