

# Memo



**Date:** June 10, 2011

**To:** City Manager

**From:** Land Use Management, Community Sustainability (LT)

**Application:** OCP10-0016/Z10-0090

**Owners:** City of Kelowna / James Walasko

**Applicant:** City of Kelowna

**Addresses:** 3020, 3030, 3040, 3050, 3060, 3070 & 3080 Abbott Street  
3090, 3096 & 3098 Walnut Street; 252 & 301 Meikle Avenue

**Subject:** Rezoning & OCP Amendment Application

**Existing OCP Designations:** Major Park/Open Space / Mixed-Use Commercial

**Proposed OCP Designations:** Major Park/Open Space / Mixed-Use Tourism

**Existing Zoning:** RU1 - Large Lot Housing / RU3 - Small Lot Housing

**Proposed Zoning:** C9 - Tourist Commercial / P3 - Parks & Open Space / RU1 - Large Lot Housing

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*As per the City Clerk:*

*The OCP and rezoning bylaws for this application received first reading, and were the subject of a public hearing in April. Council closed the public hearing and did not give the bylaws any further readings. Council then "re-opened" the public hearing, meaning the bylaws remain at first reading and cannot be adopted as is. Another public hearing must be held before Council could consider adopting the bylaws.*

*Council has the following options:*

- 1. To keep the existing land use plan in place, the OCP bylaw may be amended at first reading to make reference to OCP 2030 and then forwarded to a public hearing.*
- 2. To add additional parkland or change any future land uses, the OCP bylaw may be amended at first reading by changing the future land use map to include additional properties and uses and then forwarded to a public hearing.*
- 3. To implement a new area planning and public consultation process, the bylaws may be rescinded at first reading and staff be instructed to implement an Area Redevelopment Plan for the Cedar Avenue area.*
- 4. To not proceed any further, with no changes to the OCP 2030 future land use map the bylaws may be rescinded at first reading and the file closed.*

## 1.0 Recommendation

THAT Bylaw No. 10505 be amended at first reading;

AND THAT OCP Bylaw Amendment No. OCP 10-0016 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of a portion of Lots 2-3, District Lot 14, ODYD, Plan KAP53240; and a portion of Lot B, District Lot 14, ODYD, Plan 10727; and a portion of Lots 12-14, ODYD, Plan 2708; located at 3030, 3040, 3050, 3060, 3070 & 3080 Abbott Street, Kelowna, BC from the Mixed Use Commercial designation, to the Major Park/Open Space designation; and from the Mixed Use Commercial designation to the Mixed Use Tourism designation; and by changing the Future Land Use designation of a portion of Lots 1 & 2, District Lot 14, ODYD, Plan 7832; and a portion of Lots 2 & 3, District Lot 14, ODYD, Plan 7187; and a portion of Lot 10, District Lot 14, ODYD, Plan 6069; located at 3090, 3096 & 3098 Walnut Street, 252 & 301 Meikle Avenue, from the Mixed Use Commercial designation to the Major Park/Open Space designation, as shown on Map "A" attached to the report of Land Use Management Department dated June 10, 2011, be considered by Council;

AND THAT Council considers the April 5, 2011 Public Hearing process to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the Report of the Land Use Management Department dated June 10, 2011.

AND THAT Rezoning Application No. Z10-0090 to amend City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 1, District Lot 14, ODYD, Plan KAP53240, located at 3020 Abbott Street, Kelowna BC, from the RU3 - Small Lot Housing zone to the P3 - Parks & Open Space zone; and by changing the zoning classification of a portion of Lots 2 & 3, District Lot 14, ODYD, Plan KAP53240, located at 3030 & 3040 Abbott Street, Kelowna BC, from the RU3 - Small Lot Housing zone to the P3 - Parks & Open Space and C9 - Tourist Commercial zones; and by changing the zoning classification of a portion of Lot B, District Lot 14, ODYD, Plan 10727; and a portion of Lots 12-14, ODYD, Plan 2708; located at 3050, 3060, 3070 & 3080 Abbott Street, Kelowna, BC from the RU1 - Large Lot Housing zone to the P3 - Parks & Open Space and C9 - Tourist Commercial zones as shown on Map "B" attached to the report of the Land Use Management Department, dated March 4, 2011, be considered by Council.

AND THAT the OCP Bylaw Amendment No. OCP10-0016, and zone amending bylaw be forwarded to a Public Hearing for further consideration.

AND THAT final adoption of the OCP and Zone Amending Bylaws be considered in conjunction with Council's consideration of a Development Permit on the subject property.

AND THAT final adoption of the OCP and Zone Amending Bylaws be considered subsequent to the requirements of Development Engineering Branch being completed to their satisfaction.

AND FURTHER THAT final adoption of the OCP and Zone Amending Bylaws be considered subsequent to the registration of the final subdivision plan and Section 219 Covenant.

## 2.0 Purpose

This application seeks to rezone several of the subject properties and to amend existing OCP Future Land Use designations to allow for a linear waterfront park and a comprehensive mixed-



use development parcel. In response to the April 5, 2011 Public Hearing, a larger waterfront park area south of Cedar Avenue has been added to the application.

### **3.0 Land Use Management**

The OCP and Rezoning applications (Phase 1), which was originally considered by Council at the April 5, 2011 Public Hearing, seeks to entrench the land use planning concepts approved by Council in 2004, as a result of on-going work to develop the Cedar Avenue neighbourhood. With the intention of bringing the activity of the South Pandosy Urban Centre towards the lake, the first phase of park and commercial development would enhance this vibrant Urban Centre, and create greater opportunities for community residents to access the lakeshore. The proposed second phase of the plan, south of Cedar, is being introduced in response to the issues raised at the Public Hearing to create a destination park amenity for South Pandosy residents and the surrounding area.

#### **North of Cedar Avenue (Phase One)**

The planned waterfront park includes a significant area of restored natural riparian habitat, while opening the lakefront for public enjoyment. Having a mixed-use development fronting the park walkway would ensure on-going activity and surveillance for this public space. The proposed OCP amendment would achieve more lakefront parkland than currently designated to allow for the waterfront walkway to be achieved on public lands. The promenade would suit the overall park planning goals for the area, as noted in the Infrastructure Planning comments below.

The C9 - Tourist Commercial zone is considered appropriate for this consolidated parcel. The C9 zone allows for a mix of uses (market housing, restaurant), without taking away from the existing commercial core of the Pandosy Urban Centre. The Request for Proposal (RFP), Development Permit, and Section 219 Covenant will ensure that the mixed-use project meets appropriate planning objectives, including the four storey height limitation, ground-orientated housing, as well as the inclusion of a commercial anchor tenant at the southern end of the building. The sale of the proposed development parcel will also assist in providing the capital funding necessary to deliver additional phases of the approved 2004 Cedar Avenue neighbourhood development plan, including the proposed waterfront walkway, and the park area south of Cedar.

#### **South of Cedar Avenue (Phase Two)**

Following the April 5, 2011 Public Hearing, the application has been revised to include Phase Two of the Cedar Avenue waterfront plan. Specifically, the five lakeshore lots south of Cedar Avenue are now being proposed for entirely public use (Major Park/Open Space). While the existing land use designation would allow for future commercial development on a portion of these lots, the expanded park area is a response to the public input on the application to-date. This additional land designated as Major Park/Open Space further reinforces the Cedar Avenue Land Use concept plan developed in 2004, and puts additional emphasis on the public space component for this waterfront area, while continuing to concentrate on waterfront acquisition within the Urban Core. Timing for the funding and development for Phase Two would be considered in conjunction with other priority parks projects.

In consideration of the above, the Land Use Management Department supports the rezoning and OCP amendment applications. However, the City Clerk has outlined for Council consideration other options, including the Alternate Recommendation noted at the end of this report.



## 4.0 Proposal

### 4.1 Background

The City of Kelowna has assembled multiple properties in the Cedar Avenue area over the past two decades. This includes seven consecutive waterfront parcels along Abbott Street, immediately north of Cedar Avenue (subject properties), as well as four consecutive waterfront parcels south of Cedar Avenue. In early 2004, public consultation, stakeholder input and staff review was conducted as part of the Cedar Avenue Land Use Review. The project team developed a refined land use scenario which was implemented through an approved OCP amendment in July 2004. This land use plan intended to meet the objectives of the Pandosy Town Centre identified in the Official Community Plan by creating a vibrant mixed-use district within the Cedar Avenue neighbourhood, extending "Pandosy by the Lake".

