



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: January 9, 2024

From: Paul Gipps, CAO

File No: Z 23-07

Subject: **Z 23-07, Zoning Bylaw Amendment (3715 and 3717 Hoskins Road, 2424 Dobbin Road)**

Report Prepared By: Yvonne Mitchell, Planner III

RECOMMENDATION to Consider and Resolve:

THAT Council give first and second and third reading to Zoning Amendment Bylaw No. 0265.21, 2023;

AND THAT Council direct staff to schedule Zoning Amendment Bylaw No. 0265.21, 2023 for adoption following:

- Issuance of a setback permit by the Ministry of Transportation and Infrastructure;
- Approval of the bylaw by the Ministry of Transportation and Infrastructure; and
- Consolidation of 3715 Hoskins Road, 3717 Hoskins Road, and 2424 Dobbin Road.

STRATEGIC AREA(S) OF FOCUS

Pursue Economic Growth and Prosperity – We will work with stakeholders throughout the region to advocate for and support efforts aimed at helping West Kelowna businesses prosper. With a focus on the future, we will advance opportunities to expand our economy, increase employment, and develop the community in ways that contribute towards prosperity for all.

BACKGROUND

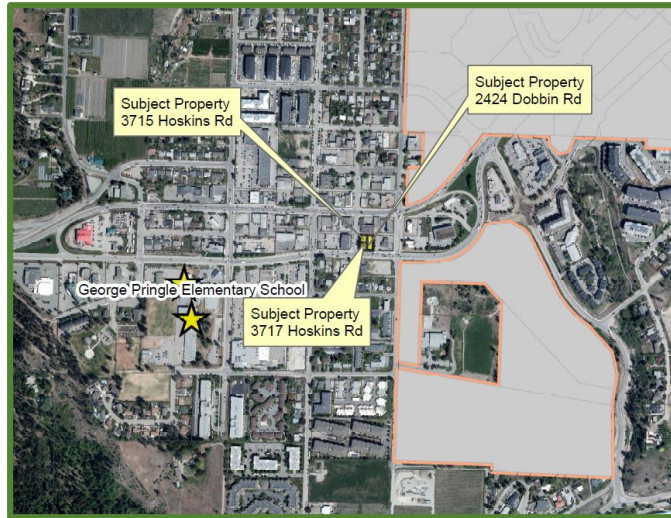
The subject properties, 3715 and 3717 Hoskins Road, and 2424 Dobbin Road, are in the Westbank Centre Neighbourhood. 3715 Hoskins Road and 2424 Dobbin Road were previously developed with single detached dwellings that were demolished in 2010. The three properties have all remained vacant since.

PROPERTY DETAILS

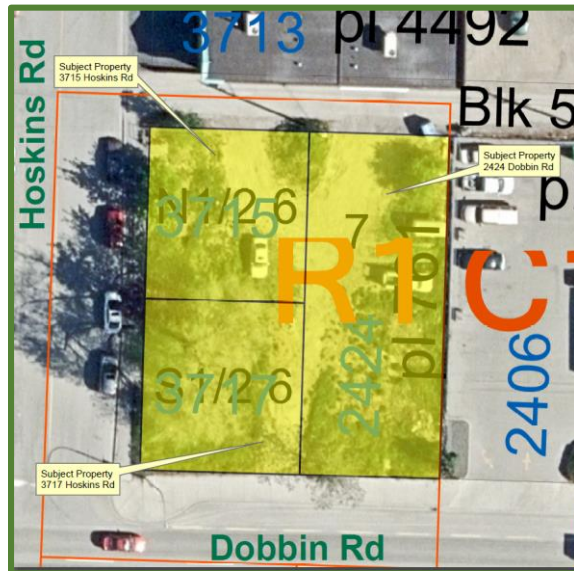
Address	3715 Hoskins Road, 3717 Hoskins Road, and 2424 Dobbin Road
PID	001-536-605, 011-533-498, and 012-084-433
Folio	36412462.000, 36412461.000 and 36412463.001

