



COUNCIL REPORT
Development Services
For the November 12, 2019 Council Meeting

DATE: November 7, 2019

TO: Paul Gipps, CAO

FROM: Brent Magnan, Planning Manager/Carla Eaton, Planner III

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

PURPOSE:

The purpose of this report is to provide Council with a synopsis of the information presented at the Public Hearing on October 23, 2019 for Blackmun Bay and outline potential options and next steps moving forward.

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. On October 23, 2019, a Public Hearing was held regarding the proposed bylaw amendments at the Westbank Lions Community Centre. Approximately 430 residents were in attendance at the hearing, whereby 45 people presented their views to Council on the proposed bylaw. In addition, 210 written submissions were received as part of the public submission period including submissions from both the Casa Loma and Lakeview Heights Residents Associations.

PUBLIC HEARING SUMMARY

A summary of the items presented at the public hearing are outlined below. A detailed account of the Public Hearing can be reviewed in the (draft) minutes attached to this Council Agenda.

Items presented at the Public Hearing in support of the bylaw amendments are as follows:

- Increased housing options within the community, limiting urban sprawl
- Increased tax base
- Increased funds into the City's DCC program allows City to address greater infrastructure issues
- Creation of jobs, support for business, and economic development in West Kelowna
- The development will result in improvements to the City's infrastructure

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- Reduction in scope and scale of the development from the original proposal (reduction in height, density, some uses)
- Revisions to the application in response to the public consultation sessions (ex. changes to marina access)

Items presented at the Public Hearing representing concerns with the bylaw amendments are as follows:

Policy Implications

- Development is not in conformance with the vision outlined in the City's Official Community Plan (OCP)
- Any changes to the OCP at this scale should be completed during a higher level OCP review
- Increased density will negatively change the character of the neighbourhood
- Growth should be encouraged in the centre of West Kelowna closer to other services, business and amenities which would enhance the core of West Kelowna
- Precedent for development of other lands in the near vicinity
- Access to schools for unplanned residential uses

Building Form

- Excessive building heights and impacts to character of the neighbourhood
- Visual impact of building height from above and below the development

Traffic / Transportation / Access / Egress

- Increased traffic in the neighbourhood will negatively impact the congestion (bottleneck) at Highway 97 and Campbell Road
- Concerns regarding emergency access / egress due to increase development (including planned WFN lands)
- Conformance to NFPA standards related to the number of projected units and minimum number of accesses recommended for Casa Loma
- Unacceptable level of risk and liability associated with the development
- Parking concerns related to the boat launch and marina
- Pedestrian and cyclist safety related concerns during periods of construction and with a busier road
- Loss of recreational opportunities due to marina

Emergency Services

- Impacts to staff resources and equipment required to respond to a fire over six (6) stories
- Impacts to Emergency Service ability to access the neighbourhood during emergency evacuations
- Impacts to insurance ratings for Casa Loma residents

Geotechnical

- Concerns regarding the geotechnical stability of the proposal and potential risk to adjacent upslope properties
- Concerns regarding blasting impacts

Construction related impacts

- Construction related disruption to the area is anticipated during years of proposed construction (parking, staging, noise, heavy equipment traffic, impacts to health from dust, impact to daily commuter traffic if road is under construction)

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- Impacts related to the number of trucks required to remove the fill associated with the development

Casa Loma Water System

- Potential damage to water quality due to proximity of the marina to the Casa Loma Water Intake
- Potential impacts of additional waterfront activity (power boating) associated with the marina and boat launch on water quality

Environmental

- Loss of wildlife corridor and negative environmental impacts associated with development
- Environmental impacts associated with the marina / boat launch on Okanagan Lake and associated foreshore

Agricultural Land Reserve

- Potential impacts to ALR lands (traffic, parking, creating development pressure, general impacts)

It is noted that the applicant's technical team was present to provide additional clarity and comment on many of the items raised during the hearing including impacts to Casa Loma water utility, environmental impacts, traffic impacts, geotechnical impacts, etc. (see attached minutes).

DISCUSSION

Given what was presented at the hearing, the applicant has amended their proposal for Council's consideration. This is in accordance with the *Local Government Act* as follows.

Local Government Act - Procedure After Public Hearing

Section 470 of the *LGA* allows Council an opportunity to adopt or defeat the bylaws after the public hearing. In addition, the *Act* provides direction that Council may alter and adopt the bylaws providing the alteration does not alter the use, increase the density, or decrease the density (without the owner's consent).