Since the development of this plan for the Cedar Avenue area, Council has provided further direction to staff for the successful redevelopment the civic-owned properties. At the January 26, 2011 in-camera Council meeting, the following resolutions were passed:

- THAT Council reconfirms its previous direction to staff to proceed with the steps necessary to bring forward a rezoning of the Cedar Avenue properties to the C9 - Tourist Commercial and P3 - Parks & Open Space zones;
- AND THAT Council generally supports the site configuration identified in the Report of the Manager, Strategic Land Development dated January 26, 2011;
- AND THAT the Council Resolutions from the closed meetings of September 17, 2007 and July 26, 2010 be released to the public;
- AND FURTHER THAT Council directs staff to consider another public connection to the lake through the RFP process.

As per Council direction for release, the following resolutions were passed by Council at the September 17, 2007 in-camera Council meeting:

- THAT Council authorize staff to continue to assemble the essential lands required for this project on Meikle Avenue and Walnut Street via purchases at market value;
- AND THAT Council direct staff to prepare a development and disposition plan for Council consideration;
- AND THAT Council direct staff to proceed with the steps necessary to bring forward a rezoning of the properties to a public hearing;
- AND THAT Council direct staff to bring forward road closure bylaws for Walnut Street and a portion of Cedar Ave at the appropriate time;

Again, as per Council direction for release, further direction was provided at the July 26, 2010 in-camera meeting, as follows:

- THAT Council generally support the site configuration identified in this report;
- THAT Council direct staff to proceed with the public information session identified in this report;
- THAT Council reconfirm previous direction to staff to proceed with the steps necessary to bring forward a rezoning of the Cedar Avenue properties to C9 and P3;
- THAT Council authorize the Director, REBS to proceed with disposition of the rezoned and consolidated remnant lands, at no less than market value;
- AND THAT all net proceeds from the sale of the remnant lands be directed to the Lands Sales Reserve and be reallocated to the appropriate initiatives described in this report;
- AND THAT the Mayor and City Clerk be authorized to execute all documents associated with this transaction;



## 4.2 Project Description

### North of Cedar Avenue (Phase One) - OCP Amendment & Rezoning

The seven subject properties north of Cedar Avenue are to be consolidated and rezoned from their existing single family zoning (RU1 - Large Lot Housing and RU3 - Small Lot Housing) to park and commercial uses. This redevelopment would create a linear waterfront park pathway along the foreshore, as well as a mixed-use development on the remainder of the consolidated parcel. The waterfront walkway is to be zoned P3 - Parks and Open Space, while the C9 - Tourist Commercial zone would be used for the mixed-use development site (see Map B). The C9 zone is chosen as it has limited allowable commercial uses, permits market housing and has no minimum commercial frontage requirement (that would compete with commercial uses in the South Pandosy core).

The OCP amendment proposed would widen the existing Major Park/Open Space designation along the lakeshore by approximately 650m<sup>2</sup> (as per Map "A"), increasing total park space. The remaining development site would be amended from "Mixed-Use Commercial" to "Mixed-Use Tourism" to reflect the C9 zoning being requested. Accordingly, no departures are proposed from the public input process dating back to 2004, aside from an increase in park area.

The proposed linear waterfront park north of Cedar Avenue would consist of approximately 120m of lakeside pathway. The design would be similar to the recently completed Stuart Park pathway, with a wide concrete walking path, lighting, furniture, and a substantial naturalized riparian area. Access to the pathway would come from Abbott Street to the north (across from Newsom Avenue), and Cedar Avenue to the south (across from Walnut Street). Planned future phases extend this lakefront pathway north to the West Avenue Beach Access, and south to the mouth of Fascieux Creek, creating a high-level of pedestrian connectivity and circulation within the Pandosy Urban Centre.

To secure public interests in perpetuity, the waterfront park will be created as a separate parcel, retained by the City of Kelowna. The alternative would be to obtain a public right-of-way on private lands, which would be much less ideal. The remaining mixed-use parcel would be sold through a Request for Proposal (RFP) process. As a requirement of the RFP the successful proponent would have to include the construction of the waterfront walkway, which avoids the City having to front these costs.

The majority of the mixed-use development site would be for multi-family residential uses. This would be comprised of ground-orientated townhomes on both the Abbott Street and lakeside frontages, with condominium units on the upper storeys. At the south end of the site, a commercial tenant would be encouraged to "anchor" the Cedar Avenue corridor, bringing pedestrian traffic to-and-from Pandosy Street. This tenant is envisioned as a large restaurant/café with an outdoor eating area - adding activity to this significant corner. The development would be limited in height to four storeys (where the C9 zone allows for 6 storeys) and two and one half storeys adjacent to the residential property to the north via stipulations in the RFP process, as well as a covenant placed on title prior to sale. This height is recommended as a balance of outcomes of the Cedar Avenue Land Use Review and overall development viability. Form and character would be regulated through a future Council-approved Development Permit, as discussed following.



### **North of Cedar Avenue - Development Permit Requirements:**

As the subject properties are located along the Okanagan Lake foreshore, the project requires a Natural Environment Development Permit approval prior to construction. This process is currently underway, and will be executed at a staff level. The project will meet the Riparian Area Regulations and include substantial foreshore restoration work.

The design guidelines attached to this report will inform the RFP process, with the goal of achieving a compelling example of urban design that integrates public opportunities to enjoy the viewscape to the lake. These guidelines affirm a number of design considerations raised through the consultation process, including building massing and height, the importance of the pedestrian realm, and Council direction to consider the potential for a mid-block pedestrian connection through the development site. Along with the conceptual renderings, these guidelines will form a Development Permit for the mixed-use development site. This Development Permit is to be executed prior to final adoption of the rezoning and OCP amendments. The eventual developer will be required to complete a more detailed Development Permit process at a future date, which would require Council approval.

### **South of Cedar Avenue (Phase 2) - OCP Amendment & Rezoning**

Following the first Public Hearing for the application on April 5, 2011, the proposal has been revised to include the five waterfront properties south of Cedar Avenue. The City owns the four waterfront properties immediately south of Cedar Avenue, while the fifth property (south of Meikle Avenue) is under private ownership.

A portion of these properties are currently designated as Mixed Use Commercial in the Official Community Plan. The proposed amendment designates the entire properties as Major Park/Open Space. The total increase in the amount of public space proposed south of Cedar Avenue is 4,453m<sup>2</sup>. The space would be used for a large public park in the future, as funding is available. The provision of parkland along Walnut Avenue is consistent with the City's approach to waterfront parkland acquisition, with a concentration on the Urban Core area from Mission Creek to Knox Mountain Park.

The funding for the development of Phase Two has not been allocated at this time, and would be determined along with other priority park and civic projects (Glenmore Recreation Park, City Park, Kerry Park, Rowcliffe Park, Dehart Park, Knox Mountain Park, etc). While a longer-term priority, timing of development could be expedited through alternative funding sources (i.e land disposition funds or community contribution).

The zoning of these properties south of Cedar Avenue is not being changed through this application. The existing RU1 - Large Lot Housing zone will allow for the continued use of these properties as single family housing, until this phase of the Cedar Avenue plan is developed.

### **4.3 Site Context**

The seven subject properties are located along the west side of Abbott Street, immediately north of Cedar Avenue, within the South Pandosy Urban Centre. The surrounding area is designated for high density uses in the future, including Commercial, Multiple Unit Residential (Low Density), and Multiple Unit Residential (Medium Density).



Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Single Family Housing
East	RU1 - Large Lot Housing	Single Family Housing
South	RU1 - Large Lot Housing	Single Family Housing
West	n/a	Okanagan Lake

**Subject Properties Map:** 3020, 3030, 3040, 3050, 3060, 3070 & 3080 Abbott Street;  
3090, 3096 & 3098 Walnut Street; 252 & 301 Meikle Avenue



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan 2030 (OCP)

Staff recommends that the April 5, 2011 Public Hearing process should be considered appropriate for the purpose of Section 879 of the Local Government Act, and that the process is sufficiently early and does not need to be further ongoing in this case. Furthermore, additional consultation with the Regional District of Central Okanagan, other boards, councils or agencies listed in Section 879, is not required in this case.

Staff have reviewed this application, and it may move forward without affecting either the City's Financial Plan or Waste Management Plan.

### Development Process Policies

**View Corridors.**<sup>1</sup> Where multiple unit or commercial development along the shore zone is permitted, require that a view corridor to the lake from inland be maintained and ensure that the public use and enjoyment of the lakefront is enhanced as a result of the development.

**Public Space.**<sup>2</sup> Integrate safe, high-quality, human-scaled, multiuse public spaces, such as parks, plazas and squares, as part of development or redevelopment within Urban and Village Centres.