Lot Size (m²)	0.08 acres (323.55 sqm), 0.08 acres (323.489 sqm), and 0.14 acres (566.56 sqm)		
Owner	Live Hoskins Inc.		Agent Matt Johnston, LIME Architecture Inc.
Current Zoning	Single Detached Residential (R1)	Proposed Zoning	Comprehensive Development Zone
Current OCP	Westbank Urban Centre - Commercial Core	Proposed OCP	N/A
Current Use	Vacant		Proposed Use Mixed-Use Development
Development Permit Areas	None		
Hazards	None		
Agricultural Land Reserve	No		

NEIGHBOURHOOD MAP



PROPERTY MAP



Proposal

This application is a zoning bylaw amendment from the Single Detached Residential Zone (R1) to a Comprehensive Development Zone (CD12). The proposed CD Zone would allow for a 7 storey mixed-use building, with a maximum density of 3.3 FAR, a minimum of 90m² of commercial space, a maximum of 65 residential units, and a minimum of 250m² of outdoor amenity space for residents, and modified parking requirements (For more information refer to the CD Zone in Attachment 1).

Through the application process, there have been a number of revisions to ensure that the proposed structure would not be considered a high building under the BC Building Code. The current proposal has been designed by the applicant's architect with this understanding.

Applicant's Rationale

The applicant has indicated they have applied for this rezoning to facilitate the consolidation of the three lots and the construction of a mixed-used building (See applicant's rationale and preliminary design plans in Attachment 2). The applicant's rationale includes the following:

- i. A highly walkable site in Westbank Urban Centre, the project provides a thoughtful, sustainable, infill housing solution to a site located in the newly created urban centre in West Kelowna's city limits.*
- ii. Provide up to 65 purpose-built rental apartment residences that are targeted at low to middle income earners, provide large private outdoor amenity spaces for each unit, and large rooftop amenity space. The 65 residences in the Urban Centre will be another step toward supporting shops and services throughout the day and evening.*
- iii. The development utilizes a parking solution that incorporates a cash-in-lieu payment to reduce the number of spaces required. Additionally, EV charging and two (2) car share vehicles have been incorporated in a discrete and inclusive manner.*
- iv. The proposed development results in a building design that is attractive in its design, is inviting and addresses the human scale at ground level and is sensitive to the neighbourhood at large by the way it has been designed, massed on the site, and how parking has been accommodated to disperse through the community with minimal impact to the surrounding properties.*
- v. The proposed development provides two (2) destination type commercial units with direct access to the main frontages of the building along Hoskins Road and Dobbin Road.*

DISCUSSION

Zoning and Policy Review

Official Community Plan Bylaw No. 0300

The subject property is designated Westbank Urban Centre – Commercial Core in the OCP. The purpose of this Land Use Designation is to promote a high-density district with a high concentration of commercial and office uses, while allowing for some mixed-use residential and public and private amenities. The uses in this designation include mixed-use buildings among others. The designation includes maximum building heights of mid (4-6 storeys) to high rise (7-19 storeys) with a maximum of 15 stories. The proposed zoning bylaw amendment is consistent with the Westbank Urban Centre – Commercial Core Land Use Designation. Key objectives and policies within the Low Density Residential Land Use Designation include:

2.4.1 Objectives

1. To encourage existing lots that are used for low density commercial to be redeveloped as high density commercial or mixed-use to better utilize existing areas, improve street fronting design, and the pedestrian experience.

The subject properties have remained vacant and underutilized for 13+ years. The proposed rezoning would allow the properties to be developed for high density mixed use.

2.4.2 Policies

2. All development should design the building mass, form and details to create an interesting and pedestrian focused environment at the street level.

The proposed CD12 Zone would permit a mixed-use building. A Westbank Urban Centre Development Permit would be required to ensure the form and character of the proposed development meets the expectations for the Westbank Urban Centre.

4. No new low-density residential zones or low density commercial zones are to be created or permitted within areas designated as Westbank Urban Centre – Commercial Core

The proposed rezoning would remove the existing low-density residential zoning (R1) on the subject properties and replace it with a high density mixed-use zone (CD 12).