Proposed Amendments to CD8 Zone

The applicant has consented to additional amendments to the application including a reduction in density from 2.4 to 2.0 FAR, reduction in height from 9 storeys to 8 storeys, and capping maximum number of units to 350 (apartment, hotel, townhouse combined). For context, the reductions from the originally proposed development are as follows:

	Original Application	1 st reading	2 nd reading / Public Hearing	Revised (post public hearing)
Floor Area Ratio	2.8	2.5-2.8	2.2-2.4	2.0
# Storeys	14	10	9	8
Max. # Units	740	700	700	350*

* Includes 15% flexibility to allocate FAR between specific uses in accordance with s.5(a).2 of CD8 zone.

It is noted that although the proposed amendments are in accordance with the *LGA* requirements, should Council require additional technical information to further evaluate or support the

amendments, an additional public hearing would be required as this would be considered new information.

Emergency Access and Egress

As introduced at the public hearing, emergency access considerations, as well as traffic impacts associated with the intersection of Hwy 97 and Campbell Road require solutions that are broad in context, and present challenges in finding resolution through conventional development application requirements. In addition, the implications of the proposed reductions in density, height and units have not been evaluated at this time. Requirements to provide further technical studies related to the amendments, would be considered new information and require a subsequent public hearing.

Impacts to the City's Emergency Services programs over and above those presented at public hearing (resources and financial implications) will be further reviewed and considered in detail should Council direct staff to prepare the bylaws for 3rd reading. It is also noted there are still outstanding issues regarding fire access and traffic impacts that will also need to be resolved at 3rd reading.

Development Cost Charges (DCC's)

With reference to the Development Cost Charge programs administered by the City and RDCO, it is noted that the development has not been included in the development growth projections associated with either the City's or RDCO's programs. DCC growth projections are based on Official Community Plan designations and Zoning to predict where growth will occur. As future projections can be uncertain, some growth and system capacity could be absorbed by development in a range of locations. Projected growth may not match actual growth and it is important to re-evaluate projections approximately every five (5) years to track growth and update construction costs. If growth is higher than projected, then the infrastructure is needed more quickly but there will also be more DCC revenue collected to pay for the infrastructure costs.

It is further noted that the developer is anticipated to pay for all improvements necessary to facilitate the development. Should improvements to infrastructure be required under any DCC program(s) to facilitate the development, DCC credits may be applicable. Alternately, where improvements to the infrastructure are not covered by DCC program(s), the developer may be eligible for late-comers agreements for projects constructed that benefit other developments.

NEXT STEPS

The following options are presented for Council's consideration. These options will provide staff and the applicant sufficient direction and clarity in moving forward. It is noted that due to the complexity of the CD8 zone and additional applications associated with the development (ALR and Provincial tenures), these options are based on our preliminary understanding and review of the amendments as presented.

OPTION(S)

Option 1 – Prepare the Bylaws for 3rd Reading with proposed amendments to density, height and total # units

THAT Council direct staff to revise the bylaws in accordance with the applicant's proposed amendments and prepare the bylaws for 3rd reading.

This option is presented to consider revisions to the CD8 zone as proposed by the applicant. In order to prepare the bylaws for 3rd reading, an itemized list of requirements is provided in Attachment 1. This option will require staff resources, as well as additional technical review / cost estimates to be prepared by the applicant as presented at the public hearing. Should additional technical studies be requested to evaluate the proposed amendments, then additional readings/hearings will likely be required.

Option 2 – Deny the Application

THAT Council deny the application (File: Z 17-07) to amend the City of West Kelowna Zoning Bylaw for 2211 Campbell Road; and

THAT Council rescind first and second reading(s) of the City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.49; and Zoning Amendment Bylaw No. 0154.59 and No. 0154.66 (File: Z 17-07); and

THAT Council direct staff to close File: Z 17-07.

COUNCIL REPORT/RESOLUTION HISTORY:

Date	Report Topic/Resolution	Resolution No.
October 23, 2019	Public Hearing held and closed.	n/a
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); • 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 	C188/19

	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	THAT Council give first reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.59, 2018 (Z 17-07); and THAT Council give first reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.66, 2018 (Z 17-07); and 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.	C270/18
February 13, 2018	THAT Council give first reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.49, 2018; and THAT Council direct staff to draft a Zoning Amendment Bylaw for consideration of the CD8 Zone as proposed.	C12/18

REVIEWED AND APPROVED BY:

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

Powerpoint: Yes X No

Attachments:

1. Summary of Anticipated Zoning Conditions and Additional Materials Required to Proceed to 3rd Reading