<sup>1</sup> Kelowna OCP 2030 - Policy 5.5.2.



**Maximize Pedestrian / Cycling Connectivity.**<sup>3</sup> Require that pedestrian and cyclist movement and infrastructure be addressed in the review and approval of all City and private sector developments, including provision of sidewalks and trails and recognition of frequently used connections and informal pedestrian routes. With new developments, require dedication of on-site walking and cycling paths where necessary to provide links to adjacent parks, schools, transit stops, recreation facilities employment nodes, cul-de-sacs and large activity areas.

**Waterfront Commercial.**<sup>4</sup> Waterfront commercial and multiple unit housing must facilitate and enhance public enjoyment of or access to the lakefront.

### **Infrastructure Policies**

**Partnerships.**<sup>5</sup> The City will create community and enhance quality-of-life through partnerships with developers, residents' associations, property owners, non-profit organizations, private enterprise, user groups and individuals, on the acquisition and construction of all classes of parks. The City will also pursue joint use agreements and partnerships with School District 23, Regional District of the Central Okanagan, and the University British Columbia Okanagan.

## **5.2 South Pandosy/KLO Sector Plan**

**Pedestrian connectivity.**<sup>6</sup> Develop pedestrian connections to provide a continuous network of efficient pedestrian routes, particular to and from key destinations (e.g., the lakefront, the commercial corridor, commercial malls, schools and parks). Do this by designating and developing sidewalk, waterfront access, park spaces, alleys and pedestrian lanes and mews.

**Lakefront connection.**<sup>7</sup> Encourage a strong pedestrian-commercial link between Pandosy Street and the lakefront.

**Lakefront commercial.**<sup>8</sup> Consider a lakefront type restaurant/boutique shops at the western end of Cedar Avenue near the lake.

## **6.0 Technical Comments**

### **6.1 Development Engineering Department**

The application to amend the existing OCP Future Land Use Designations to extend the Major Park/Open Space designation along the foreshore for a future public walkway can be supported by the City infrastructure provided the requirements and servicing issues outlined in our file Z10-0090 are dealt with prior to development of the subject property. See attached report for servicing requirements specific to Z10-0090.

### **6.2 Infrastructure Planning (Parks Planning)**

The Cedar Avenue Park and Promenade will contribute to several park planning objectives including: connecting a series of parks and pathways in a wider network while allowing for diverse and barrier-free recreational opportunities; maintaining public safety and security;

<sup>2</sup> Kelowna OCP 2030 - Policy 5.8.1.

<sup>3</sup> Kelowna OCP 2030 - Policy 5.10.1.

<sup>4</sup> Kelowna OCP 2030 - Policy 5.26.3.

<sup>5</sup> Kelowna OCP 2030 - Policy 7.15.1.

<sup>6</sup> South Pandosy/KLO Sector Plan, Urban Form and Design, Policy 1.4 (Page 42)

<sup>7</sup> South Pandosy/KLO Sector Plan, Town Centre Commercial Objectives, 10.2.4 (Page 69)

<sup>8</sup> South Pandosy/KLO Sector Plan, Town Centre Commercial Objectives, 10.2.10 (Page 70)



improvements to the ecological function of urban areas; and providing parks that are centrally located.

The proposed Cedar Avenue Park and Promenade is strategically located, almost equidistant from the city-wide parks of Strathcona in the north and Rotary Beach in the south. Located on the Okanagan Lake waterfront between Strathcona Park and Rotary Beach Park are several other parks that form a chain along this 3km corridor that will be connected together by the Abbott Street Recreational Corridor as future phases are constructed; much like the historical "Emerald Necklace" in Boston. In keeping with the objectives of a maintaining a diverse park system and securing long-term protection of important habitats, each of these existing parks serve a different function. In addition to several road end beach access points, from north to south these parks include:

- Strathcona Park - city-wide park used principally by picnickers and beach goers
- Maude Roxby - natural area park consisting of an artificial wetland that serves as waterfowl habitat
- Kinsmen Park - city-wide active park used by beach goers and tennis players
- West Avenue Park - neighbourhood park with playground facilities
- Cedar Avenue Park and Promenade - water front viewing and boardwalk
- Gyro Beach Park - city-wide park used principally by picnickers, sunbathers and swimmers in addition to volleyball and playground facilities
- Rotary Beach Park - city-wide park used principally by picnickers, sunbathers and swimmers in addition water sports (kayaking and kite boarding), and playground facilities

Within a 1.5km radius of the proposed Cedar Avenue Park and Promenade are also several upland parks including Osprey, Cameron, and Watt Neighbourhood Parks, and Fascieux Creek Wetland.

In 2010, two new sections of the Abbott Street Recreation Corridor were constructed. Eventually these sections will be linked together and the proposed Cedar Avenue Park and Promenade will be a critical piece that provides the option to continue along the roadside corridor, or to diverge along the waterfront.

Maintaining the health and safety of Kelowna residents is a key objective that the city strives to achieve in the assignment of functions to parkland. The lake water quality at the foot of Cedar Avenue is poor. Contributing factors include: the shallow nature of the bay; a proliferation of waterfowl; poor water circulation due to the physical orientation of adjacent headlands; proximity to the outlet of Fascieux Creek which conveys storm runoff into the lake; and activity by wind and waterfowl which stirs up the bottom of the lake therefore suspending harmful bacteria in the warm water. Limiting physical public access to the lake for recreation in this area eliminates potential exposure to harmful bacteria; therefore, the appropriate function of the proposed Cedar Avenue Park is a public promenade and lake viewing opportunity. As noted in the list above, the public has physical access to the lake in at least four other locations within a 1.5km radius of this site. In addition, riparian restoration of the waterfront along the proposed promenade will increase both aquatic and land-based habitat capacity.

## 7.0 Application Chronology

Date of Application Received:	October 18, 2010
Advisory Planning Commission	January 18, 2011

The above noted application was reviewed by the Advisory Planning Commission at the meeting on January 18, 2011 and the following recommendations were passed:



THAT the Advisory Planning Commission NOT support Official Community Plan Amendment Application No. OCP10-0016, for 3020, 3030, 3040, 3050, 3060, 3070, 3080 Abbott Street to amend the existing OCP Future Land Use Designations to extend the Major Park/Open Space designation along the foreshore for a future public walkway.

THAT the Advisory Planning Commission NOT support Rezoning Application No. Z10-0090, for 3020, 3030, 3040, 3050, 3060, 3070, 3080 Abbott Street to rezone from the RU1 - Large Lot Housing and RU3 - Small Lot Housing zones to the P3 - Parks & Open Space and C9 - Tourist Commercial zones.

**APC Comment:**

The Advisory Planning Commission did not support the Official Community Plan Amendment and Rezoning Application [for Phase One] due to the concerns of the C9 zoning, as the zone is too vast and too open with not enough restrictions of what could be built. The Advisory Planning Commission was concerned about the limited public access to the park corridor as referenced on the conceptual site plan. The Advisory Planning Commission suggested there be more investigation pertaining to best use of land from both a commercial and park perspective that would yield the highest and best use of the entire property.

*The application has been revised to reduce the amount of development land area, the incorporation of design guidelines through a Development Permit process, and the introduction of a Section 219 Covenant on the title of the development parcel which limits height and commercial uses.*

**8.0 Alternate Recommendation**

Staff have provided Council with an alternate recommendation should the bylaws be defeated. An Area Redevelopment Plan (ARP) be considered for this larger area within the South Pandosy Urban Centre. The Terms of Reference for the ARP could be presented to Council at a future meeting. This report would also identify the staffing, timing and budgetary implications of the ARP.

The alternate recommendation is provided below:

THAT first reading of Bylaw No. 10505 be rescinded;

THAT staff be directed to draft a Terms of Reference for an Area Redevelopment Plan for Council consideration.



