



COUNCIL REPORT

To: Paul Gipps, CAO

Date: March 23, 2021

From: Hailey Rilkoff, Planner II

File No: Z 20-11

Subject: **Z 20-11; Zoning Amendment Bylaw No. 0154.102 (1st & 2nd); 2416 Saddleback Way**

RECOMMENDATION

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.

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity – Quality, innovative urban development (Council's 2020-2022 Strategic Priorities).

BACKGROUND

This application proposes to amend the zoning designation for the subject property to allow a Congregate Housing use in an Apartment building form. Congregate Housing allows for residential developments with additional supportive services including meal preparation, laundry, transportation, care or cleaning. The property is within the Low Density Multiple Family Residential (R3) Zone, with a previously approved site specific text amendment to permit Apartments. This application would add another site specific text amendment to permit Congregate Housing for seniors as a principal use.

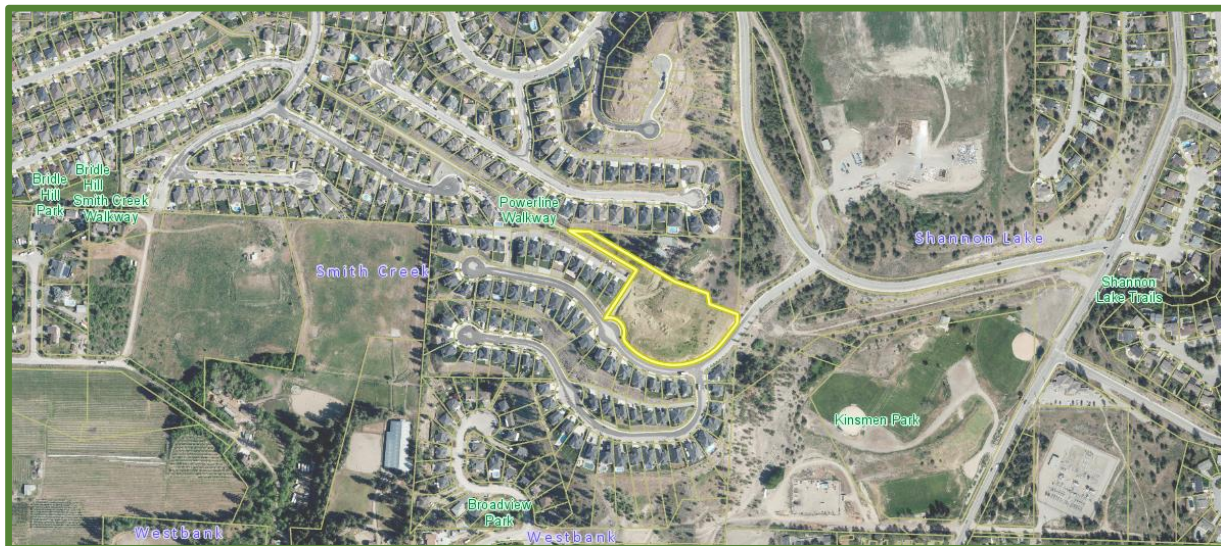
PROPERTY DETAILS			
Address		2416 Saddleback Way	
PID		027-817-750	
Folio		36413300.063	
Lot Size		3.583 Acres (14,499.9 m2)	
Owner	1215975 B.C. LTD., INC.NO BC1215975	Agent	Keith Funk, New Town Architecture & Engineering Ltd.

