



COUNCIL REPORT

To: Paul Gipps, CAO

Date: July 27, 2021

From: Carla Eaton, Planner III

File No: Z 20-11

Subject: **Z 20-11; Zoning Bylaw Amendment Bylaw No. 0154.102 (3rd Reading);
2416 Saddleback Way**

RECOMMENDED MOTION:

THAT Council give third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.102, 2020 (File: Z 20-11); and

THAT Council direct staff to schedule the bylaw for consideration of adoption following:

- Confirmation of the registration of a Section 219 covenant restricting future development until the Transit Stop on the north side of Asquith Road and related crosswalk improvements have been constructed in general accordance with approved preliminary design drawings and cost estimates to the satisfaction of the Director of Development Services; and
- Receipt of a contribution toward intersection improvements at Asquith Road and Shannon Lake Road in lieu of the requirement for construction of the off-site road improvements at time of future development at a rate of 7% of the total estimated intersection improvement (estimated at approximately \$5,000.00 but to be confirmed prior to adoption).

BACKGROUND

The purpose of this report is to provide Council with an overview of the Public Hearing, request consideration of third reading, and seek direction on proposed conditions of adoption for the proposed bylaw amendment (*Attachment 1*). Council gave the proposed bylaw amendments first and second reading on March 23, 2021 (*Attachment 2*).

Public Hearing Overview

A Public Hearing was held on May 25, 2021 (*Attachment 3*). In accordance with the Development Application procedures Bylaw No. 0260, 84 notification letters were forwarded to property owners within 100 m of the proposed development in advance of the Public Hearing. Seven Public Hearing submissions were received prior to the meeting noting the concerns/questions about the following:

- Increased traffic in the neighborhood from staff, guests and deliveries;
- Staff and guests will utilize parking if on-site parking is insufficient;
- The location is not suitable for seniors congregate housing due to hillsides and limited local services;

- Potential pedestrian safety from increased vehicle traffic;
- Blasting impacts during development to nearby homes; and
- The proposed density/number of residential units

Seven people spoke at the meeting including the applicant's agent where the following questions and items were noted:

- Concern with sufficient parking during and after construction for on-site parking;
- Concern with the location of the bus stop;
- Concern with blasting and vibrations on the adjacent neighbourhood, looking for communication regarding protection from blasting; and
- Concern with the density and scale of the proposed development increasing traffic congestion.

The following sections provide some follow-up to these identified issues and questions, as well as elaborate on the proposed conditions of zoning noted at public hearing.

Alternative Access to Proposed Development

Council inquired if alternative accesses were assessed as part of the initial design of the proposed senior's facility. The applicant did undertake assessment of access at the bottom, middle and top of Saddleback Way frontage. The lower access was not possible due to extreme grade differential. An access at the middle of the Saddleback Way frontage would require a drive-through opening in the building; however the fire code and truck movements could not be satisfied with this approach. Therefore, the only viable access was designed using the existing easement location on the west side of the site as the safest and best access.

Traffic Impacts and Considerations

Based on further review of the potential off-site traffic impacts noted at Public Hearing, the City's traffic consultant has confirmed that the proposed development will have a proportional impact on the intersection of Asquith Road and Shannon Lake Road. This proportional responsibility is estimated at 7% of the future intersection improvements, although construction is not recommended at this time as additional review of the City's road network is underway with an update of the Master Transportation Plan and Development Cost Charge Bylaw. Preliminary design and cost estimates are being finalized, and the final contribution amount is subject to the approval of the Director of Development Services¹. As such, it is recommended that a cash in lieu contribution toward these improvements will be required prior to adoption.