Report prepared by:



Luke Turri, Land Use Planner

Reviewed by:



Shelley Gambacort, Director, Land Use Management

Approved for Inclusion

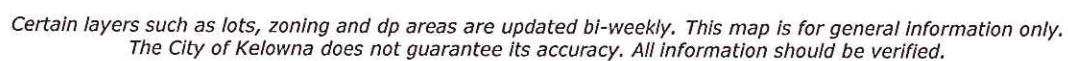


J. Paterson, General Manager, Community Sustainability

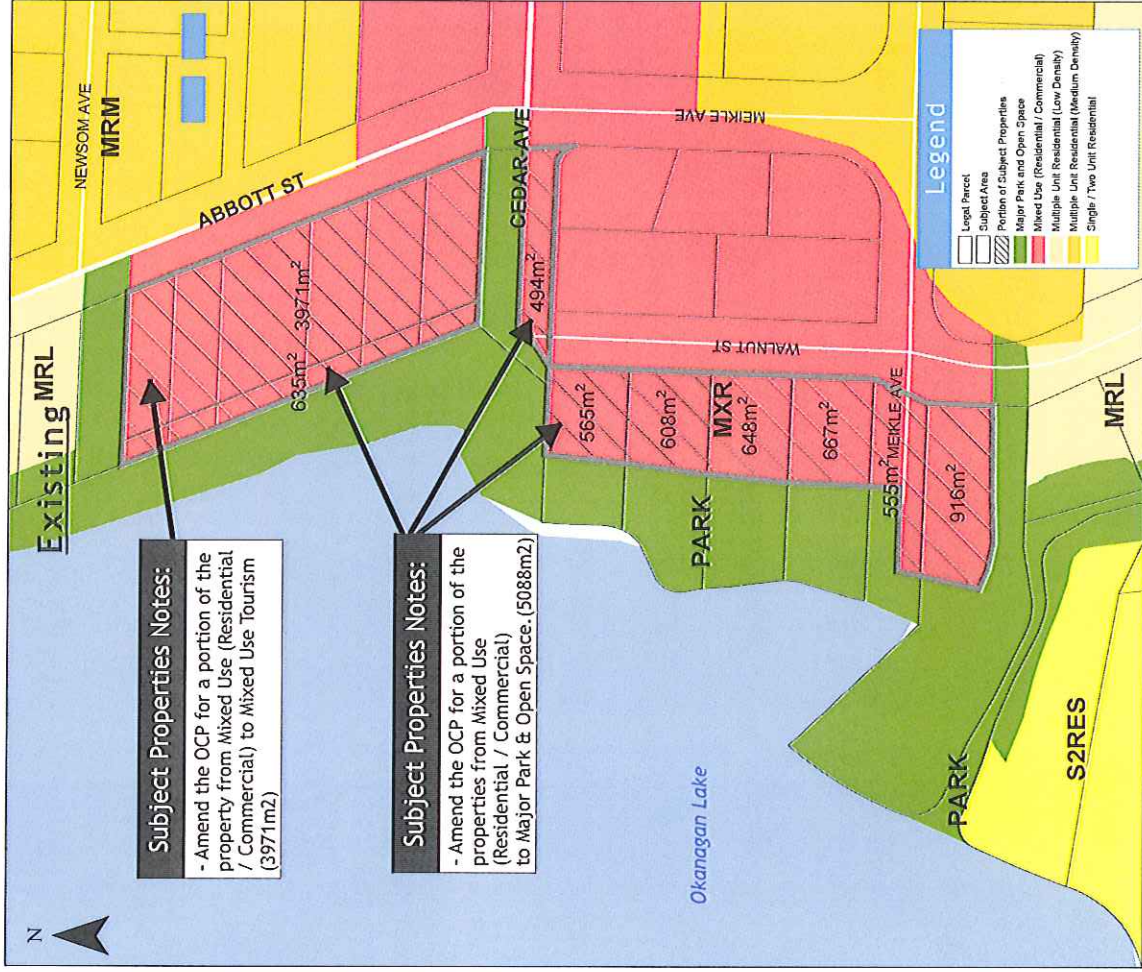
**Attachments:**

Subject Property Map  
Map "A" - Proposed OCP Amendment  
Map "B" - Proposed Zoning Amendment  
Future Land Use Areas Map - Existing & Proposed  
Park and Development Land Areas Map  
Cedar Avenue Area Concept Plan  
Perspective Illustrations (5 pages)  
Draft Development Permit Guidelines (4 pages)  
Council Policy #76  
Development Engineering Comments (4 pages)