Current Zoning	R3 - Low Density Multiple Residential; RC3 - Compact Single Detached Residential; Site Specific Zoning permits Apartments on this property	Proposed Zoning	Site Specific Text Amendment to permit Congregate Housing
Current OCP	LDMF – Low Density Multiple Family SFR – Single Family Residential	Proposed OCP	-
Current Use	Vacant	Proposed Use	Apartment Congregate Housing
Development Permit Areas	Hillside; Terrestrial		
Hazards	None		
Agricultural Land Reserve	N/A		

ADJACENT ZONING & LAND USES

North	^	RC3 - Compact Single Detached Residential
East	>	RU5 - Rural Resource Zone; P1 - Parks and Open Space
West	<	RC3 - Compact Single Detached Residential
South	v	RC3 - Compact Single Detached Residential

NEIGHBOURHOOD MAP



PROPERTY MAP



History

Subject Property

The subject property is just over 3.5 acres (~14,500 m²), located on Saddleback Way. The subject property is located in the Smith Creek neighbourhood and is predominantly zoned R3 - Low Density Multiple Family. A small panhandle portion of the property is zoned RC3 - Compact Single Detached Residential.

The property is vacant and has a BC Hydro primary transmission line running across the northern portion of the property.

Zoning History

The subject property was a part of the Broadview Neighbourhood Plan which envisioned Low Density multiple family development on the site, although did not specify the type. The Broadview Neighbourhood Plan guided development in the area and was incorporated into the City's OCP, along with a number of older neighbourhood plans (*Figure 1*).

The property was rezoned in 2004 from RU2 (Rural 2) to R3A (Multiple Housing - Low Density) under Bylaw No. 871 as part of a more comprehensive Zoning Application. At this time it was noted that R3A Development would require consideration of form & character, access and parking at future DP.

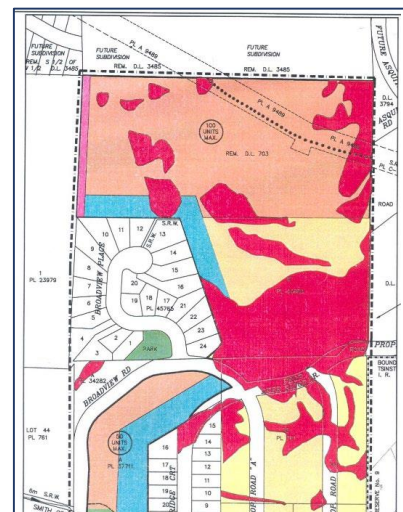


Figure 1 - Map from Broadview Neighbourhood Plan

The R3A Zone permitted Apartments with a maximum density of 30 units/ ha (as the site is 1.44 ha, this would have allowed for approximately 43 units). In 2014 when Zoning Bylaw No. 0154 was adopted, this property was zoned R3 which does not permit Apartments. After adoption, Council reconsidered a number of

similar properties which previously were zoned R3A under Bylaw No. 871, which did permit Apartments. Council adopted a site specific text amendment for six R3 Zoned properties to permit Apartments, of which this property was one.

Part of the rationale for retaining the apartment use on this property was that the site was located at an entrance to a neighbourhood (vs. embedded within a neighbourhood). While the site fronts a Local road (Saddleback Way), it's close to an Urban Collector road (approximately 120m from Asquith Road).

DISCUSSION

Proposal

This application is proposing a site specific text amendment to permit congregate housing on the subject property. The amendment is required in order to facilitate a senior's congregate housing development within an apartment form (*Figure 2*).



Figure 2 - Concept Rendering - Seniors Congregate Housing in Apartments

Applicant Rationale

A Proposal Summary is attached which outlines the development concept, form & character, site planning and other project considerations (*Attachment 2*). The proposal summary states that there is a need for congregate housing in West Kelowna and that there is a current deficit of seniors housing apartments. The proposal summary identifies the difference between traditional residential housing and the proposed Congregate Housing use, which offers a 'residential hotel' setting including in-house services, independent living units, outdoor space, and recreation and hobby facilities.

The applicant has also indicated the intention to provide a number of units as affordable units and will be applying for financing through the Canadian Mortgage and Housing Corporation's (CMHC) affordable housing funding program.