9. Discourage auto-oriented commercial development in the Westbank Urban Centre Commercial Core in favour of the establishment of compact, complete, pedestrian centres with a well-defined streetscape that supports pedestrian, bike and transit mobility.

The proposed CD12 Zone does not include auto-oriented commercial uses found in the City's C1 Zone such as "restaurant" (includes drive throughs), "vehicle parking areas and structures" (commercial parkade), and "vehicle washing facility" (car wash). The proposed limited building setbacks allow for a compact pedestrian environment, and the City's bike parking requirements would apply to future development.

Other key sections of the OCP are highlighted below:

3.2.1 Transportation Objectives

3. Promote development in the Urban and Neighbourhood Centres that contributes to a critical mass of population to make walking, cycling and public transit viable.

The proposed rezoning would permit 65 residences to the Westbank Urban Centre. Future occupants would utilize and make viable walking, cycling, and transit infrastructure in this area. Also see comments from BC transit below and attached as Attachment 3.

5. Promote a higher degree and intensity of mixed land uses within identified growth centres to reduce the need for vehicular travel and longer trips, and support frequent public transit service, and encourage high density and affordable housing near the transit network, particularly the Route 97 transit exchanges.

The proposed rezoning would permit a high density mixed use development in an identified growth centre (Westbank Urban Centre). As per BC Transit comments, Route 97 is under 350 meters from the site.

12. Promote the creation of a car-share policy, zero-emission vehicles, EV charging stations, and measures aimed at maximizing transportation options in new development, including through reductions to minimum parking requirements.

The proposed rezoning utilizes car share, EV charging stations, and reductions to minimum parking requirements to maximize transportation options.

3.4 Climate and Environmental Resiliency

6. Consider Clean BC targets for reduced emissions, such as EV charging stations and EV ready buildings in new construction, when reviewing development applications, and considering infrastructure planning.

Despite no requirements for such under the Zoning Bylaw, the proposed CD12 Zone requires 9% of parking spaces to have EV charging stations and another 9% to be EV ready.

Development Permit Areas

A Westbank Urban Centre Development Permit will be required to construct the proposed building. A review of the preliminary design plans provided for compliance with the applicable guidelines has not been completed and will be done at time of development permit.

Zoning Bylaw No. 0265

The existing Single Detached Residential Zone (R1) only permits a single detached dwelling as the principal use. The City's Urban Centre Commercial Zone (C1), commonly found in the Westbank Centre, does permit a mixed use building, but not this specific

proposal. A new zone, Comprehensive Development Zone (CD12) is therefore proposed to accommodate the proposed development (Attachment 5). A comparison of key regulations in the C1 Zone and the proposed CD12 Zone is provided in Table 1 below.

Table 1 – C1 Zone vs. CD 12 Zone Regulations

Regulation	Urban Centre Commercial Zone (C1)	Comprehensive Development Zone (CD 12)
Permitted Principal Uses	<ul style="list-style-type: none"> • Apartment • Office • Recreation services, indoor • Personal service establishment • Retail, general • <i>Etc....</i> 	<ul style="list-style-type: none"> • Apartment • Office • Recreation services, indoor • Personal service establishment • Retail, general
Permitted Secondary Uses	<ul style="list-style-type: none"> • Accessory uses, buildings and structures • Home based business, minor 	<i>Same as C1 Zone</i>
Maximum Density	<ul style="list-style-type: none"> • With surface parking 2.35 FAR • With non-surface parking 2.5 FAR <p><i>*2.8 FAR with density bonusing see s.11.1.6(b)i.</i></p>	3.3 FAR
Maximum Coverage	100%	96%
Minimum Commercial Gross Floor Area	No requirement.	90m ²
Maximum Residential Unit Count	No requirement.	65 units
Minimum Outdoor Amenity Space	No requirement.	250m ²
Maximum Height	15.0 m (49.2 ft) to a maximum of 4 storeys <i>*6 storeys (22.5m) with density bonusing see s.11.1.6(b)ii.</i>	26.0m (85.3ft) to a maximum of 7 storeys except it is 5.0m (16.4 ft) for accessory buildings and structures.
Front Setback (Dobbin Road)	4.5m	2.0m
Rear Setback (Laneway)	0.0m	<i>Same as C1 Zone</i>
Interior Setback (2406 Dobbin Road)	0.0m	<i>Same as C1 Zone</i>