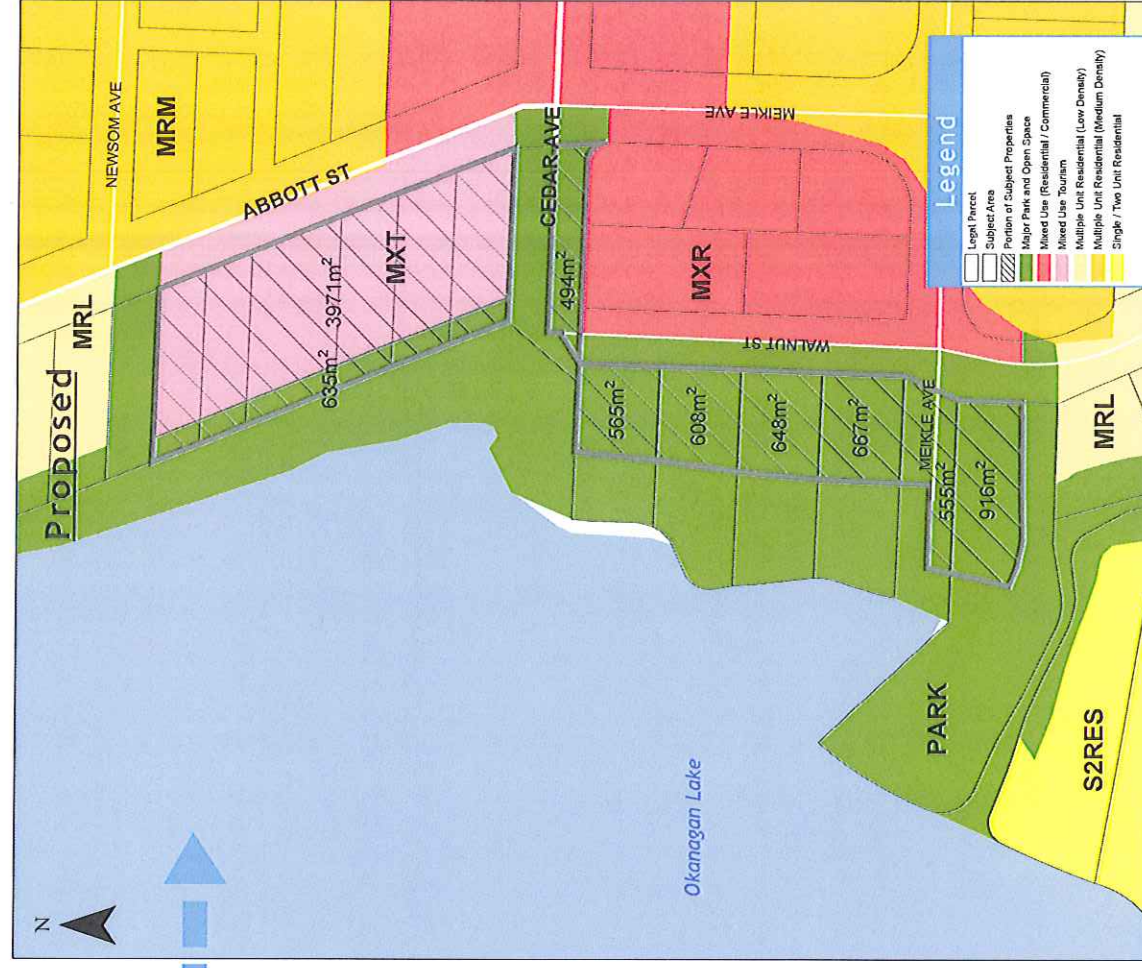
# Cedar Ave

Future Land Use - Existing vs. Proposed

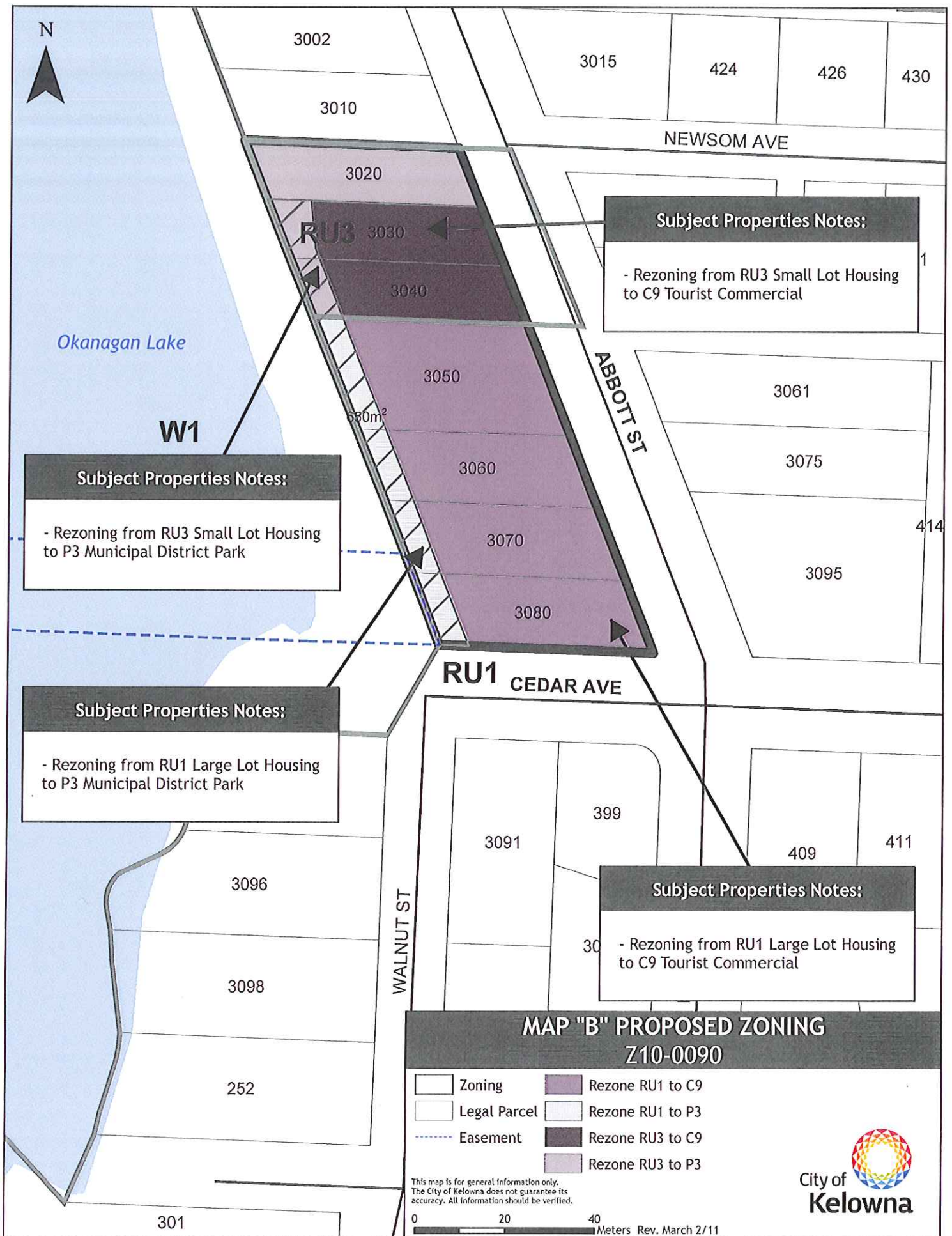
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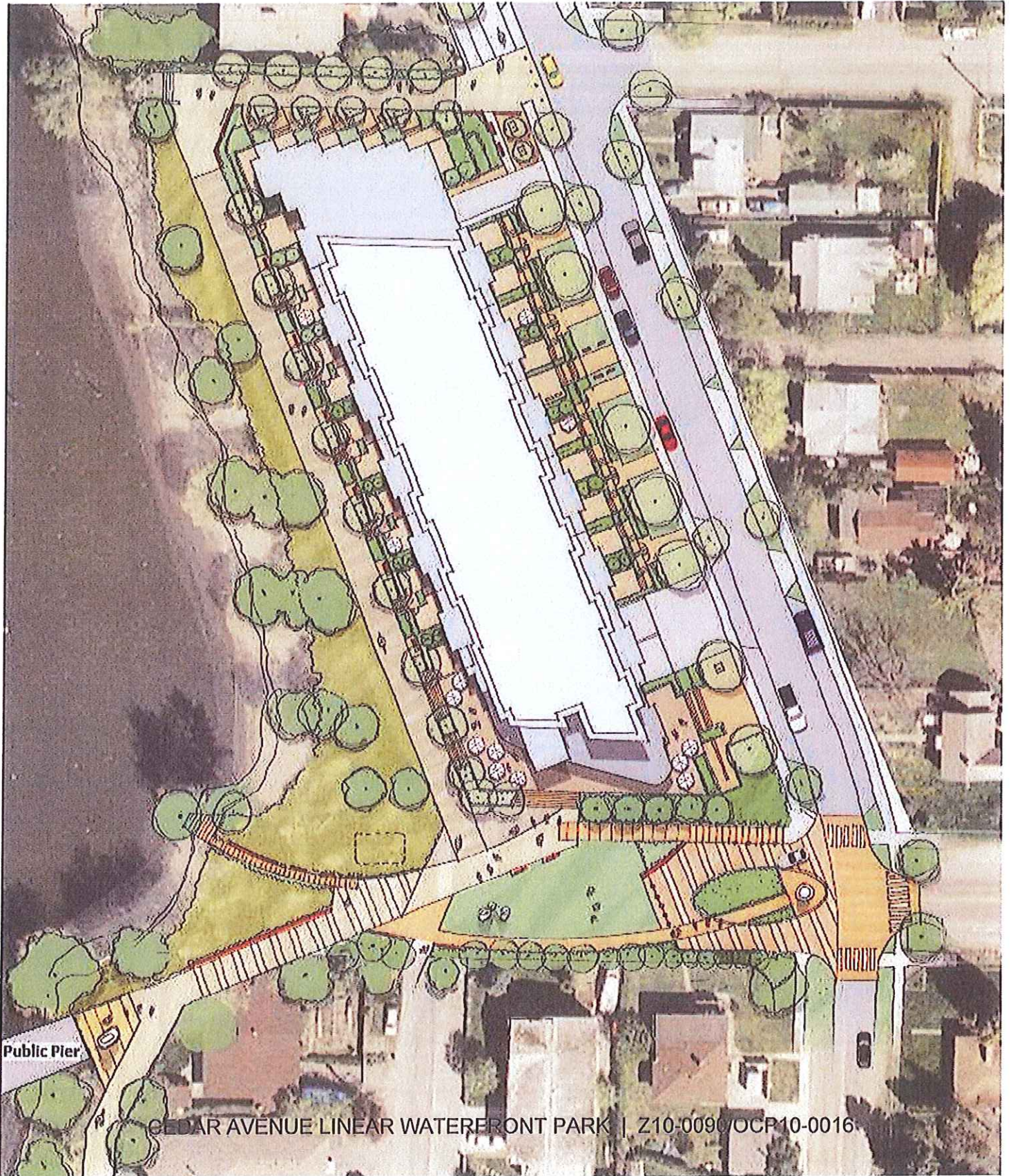
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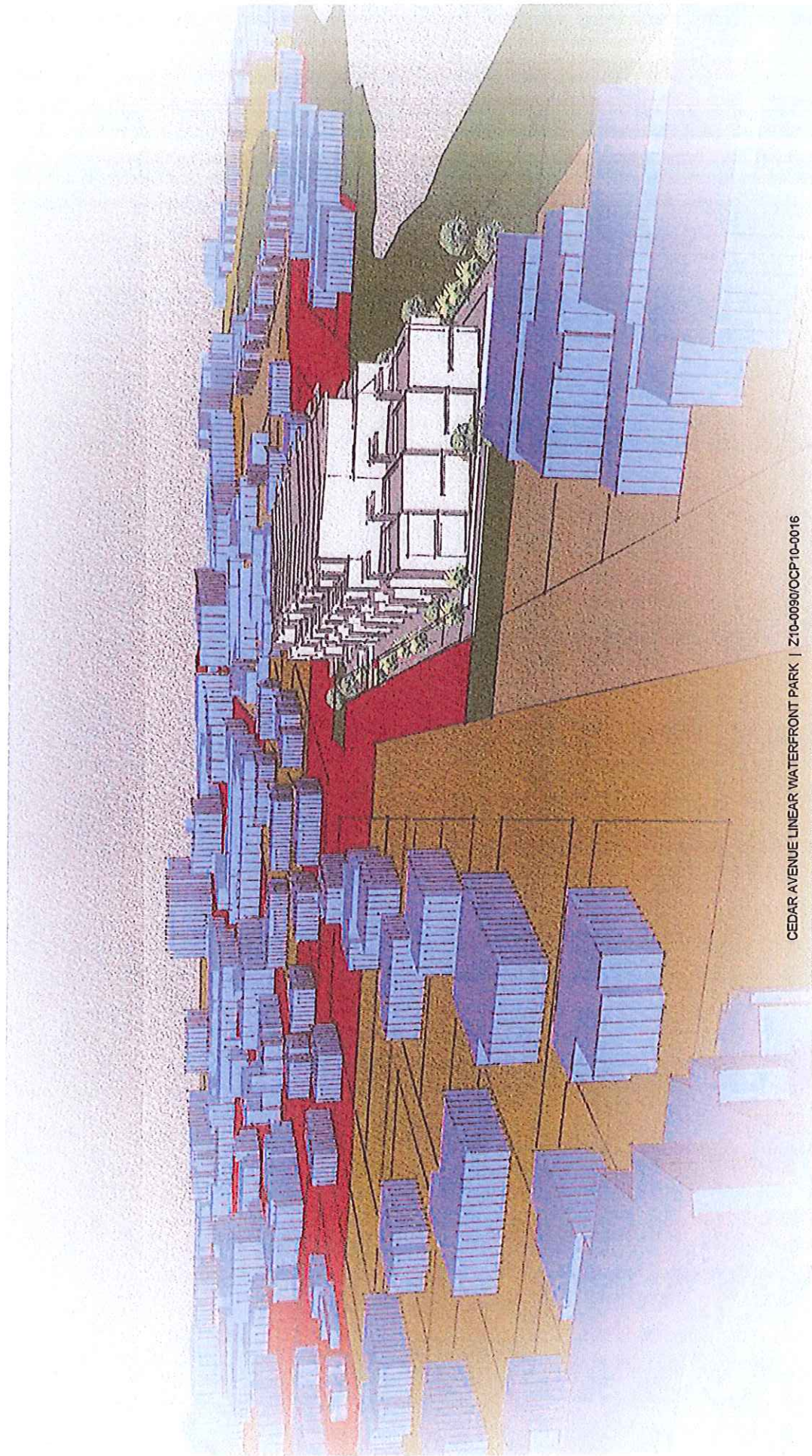