Policy and Bylaw Review

Official Community Plan Bylaw No. 0100

The property is within the City's *Neighbourhood* Growth Management Designation. This designation anticipates low and medium density residential areas, ground oriented residential, slower traffic movement, and a system of safe bicycle & pedestrian pathways. The purposes of this designation include:

- Protect & enhance local housing stock & existing neighbourhood character
- Provide opportunities for localized housing diversity at appropriate locations
- Work towards compact, complete communities that reduce vehicle trips, GHG emissions & foster a healthy, involved community

The majority of the property is within the City's *LMFD – Low Density Multiple Family* future Land Use Designation which permits semi-detached and attached townhouse building forms. The purpose of this designation is to provide a broader range of housing opportunities in areas serviced by transit and in walking distance to community amenities, shops and services, while acknowledging the adjacent land use.

The City's affordable housing objectives in the OCP encourage the private market to increase the supply of affordable housing¹ and identifies seniors as being some of the residents who have the least choice in the housing market².

The property is within the City's Multiple Family & Intensive Residential, Hillside, and Sensitive Terrestrial Ecosystem Development Permit Areas (DPA). The proposal is exempt from a Terrestrial Development Permit (DP) as it meets the City's exemption criteria. If the Rezoning Application is successful, a Development Permit addressing the Multiple Family & Intensive Residential and Hillside Development Permit Area Guidelines will be considered by Council, following adoption of the Zoning. A subsequent Development Permit will be before Council for Consideration following adoption of the Zoning to address site development items such as parking, height, form and character, grading, and building siting. There will be further opportunity for Council consideration of detailed development plans at this time.

Zoning Bylaw No. 0154

The majority of the subject property is Zoned R3 – Low Density Multiple Residential Zone with a site specific text amendment which permits Apartments as an additional principal use. A small portion of the subject property is zoned RC3 – Single Detached Compact Residential Zone.

Congregate Housing is not a principal use in the R3 Zone. Congregate Housing is only permitted within the R5 (Westbank Centre Multiple Residential), C1 (Urban Centre Commercial, and P2 (Institutional and Assembly) zones. Congregate Housing, in the City's Zoning Bylaw, is defined as:

A multiple residential building or group of buildings in which residents may receive supportive services including meal preparation, laundry, transportation, counseling, medical care or room cleaning.

While the zone does permit the similar use of *Care Facility, Major*, this use is only permitted in duplex or townhouse forms and would be required to be licenced under the *Community Care and Assisted Living Act*. The proposed development would not be a licenced facility under this *Act*, and therefore a Zoning Amendment is required to permit Congregate Housing, which could be operated as a private facility.

Community Care and Assisted Living Act

The Province of BC does not regulate all types of retirement residences. Only Long-Term Care and Assisted Living communities require licencing under the *Community Care and Assisted Living Act*. Independent Living communities are not regulated by the Province.

¹ Affordable Housing Objective 3.8.3.3., Official Community Plan

² Affordable Housing Objective 3.8.3.4., Official Community Plan

Technical Review

Planning

Independent living communities can be defined as housing with supportive services for retired adults who are independent and capable of directing their own care³. Congregate housing can be a form of an independent living community. Congregate housing would include individual residential units as well as larger common areas such as dining rooms and recreation rooms and supportive services designed to meet the needs of a specific population⁴. In the case of this proposal, the specific population is seniors and the supportive services are non-medical services such as dining, housekeeping and laundry.

The City's Zoning Bylaw envisions congregate housing developments to be located in urban and neighbourhood centres, close to services and amenities, such as Westbank Centre. Similar congregate housing developments include The Heritage Retirement Residence (3630 Brown Road) or Smith Creek Village (2425 Orlin Road). Both of these developments also include some level of medical care or services, such as medication reminders, assistance bathing and dressing, and 24 hour emergency response in addition to non-medical services such as meals, shuttles and housekeeping. This type of congregate housing development where some residents may be less independent and require additional care and assistance should be located close to services and amenities.