Exterior Setback (Hoskins Road)	0.0m	Same as C1 Zone
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Front Setback

The front setback (Dobbin Road) is proposed as 2.0m. As this setback is less than what is permitted from the provincial highway in s.12 of the Provincial Public Undertakings Regulation BC Reg. 513/2004 (4.5m except it is 3.0m where a public lane or alley provides secondary access to the property) a setback permit will be required from the Ministry of Transportation and Infrastructure.

Building Height

The maximum height is proposed as 7 storeys (26.0m). The preliminary development plans have been reviewed by the Building Department, who note that as per section 743 of the *Local Government Act*, the City is relying on the registered architect to ensure the plans comply with the requirements of the BC Building Code. The applicant's architect (Lime Architecture Inc) has confirmed the building will be adjusted to avoid classification as a high building (under the BC Building Code). As a result, the building will not trigger associated requirements for high buildings.

Part 4 – Off-Street Parking and Loading

The CD Zone proposed includes alternative parking regulations than those currently permitted in Zoning Bylaw No. 0265. Alternative parking opportunities have been utilized to lower the parking requirements by 23 spaces (77 to 54) and 1 loading space (1 to 0). Table 2 provides a comparison of parking regulations in the Zoning Bylaw No. 0265 and those proposed in the CD 12 Zone. Additional discussion can be found below.

Table 2 – Zoning Bylaw No. 0265 vs. CD 12 Zone Parking Regulations

Regulation	Required (Zoning Bylaw No. 0265)	Proposed (CD 12 Zone)
Standard Parking Spaces	Residential <ul style="list-style-type: none"> • Bachelor – 1.0 per unit = 20 spaces • One Bedroom – 1.0 per unit = 35 spaces • Two Bedroom – 1.25 per unit = 13 spaces Total: 68 spaces Commercial <ul style="list-style-type: none"> • Office – 2.5 per 100m² GFA = 1 space • Retail/Personal Service Establishment – 2.0 per 100 m² GFA = 1 space • Recreation Services, Indoor = 3.0 per 100m² GFA = 1 space 	Residential <ul style="list-style-type: none"> • <i>Same as Zoning Bylaw</i> Commercial <ul style="list-style-type: none"> • <i>Same as Zoning Bylaw</i>

	Total: 2 spaces	
Accessible Spaces	21-100 standard spaces = 2 spaces	<i>Same as Zoning Bylaw</i>
Visitor Parking Spaces	10% of standard parking space requirement = 7 spaces	<i>Same as Zoning Bylaw</i>
Small Car Spaces	30% of total number of required parking spaces	68% of total number of required parking spaces
Short Term Bicycle Spaces	Residential <ul style="list-style-type: none"> 0.1 per unit (Minimum 2 Spaces) = 7 spaces Commercial <ul style="list-style-type: none"> Retail – 1.0 per 200m² GFA (Minimum 2 spaces) = 2 spaces Office – 1.0 per 1000m² GFA (Minimum 2 spaces) = 2 spaces Total: 4 spaces	Residential <ul style="list-style-type: none"> <i>Same as Zoning Bylaw</i> Commercial <ul style="list-style-type: none"> <i>Same as Zoning Bylaw</i>
Long Term Bicycle Spaces	Residential <ul style="list-style-type: none"> 0.5 per unit = 33 spaces Commercial <ul style="list-style-type: none"> Retail – 1.0 per 1,000m² GFA = 1 space Office – 1.0 per 1,000 m² GFA /10 employees, whichever is greater = 1 space 	Residential <ul style="list-style-type: none"> <i>Same as Zoning Bylaw</i> Commercial <ul style="list-style-type: none"> <i>Same as Zoning Bylaw</i>
Loading Spaces	Residential <ul style="list-style-type: none"> 1 per apartment building with 10 or greater dwelling units = 1 space Commercial <ul style="list-style-type: none"> <300m² = None required 	Residential <ul style="list-style-type: none"> Total number of required loading spaces for an apartment use may be reduced to zero where an on-street loading space is provided on Hoskins Road. Commercial <ul style="list-style-type: none"> <i>Same as Zoning Bylaw</i>
Electric Vehicle Charging	No requirement.	The development is to provide 9% of required parking spaces with electric vehicle charging stations with a further 9% being