Public Pier

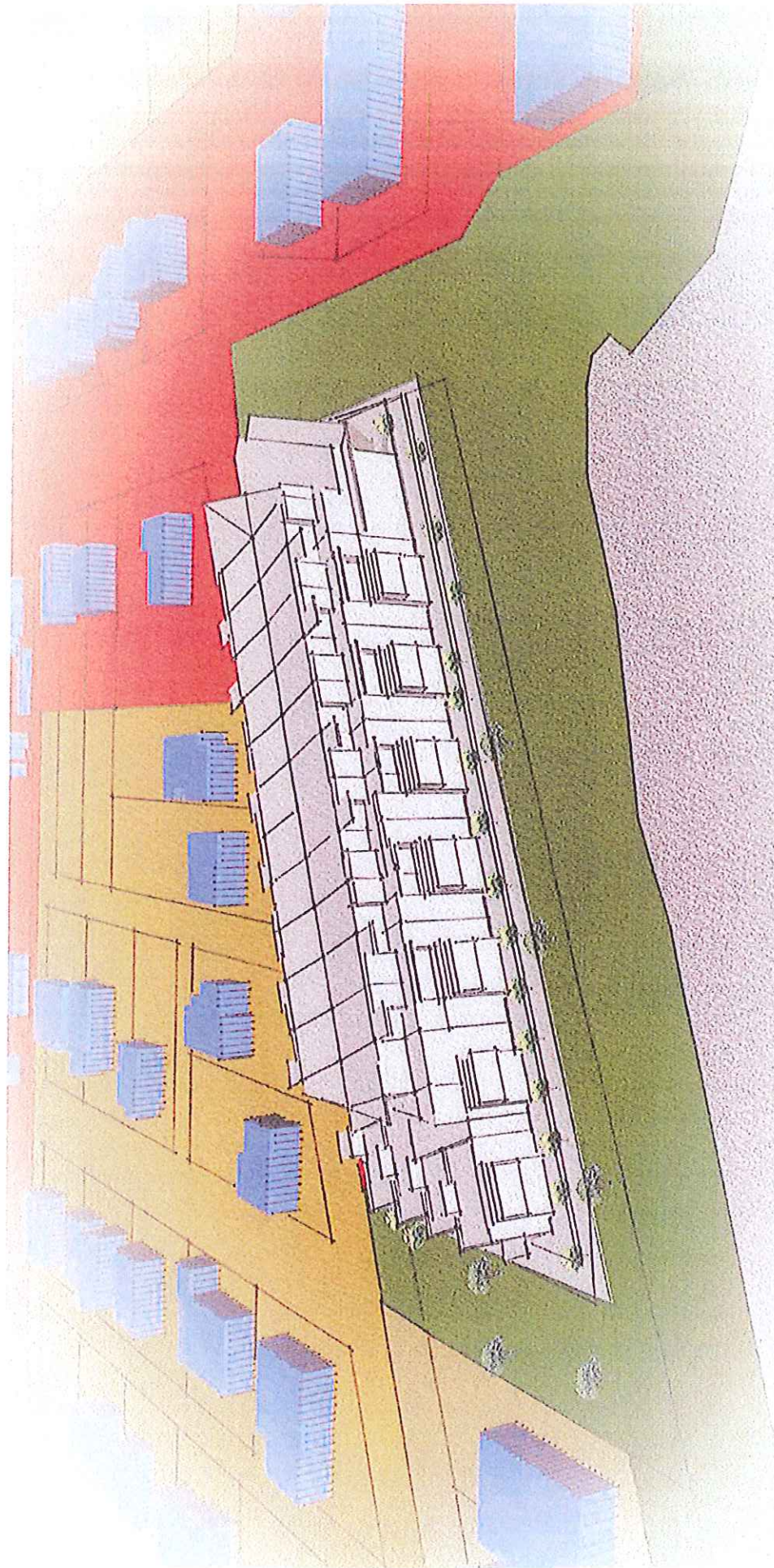
CEDAR AVENUE LINEAR WATERFRONT PARK | Z10-0090/OCP10-0016





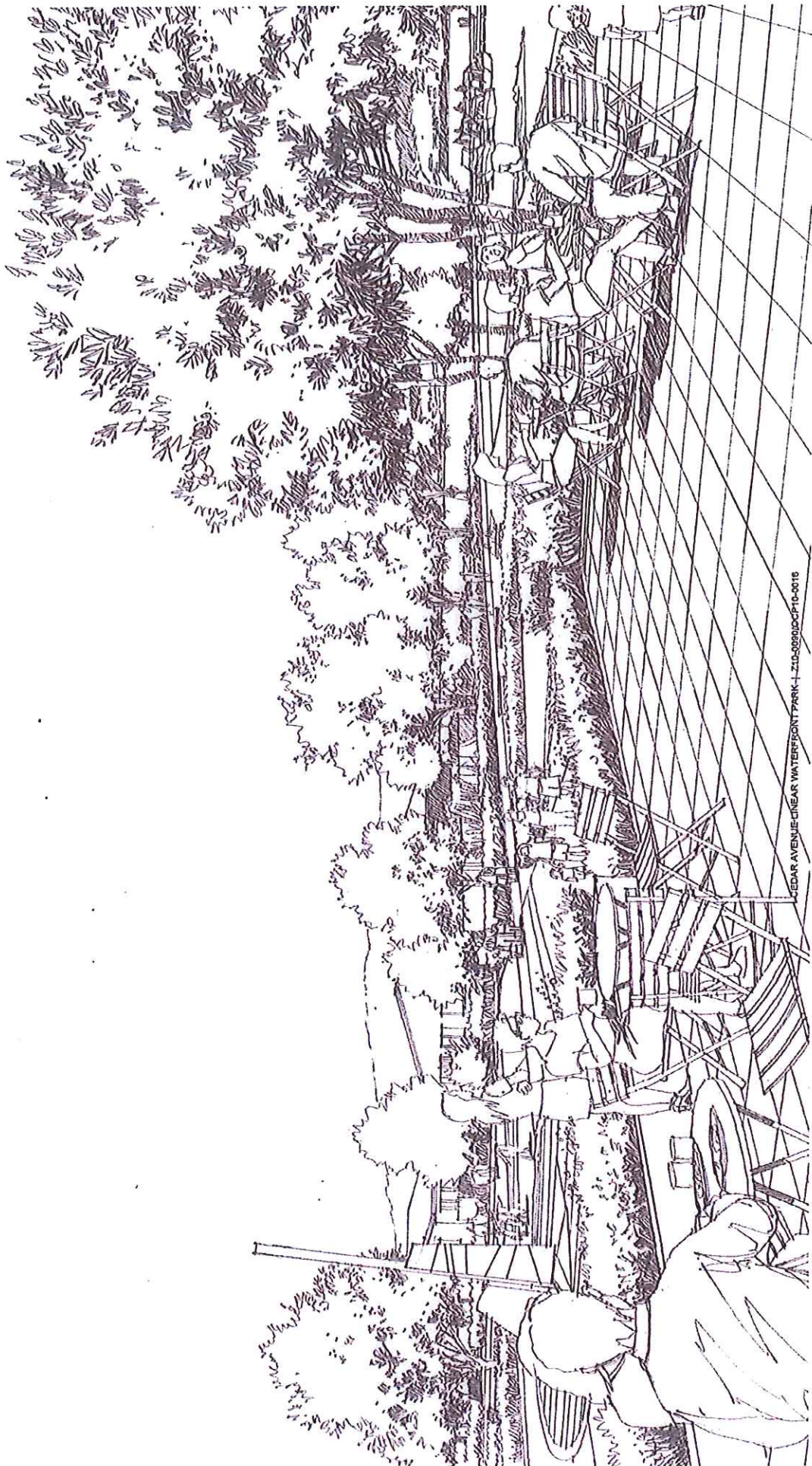
CEDAR AVENUE LINEAR WATERFRONT PARK | Z10-0090/OCP10-0016





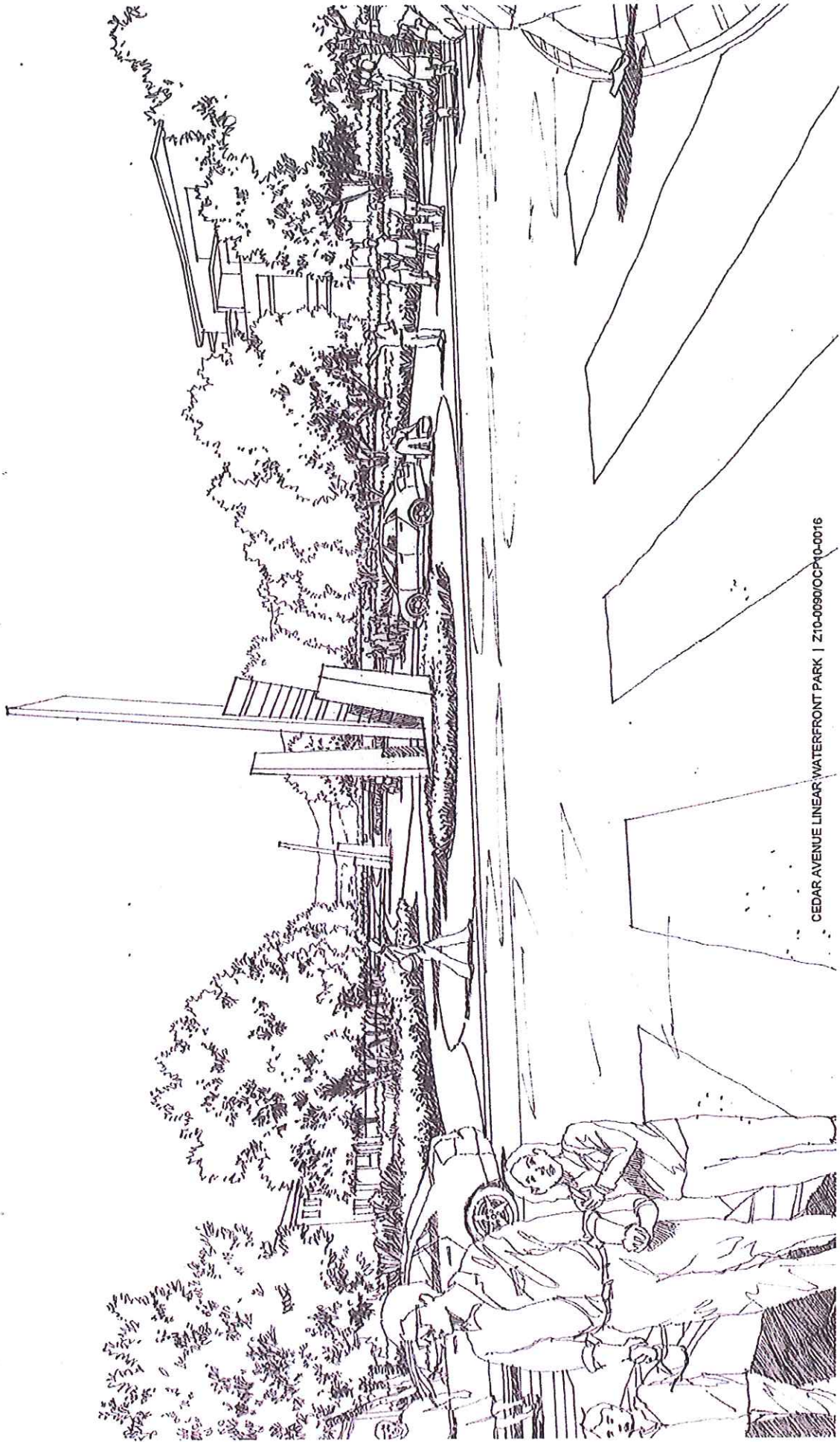
CEDAR AVENUE LINEAR WATERFRONT PARK | Z10-0090/OCP10-0016





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CEDAR AVENUE LINEAR WATERFRONT PARK | Z10-0090/OCP10-0016





CEDAR AVENUE LINEAR WATERFRONT PARK | Z10-0000/OCP10-0016



**Design Guidelines  
Cedar Avenue Mixed-Use Development  
3020-3080 Abbott Street**

February 2011

**Purpose:**

The following design guidelines shall be adhered to in the development of the future mixed-use development at Cedar & Abbott, with the goal of achieving a compelling example of urban design that integrates public opportunities to enjoy the viewscape to the lake. In consideration of the lakeside location, the form and character of the development should be creative and playful, reflecting the eclectic nature of the evolving South Pandosy Urban Centre in a scale that is sensitive to the surrounding neighborhood context.

**1.0 Connection to Public Realm**

**1.1 Pedestrian-orientation**

The site and building should facilitate pedestrian access as part of a continuum of inter-connected public spaces within the South Pandosy Urban Centre, and otherwise provide a level of detail that is oriented to individuals on foot (see "Human Scale" below).

**1.2 Entrances**

All entrances should be clearly identifiable, with at least one building entrance facing both Cedar Avenue and Water Street respectively. Building entrances should present an inviting face to adjoining public spaces, as well as make the act of entering the building a comfortable and welcoming experience through attention to details, proportions, materials, and lighting. Any design that conveys a sense that the building is the exclusive domain of the building owner is discouraged.

Transition spaces in conjunction with entrances, are encouraged. These spaces can be created by recessing entrances within the wall plane, as well as through provision of canopies and other architectural elements (also see "Identity and Imagery" below).

**1.3 Transparency**

A high degree of transparency into the building along Abbott Street and the waterfront walkway is encouraged. Use of highly-reflective glass is strongly discouraged.