¹ Preliminary estimate is approximately \$5,000.00 to be confirmed by design changes that are currently underway

Location of Bus Stop & Pedestrian Movement

Based on questions regarding safe sightlines and pedestrian movement, several options for the location of BC Transit Stops along both sides of Asquith Road were reviewed. No change is required for the southbound existing Transit Stop (See Figure 1 - yellow star). The northbound Transit Stop is recommended to be relocated (See Figure 1 – Crosswalk, sidewalk



Figure 1 – Transit Stop Locations

and stop in red) to allow improved sightlines for the intersection at the Transfer Station access. Recommended improvements also include the addition of a raised universally accessible pad, new sidewalk on the north side of Asquith, and pedestrian crosswalk with adequate lighting at the intersection of Asquith Road and Saddleback Way. It is recommended that a Section 219 covenant is registered as a condition of zoning to restrict future development until the Transit Stop on the north side of Asquith Road, along with the related crosswalk improvements, have been constructed in general accordance with approved preliminary design drawings and cost estimates to the satisfaction of the Director of Development Services.

Blasting and Vibration Considerations

As noted at the Public Hearing, there were questions regarding potential blasting. As some blasting is anticipated, the City's Application for Blasting Permit² requires the Blaster to provide confirmation of the following:

- Valid Business Licence;
- Blasting Certificate issued by WorkSafe BC;
- Site plan of the area within 300 m of the blasting site;
- Commercial General Liability insurance covering the blasting site and all operations related to the blasting work; and contact information of the insurance company naming the City as an additional insured;
- Name and contact number for the independent company which will carry out a vibration and air over pressure monitoring; and
- A communication plan for the area located within 300 m from edge of blast, where owners and occupiers within the area will be notified of the following:
 - Description and purpose of the blasting to be done;
 - Dates on which blasting will occur;
 - Times when blasting will occur;
 - Methods intended to safeguard persons and property, including plan of vibration and air over pressure monitoring;
 - Signals and other warning methods used to inform those nearby of an impending blast;

² As per the Good Neighbour Bylaw No. 0151

- Name, telephone number, cellular telephone number and email address of the blaster; and
- Name, address, and telephone number of the blaster's insurer; and
- Information of any proposed road closures, detours, etc.

Summary of Off-Site Improvements Recommended as a Condition of Rezoning

1. Registration of a Section 219 covenant to secure a transit Stop on the north side of Asquith Road and related crosswalk improvements to be constructed at time of future development.
2. Cash in lieu of construction of proportional impacts to the intersection of Asquith Road and Shannon Lake Road estimated at 7% of the cost of the future intersection (approximately \$5,000 to be confirmed and provided prior to adoption).

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
May 25, 2021	Public Hearing Held	N/A
March 23, 2021	THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.102, 2021 (File Z 20-11); and THAT Council direct staff to schedule the proposed bylaw amendment for Public Hearing	C114/21

Alternate Motion(s):

Alternate Motion 1: Postpone Consideration

THAT Council postpone consideration of third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.102, 2020 (File: Z 20-11)

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

Alternate Motion 2: Deny Application

THAT Council rescind first and second readings of City of West Kelowna Zoning Amendment Bylaw No. 0154.102, 2020 and abandon the bylaw; (File: Z 20-11); and

THAT Council direct staff to close File: Z 20-11.

Should Council deny the proposed amendment bylaws, the application will be closed in accordance with the Development Applications Procedures Bylaw No. 0260. Council shall not reconsider an application of this nature for the property for a period of six months.

CONCLUSION

It is recommended that Council give third reading to the proposed Zoning Bylaw Amendment (Z 20-11) and direct staff to schedule the bylaws for consideration of adoption following confirmation of the required conditions. If the Zoning were supported by Council, a Development Permit³ to address the Multiple Family Residential Development Permit Area Guidelines would be brought to Council for consideration of the proposed development.

REVIEWED BY

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Zoning Amendment Bylaw No. 0154.102, 2020
2. First and Second Reading Council Report Excerpt
3. Public Hearing Council Report Excerpt

³ A concurrent Development Permit (File: DP 20-32) was submitted with the rezoning application, but was placed on hold pending consideration of 3rd reading.