		provided with the necessary wiring and outlets to permit future expansion.
Minimum Drive Aisle Width for 2 Way Parking	7.0 m	7.0 m, except it is 6.70 m only where a double-loaded drive aisle is provided with small car spaces on each side.
<i>Optional Parking Provisions for Westbank Centre Plan Area Only</i>		
Cooperative Vehicle (Car-Share) Reduction	1 car share space provided = 3 space reduction, maximum 1 car share.	1 car share space provided = 3 space reduction, maximum 2 car shares.
Cash-in-Lieu Reduction	50% of standard parking spaces for mixed-used developments @\$10,000 per space = Max 38 space reduction (\$380,000).	17 standard parking spaces @\$10,000 (\$170,000).

Small Car Parking

Zoning Bylaw No. 0265 permits 30% of the total number of required parking spaces to be small car spaces. The CD12 Zone proposes 68% of the required number of parking spaces to be for small cars. The applicant notes in their rationale letter that “given the anticipated demographic of residents and current trends towards smaller vehicles, the proposal includes an increase to the amount of small car spaces permitted up to 68%, noting that the size requirements contained within the Zoning Bylaw for small-car spaces provides sufficient space for mid-sized SUV’s.” Staff also notes that the larger percentage of small car parking spaces allows more parking to be accommodated on the property.

Loading Space Reduction

Zoning Bylaw No. 0265 requires 1 loading space for apartment buildings with 10 or greater dwelling units. The proposed CD Zone requires no loading space for the apartment use if an on-street loading space is provided on Hoskins Road. The loading space would be required as part of required frontage improvements to Hoskins Road and would replace 1-2 spaces of on-street parking. This proposal has been reviewed by the Development Engineering Department and the City’s Traffic Consultant; both had no concerns. This loading zone would allow use by future apartment building residents when moving in and out of the building as well as service providers expected to visit the apartment such as Canada Post, Amazon, Fed-Ex, Skip the Dishes, and others.

Electric Vehicle Charging

Zoning Bylaw No. 0265 does not include requirements for electric vehicle charging stations or outlets. The CD Zone requires 9% (5 spaces based on preliminary development plans) of the required parking spaces to be equipped with EV charging

stations and a further 9% (5 spaces based on preliminary development plans) to be provided with the necessary wiring and outlets to permit future expansion.

Two Way Access Aisles for Parking

Zoning Bylaw No. 0265 requires a minimum 7.0 m access aisle for parking spaces with two way access. The CD Zone proposes a minimum access aisle width of 7.0m, except it is 6.7 m where a double-loaded drive aisle is provided with small car stalls on each side. This proposed 0.3m (approx. 1 foot) reduction allows the applicant to accommodate parking stalls in the proposed parkade and only impacts small cars which are not expected to have issues maneuvering in and out of parking spaces with this access aisle width.

Car Share

Zoning Bylaw No.0265 permits a reduction of three parking spaces with the provision of a car share vehicle and parking space. The CD Zone proposes the same reduction ratio (3 spaces per car share), but two car share spaces. This modified car share provision results in a total reduction of 6 spaces. As per the applicant's rationale letter "to offer transport options for the resident's, two (2) active car-share spaces are being proposed by the building owner". Despite the ongoing parking study, staff do not have concerns with this modified car share reduction as the ratio of stalls reduced to car share matches that in the current bylaw.