**2.0 Human Scale**

The site and the building should demonstrate a high level of human scale. With respect to the building, this can be achieved by giving emphasis to doors and windows and other signs of human habitation relative to walls and building structure. It can also be achieved through appropriate choice of materials and detailing of surfaces.

No aspect of the building or site should convey a sense of the utilitarian. All surfaces should provide sufficient visual interest through choice of materials, incorporation of sub-forms, and detailing. Extended areas void of visual interest and references by which to gauge human scale, i.e. blank walls, are strongly discouraged,



### 3.0 Identity and Imagery

The building design process should consider the incorporation of appropriate forms and visual references to reference the lakefront location. These architectural responses should allow viewers to interpret the building on a number of levels of meaning, ranging from the literal to the abstract. Buildings and site characteristics that convey relaxed, playful qualities are encouraged. In this regard, architectural forms that employ a strong symmetry should be avoided.

#### 3.1 Transition Spaces

An integration of indoor and outdoor spaces is considered especially pertinent to the Okanagan character as it facilitates the extension of indoor spaces and activities onto the site to capitalize on the region's favourable climate.

#### 3.2 Sun Shading

Additionally, given Kelowna's hot summers and the need to reduce carbon footprints, building overhangs and canopies as well as window screens are effective means of mitigating solar loading while at the same time adding a distinctive character to the form and character of the proposed building.

### 4.0 Massing

Although not necessarily situated immediately adjacent to the sidewalk along Abbott Street, the building should nevertheless present a defined edge to Abbott Street. A more relaxed massing on the water side of the site is encouraged. Additionally, the south-east corner of the building as a formal response as a gateway to the lakefront from the South Pandosy Urban Centre commercial core should be considered.

#### 4.1 Building Height

Building heights should respect surrounding non-City owned single unit waterfront homes, reflecting Council Policy #76. Overall building height should be limited to a total of 4 storeys plus above-ground portion of any under-building parkade.