Care Facility Major can be a very similar use to Congregate Housing with a key difference being provincial licencing. However, a licenced care facility providing medical care would be required to meet different fire and safety standards than an independent living congregate housing development. A Care Facility Major is permitted in more zones than Congregate Housing including R3 (in duplex or townhouse form) and R4 (in duplex, townhouse or apartment form), both of which could be located outside of an urban or neighbourhood centre.

Traffic

A Traffic Impact Assessment (TIA) was submitted⁵ which indicated there would be little negative impact to the local neighbourhood from a transportation perspective from this project. Planned improvements to Shannon Lake Road were identified, such as adding sidewalks and bike lanes, which will help improve active modes in the area.

Review of the TIA and proposed development by the City's transportation consultant identified that a congregate care facility has a substantially lower amount of traffic being generated from the proposed development, compared to a multi-family residential apartment development. A congregate care facility has approximately 75% less traffic than a multi-family apartment development with a similar number of units⁶. It's generally found that vehicle ownership levels are lower at congregate care facilities and that the

³ BC Seniors Living Association: <https://www.bcsla.ca/senior-living-frequently-asked-questions/>

⁴ Congregate Housing for Seniors, City of Vancouver (2000)
https://council.vancouver.ca/previous_years/000711/p1.htm

⁵ Transportation Impact Assessment, prepared by Peter A. Truch, P.Eng., dated September 26, 2020

⁶ Weekday AM Peak Hour - 8 trips reduced from 48 trips; and Weekday PM Peak Hour - 19 trips reduced from 58 trips. 2416 Saddleback Way TIA Update Review, Align Engineering

majority of trips to the site are generated by employees or service providers to the facilities⁷.

The TIA review also identified that a northbound left-turn lane is warranted for Shannon Lake Road to Asquith Road, with an increase in traffic at this intersection related to the proposed congregate housing development. Therefore, it is recommended that the development contribute a proportional share of the cost for the northbound Shannon Lake Road left turn lane. This will be recommended as a condition prior to adoption of the rezoning. The developer would be required to provide, to the satisfaction of the City, a cost estimate of the proposed work to calculate their required contribution.

Transit

The subject property is served by BC Transit Route 28 Shannon Lake with stops on Asquith Road. It's anticipated that this transit route would be used by residents, visitors and staff for a congregate housing development. BC Transit and the City's transportation consultant recommend upgrades to the existing northbound transit stop on Asquith Road.

To accommodate sightline restrictions on Asquith Road from the Westside Transfer Station access road, it is proposed that a sidewalk cross to the northwest side of the access road. Construction of a concrete landing, sidewalk connection with letdowns, and lit crosswalk are recommended (Figure 3). These upgrades will be recommended to be completed as a condition prior to adoption of the rezoning.



Figure 3 - Connect Northbound Bus Stop with Sidewalk and Letdowns to Saddleback Way

Servicing

The Functional Servicing Report submitted⁸ concluded that the property can be serviced by the existing service mains. Additional frontage improvements are not anticipated for Saddleback Way.

Referral Responses

BC Hydro

BC Hydro transmission lines run through the subject property within a right of way along the northern (upland) portion of the property. BC Hydro has no objections to the proposed land use, however has provided terms and conditions to the applicant which must be met for development and blasting adjacent to the right of way. The applicant has worked with BC Hydro's design and technical teams to address the terms and conditions.

⁷ Land Use: 253 Congregate Care Facility, ITE Trip Generation Manual 10th Edition

⁸ Servicing Feasibility Study, prepared by New Town Architecture & Engineering Inc. dated October 30, 2020

BC Transit

BC Transit identified that the configuration of the closest bus stop on Asquith Road does not meet BC Transit standards for a safe and accessible bus stop. It was recommended that the bus stop be moved to a location where a concrete pad can be built and a lit cross-walk installed. BC Transit had no objections to the application contingent upon the consideration of their recommendations.