Cash-in-Lieu

The Zoning Bylaw permits mixed-use developments in the Westbank Urban Centre to reduce their parking requirements by up to 50% by providing cash-in-lieu at a rate of \$10,000 per parking space. Based on this regulation a maximum parking reduction of 38 spaces (\$380,000) would be permitted under the bylaw. The developer is proposing a smaller parking reduction of 17 spaces (\$170,000) using cash-in-lieu. The applicant's rationale notes, "given the central location of the site in close proximity to major shopping, personal services, recreation facilities & parks, offices, restaurants, municipal transit services, and the new City Hall, the proposed parking calculation includes a cash-in-lieu proposal to reduce the required number of parking stalls". Staff note as per s.525(7) of the *Local Government Act* cash-in-lieu can be used to provide new and existing off-street parking spaces, or for transportation infrastructure that supports walking, bicycling, public transit, or other alternative forms of transportation in the City. As per the *Act* the \$170,000 would be payable at time of building permit.

Referral Comments

The application was referred to various external agencies and internal departments.

Advisory Planning Commission (APC)

The APC considered the application on September 20, 2023:

It was moved and seconded

THAT the Advisory Planning Commission recommend support for file Z 23-07, Zoning Bylaw Amendment, 3517 & 3717 Hoskins Road, 2424 Dobbin Road.

DEFEATED; Members J. Gluska, M. Smith and B. Simpson opposed.

Discussion included concerns with the reduced parking and with the ability to fire protect the proposed building.

Since the APC meeting, the applicant has agreed to cash-in-lieu as part of the proposed parking reductions, and the applicant's architect has revised the submission to ensure the structure in the preliminary development plans will not be considered a high building.

BC Transit

BC Transit supports this development as it brings additional density to the urban core in West Kelowna while making transit accessible. Comments are provided in full as Attachment 3.

Public Notification

In accordance with the *Local Government Act* and the Development Applications Procedures Bylaw No. 0260, notice of first reading was sent to all property owners and their tenants within 100 m of the subject property, was posted in the newspaper, and on the City's website. A Notice of Application sign was also installed on the property in accordance with the Development Application Procedures Bylaw No. 0260.

As per new provincial changes to the *Local Government Act* under Bill 44, a local government must not hold a public hearing on a proposed zoning bylaw if: it is consistent with the community plan and permits development where at least half of gross floor area is to be residential. Given these recent changes a public hearing is not permitted for the Zoning Bylaw Amendment application.

CONCLUSION

It is recommended that Council give first, second, and third reading to the proposed zoning amendment bylaw. The subject property is designated Westbank Urban Centre - Commercial Core in the Official Community Plan which permits mixed-use buildings, at a high density, mid to high rise - up to 15 storeys in height. The proposed zoning amendment would permit a mixed use building (minimum 90m² of commercial space, and maximum 65 units), with a high density (3.3 FAR), and high rise (max 7 storeys), which aligns with the OCP designation. This project also aligns with other policies in the OCP, such as transportation, and climate and environmental resiliency policies (utilizes

car share, requires EV chargers and EV ready spaces, and provides reduced parking via cash-in-lieu). The proposed \$170,000 of cash-in-lieu can be used for parking or active transportation improvements in the City.

Alternate Recommendation to Consider and Resolve:

1. **THAT** Council postpone the reading of Zoning Amendment Bylaw No. 0265.21, 2023.

Should Council postpone consideration of the proposed amendment bylaw, further direction to staff on how to proceed is requested.

2. **THAT** Council deny Zoning Amendment Bylaw No. 0265.21, 2023.

Should Council deny the proposed amendment bylaw, the applicant may not apply for a similar application for a period of six (6) months in accordance with Development Applications Procedures Bylaw No. 0260, 2018.

REVIEWED BY

Chris Oliver, Planning Manager

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager / Corporate Officer

APPROVED FOR THE AGENDA BY

Trevor Seibel, Deputy CAO

Powerpoint: Yes No

Attachments:

1. Zoning Amendment Bylaw No. 0265.21
2. Applicant's Rationale and Preliminary Development Plans
3. BC Transit Comments
4. Submission as of January 4, 2024