### 5.0 Site Design & Landscaping

The design of outdoor spaces at ground level should:

- promote social interaction;
- be oriented to take advantage of sunlight;
- provide shade and protection from wind and other climatic elements (also see "CPTED Considerations" below).

Outdoor spaces can be a combination of soft and hard landscaping. Plant materials should be Okanagan-inspired, drought-tolerant species and should provide seasonal interest.

The amount of storm water run-off entering storm sewers should be minimized through appropriate site design. Permeable pavers and bio-swales should be considered.

Fences should be avoided. Where they occur, they should provide visual interest and pedestrian scale. Fences through which views are not possible, should not be greater than 1.2m high.



The public restaurant and associated patio should be in the south side of the building allowing eyes on the water and walkway.

Pathways should be accessible to all users including individuals in wheelchairs and individuals with sight impairments.

## **6.0 Views**

Important axial views should be respected. These are:

- From Cedar Avenue looking west towards the lake.
- From Newsom Avenue looking west to the lake.

If feasible, consideration should also be given to a potential mid-block view corridor through the building (by way of archway or building separation)

## **7.0 Walkway & Park Areas**

The use and the design integrity of the waterfront walkway or park areas should not be compromised by the siting or the form and character of the proposed building.

## **8.0 Signage**

Any exterior identification signage should be discreet. It should be integrated into the overall façade design in a manner that defers to the architectural composition of the building, i.e., signage should not be a predominant element within the overall composition of any façade.

## **9.0 Lighting**

Building lighting can enhance the character of the proposed development. Illumination should be planned as a key element in a façade's design with consideration for the effect on the façade, and on adjoining buildings and open spaces. Light fixtures should add daytime visual interest and human scale to the building.

Lighting should be designed for high-quality environmental performance, and promote public safety. (see "CPTED Considerations" below). In particular, lighting should help to clearly identify principal building entrances. Illumination levels should instill high levels of "psychological comfort" for persons entering the building;

Lighting should not contribute to glare. This objective should be accomplished through use of full cut-off or low-wattage luminaries. Designs should also incorporate shielded fixtures and/or appropriate mounting heights, as well as be aimed appropriately.

## **10.0 Overhangs and Soffits**

Any soffits, or the underside of any portion of a building exposed to public view should be treated to provide visual interest and show attention to detail.

## **11.0 Vents and Flashings**

All vents and flashings exposed to public view should be painted to match adjacent surfaces or disguised in a manner consistent with the visual character of the building.



## **12.0 Rooftop Mechanical Equipment**

Rooftop mechanical equipment should not be visually obvious from street level, or from views from adjacent buildings. Ideally, it should be enclosed and disguised as an integral component of the building form.

## **13.0 CPTED Considerations**

All aspect of the building and the site should be consistent with the *City of Kelowna Crime Prevention Through Environmental Design Guidelines*.

End of Design Guidelines

DRAFT





City of Kelowna  
1435 Water Street  
Kelowna, BC V1Y 1J4  
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kelowna.ca

# Council Policy

## Disposal of City Property

APPROVED July 12, 2004

RESOLUTION: R375/10/04/26  
REPLACING: R1039/08/11/24; R892/99/11/01; R-1971/07/06; R688/04/07/12  
DATE OF LAST REVIEW: April 2010

1. THAT property of the City of Kelowna be sold when it appears that there is no present or future use contemplated or where there is no strategic benefit to the City.
2. THAT the Manager, Real Estate Services continually keep the property inventory of the City under review and submit recommendations to the Municipal Council for disposal of any property considered not to have present or reasonable future use or where holding of the property has no strategic benefit to the City.
3. THAT each sale be considered on its own merits by the Municipal Council taking into consideration the recommendations of the Director of Real Estate & Building Services.
4. THAT, when permitted by statute, lands may be listed for sale through a contracted real estate agent and/or multiple listing service at the discretion of the Director of Real Estate & Building Services.
5. THAT the City of Kelowna, with respect to its properties located at the foot of Cedar Avenue (see below for properties affected) will require that building heights within 25m of non City-owned single unit waterfront home be no more than 2.5 storeys in height and that any potential rezoning to allow for a hotel, not include provision for any of the following uses:
  - Powerboat marina
  - Facilities requiring a liquor primary license
  - Hotel in excess of 50 units
  - Properties Affected (by address)

3020 Abbott Street	3060 Abbott Street	3096 Walnut Street
3030 Abbott Street	3070 Abbott Street	3098 Walnut Street
3040 Abbott Street	3080 Abbott Street	252 Meikle Avenue
3050 Abbott Street	3090 Walnut Street	

### REASON FOR POLICY

To identify that the City only acquires and holds land when it is needed.

### LEGISLATIVE AUTHORITY

Local Government Act, Sec. 176

### PROCEDURE FOR IMPLEMENTATION

As outlined in this policy.



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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** November 22, 2010  
**File No.:** Z10-0090  
**To:** Land Use Management Department (GS)  
**From:** Development Engineering Manager (SM)  
**Subject:** 3020 - 3080 Abbott Street Cedar Avenue

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Development Engineering has the following comments and requirements associated with this application for the proposed P3 / CP Zones. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is John Filipenko. AScT

1. Domestic Water and Fire Protection

- (a) The proposed development site is currently serviced with seven small diameter water services. The owner, at his cost, will arrange for the disconnection of all existing services at the main and the installation of one new larger metered water service for each lot. The estimated cost of this construction for bonding purposes is **\$30,000.00**
- (b) The owner must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.

2. Sanitary Sewer

- (a) Our records indicate that this proposed development site is connected with seven 100mm diameter sewer services. Only one service will be permitted for each lot. The applicant, at his cost, will arrange for the disconnection and capping of unused services at the main and the installation of one larger service for each lot. The estimated cost of this construction for bonding purposes is **\$20,000.00**



### 3. Storm Drainage

- (a) It must be understood that the storm drainage systems in this vicinity are relatively shallow as the level of Okanagan Lake influences drainage. The drainage systems are inundated in water at times of high lake levels.
- (b) It will be necessary for the developer to extend the piped storm drainage systems within Abbott Street and Cedar Avenue. The estimated cost of construction is **\$90,000.00**

### 4. Road Improvements

- (a) Abbott Street is partly urbanized with a pavement widening and concrete sidewalk. Full urbanization along the frontage of this development site will require removal of redundant driveway letdowns sidewalk restoration, construction of a barrier curb and gutter, storm drainage system including catch basins, dry-wells. Also required is a landscaped boulevard complete with underground irrigation system, street lighting and the re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The estimated cost for this construction for budget purposes is **\$65,000.00**
- (b) Cedar Avenue fronting this development must be upgraded to a full urban standard including a concrete sidewalk, curb and gutter, piped storm drainage system including catch basins and drywells, pavement widening, street lighting landscape boulevards and the re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The estimated cost for this construction for budget purposes is **\$35,000.00**
- (c) The decommissioning of existing services and installation of new services will also impact the integrity of the frontage roads. The extent of road restoration will be at the discretion of the City Development Engineer.

### 5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Lot consolidation
- (b) Provide a 6.0m radius corner rounding at the Abbott St., Cedar Avenue property line intersection.
- (c) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- (d) A 'no-build' lakeshore setback must be registered against the subject property as a Section 219 Restrictive Covenant.

### 6. Street Lighting

Street lighting including underground ducts must be installed on Abbott Street and Cedar Avenue fronting on the proposed development. The cost of this requirement is included in the roads upgrading item. If the electrical source for the street lighting is on the east side of Abbott Street, this source must be in underground ducts.



7. Engineering

- (a) Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the Development Engineer for review and marked "issued for construction" by the City Engineer before construction may begin.

8. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

9. Bonding and Levy Summary

(a) Bonding

Abbott Street Frontage Improvements	\$ 65,000.00
Cedar Avenue Road Improvements	\$ 35,000.00
Storm drainage Main Construction	\$ 90,000.00
Service upgrades	\$ 50,000.00
<u>Total</u>	<b>\$240,000.00</b>

NOTE: The bonding amount shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided as a condition of this application, and may be in the form of cash or an irrevocable letter of credit, in an approved format.

The developer must also enter into a servicing agreement in a form provided by the City.

10. Latecomer Protection

Under provisions of Section 990 of the BC Municipal Act, and in conformance with the City of Kelowna Subdivision Development & Servicing Bylaw No. 7900, the owner is eligible to apply for latecomer protection for the following:

- (i) Storm drainage system within Lakeshore road.



11. Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as (3% of Total Off-Site Construction Cost plus HST) in the amount of **\$5,760.16** (\$5,143.00 + 617.16 HST)

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Steve Muenz, P. Eng.  
Development Engineering Manager  
JF