Advisory Committees

The Advisory Planning Commission (APC) considered this application at the February 17, 2021 APC meeting and carried the following motion:

THAT the APC support Z 20-11, Zoning Amendment, 2416 Saddleback Way with consideration for a covenant that would restrict occupancy to seniors.

The APC members had concerns that if Congregate Housing was permitted on the subject property, other forms of development beyond a seniors housing development could be included in this use category. The APC members felt that a seniors congregate housing development would be a benefit to the community and did not feel that all retirement housing should be limited to Westbank Centre. The APC members felt that traffic impacts for seniors housing could be less impactful than a regular apartment development however did express some concern regarding the proposed height variance.

The APC recommendation included a request to consider a covenant to restrict occupancy of any congregate housing development on the property to seniors. Congregate housing is a broad use definition that could include a development to serve a range of vulnerable populations. Examples of congregate housing include housing with supportive services for seniors, persons with disabilities, or persons who have experienced homelessness. Staff have addressed the intent of the APC's recommendation through the site specific text amendment to only permit Seniors Congregate Housing.

DISCUSSION

The Official Community Plan (OCP) *Neighbourhood* Growth Management Designation encourages localized housing diversity and compact, complete communities that reduce vehicle trips. The OCP's *Low Density Multiple Family* future Land Use Designation is specific to semi-detached or attached townhouse forms and encourages walking distance to community amenities. However, the purpose of providing a broader range of housing opportunities in areas served by transit is met by the proposed development. BC Transit's Route 28 – Shannon Lake is located close by on Asquith Road and improvements are proposed to make access to the transit stop safer and more accessible.

Following changes from Zoning Bylaw No. 871 to No. 0154, the property was initially rezoned to R3 and did not permit apartments. The property was identified as being suitable for low density residential development, in the form of duplexes or townhouses. In 2014 Council permitted the apartment use on this property (and five other R3 Zoned

properties) through a site specific text amendment based on requests of the owners of the property at the time and further analysis.

Congregate housing is a broad use, of which seniors congregate housing is one potential option. A restrictive covenant could be used in order to ensure any congregate housing development on the property was restricted to seniors. However, it is proposed to use the site specific text amendment to permit Congregate Housing for seniors only through permitting the following use “Seniors Congregate Housing”. Local governments have the ability to zone for affordable housing or special needs with the property owner’s consent. In this case the Congregate Housing use would be restricted for the special needs use of seniors housing. This would then only permit the housing to be occupied by households where at least one member is considered a senior⁹.

The proposed congregate housing use is typically encouraged within an urban or neighbourhood centre, close to urban services and amenities. The applicant has indicated that the residents of this proposed development would be independent and that a shuttle service is included as part of the development concept to assist residents who require access to services and amenities. The intentions of the applicant to provide affordable housing units as a component of the project (funded through CMHC) will allow for residents to age in place in the community.

CONCLUSION

It is recommended that Council give first and second reading to the proposed Zoning Bylaw Amendment (Z 20-11) and direct staff to schedule a Public Hearing to provide an opportunity for residents to provide comments on the proposal. If the Zoning were supported by Council, a Development Permit to address the Multiple Family Residential Development Permit Area Guidelines would be brought to Council for consideration of the proposed development on the site following adoption.

Alternate Motions:

Alternate Motion 1: Postpone 1st and 2nd Reading

THAT Council postpone first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.102, 2021 (File: Z 20-11).

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

Alternate Motion 2: Deny the Application

THAT Council deny File: Z 20-11 for 2416 Saddleback Way.

⁹ This typically includes persons of the age of 55 to 65 years or older.

Should Council deny the proposal, the file will be closed. As per the City's Development Application Procedures Bylaw, the applicant could re-apply for a similar proposal six months after initial Council consideration.

REVIEWED BY

Brent Magnan, Planning Manager

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, 2021
2. Applicant's Proposal Summary
3. Zoning Bylaw Excerpts (Congregate Housing)
4. Zoning Map