
CITY OF KELOWNA

MEMORANDUM

Date: February 19, 2002
File No.: 6530-17; B/L 8900

To: City Manager

From: Planning and Development Services

Subject: Revisions to City of Kelowna Zoning Bylaw No. 8000

Supplemental Report prepared by Patrick McCormick

RECOMMENDATION

THAT Text Amending Bylaw 8900 (TA01-003) to amend the C7 – Central Business Commercial Zone to permit increased building heights in the downtown core be advanced for adoption consideration by Council;

AND THAT staff initiate a process to consider the merits of providing dedicated parking in City-owned parking facilities, in conjunction with cash-in-lieu payments for residential and/or commercial occupancies within any C7 zone, and report back to Council;

AND FURTHER THAT the provisions of the C7 zone be re-examined in two years time, or sooner if warranted by market conditions for Downtown residential and/or commercial development.

BACKGROUND

On December 16, 2002 a package of proposed changes to the C7 Central Business Commercial zone (BL 8000) was presented to Council. These changes were deemed by staff to be consistent with directions set out in the *Kelowna Downtown Plan*.

The proposed amendments were referred to a public hearing which was held February 4, 2003. Council has requested staff to report back prior to final adoption, regarding three requests made by the Urban Development Institute, Kelowna Chapter, at the public hearing.

These requests were:

- That the City further reduce the proposed parking requirement for residential occupancies, or that designated spaces in a parkade be provided for developments that have paid cash-in-lieu for parking;

- That the City further reduce the public open space requirement for residential occupancies, potentially to zero;
- And that the City increase the proposed building setback at 15 metres above grade to more than 18 metres above grade, to allow up to four storeys of wood construction above a one storey structure including a suspended concrete slab.

DISCUSSION

Parking Reduction

The proposed reduction in the existing parking requirement to one stall per residential unit is felt to be consistent with the realities of today's marketplace. That is, it is deemed by staff that households wishing to locate in the central business district, would require at least one parking stall.

It is therefore unlikely that lesser parking requirements would reduce the demand for parking. Although cause and effect relationships need to be carefully gauged, it is anticipated that reducing the residential parking requirement in the context of stable supply may put upward pressure in the short-term, on the price of parking. This could negatively impact Downtown businesses.

Alternatively, to maintain a supply consistent with demand, public off-street parking could be constructed in response to any increase in demand as a result of new residential occupancies in the Downtown. These parking facilities would have to be at least partially funded at the taxpayer's expense. This would be necessary because the cash-in-lieu funds that would otherwise be induced by the parking requirement would no longer flow into the Parking Reserve Fund which is used to finance off-street parking facilities.

Council has directed staff to look at parking reductions as an incentive to development for affordable market housing within the Urban Centres. It is possible that there could be recommendations for further reductions in parking requirements for certain types of residential developments. This will be known with more certainty, once staff have completed the analysis that is in progress.

Dedication of Parking Stalls

The issue of providing dedicated stalls in conjunction with cash-in-lieu payments could have merit. However, the terms of such a program would have to be carefully considered. Staff recommend a process be commenced to explore the possibility of dedicating stalls to residential and/or commercial occupants of new developments within any C7 zone. This approach would require the City to create long-term or permanent tenure for some portion of parking stalls in a public facility. The process would include discussions with the Transportation Division and the Parking Committee.

Reduced Open Space Requirement

Staff feel the existing open space requirement is readily achievable within the mixed use developments encouraged by the proposed zoning amendments and as such, is not a burden on the cost of residential development.

It is anticipated that the physical characteristics of residential occupancies above commercial uses at street level lend themselves well to the provision of private open space. That is, the typical lot depth in the Downtown is approximately 36.5 metres. This is a greater depth than can be utilized by residential units. The reason for this is that any floor layout that utilized the full lot depth would not likely result in residential units that meet the BC Building Code provisions for natural light and ventilation.

It is therefore expected that considerable rooftop areas will be available to be landscaped for the provision of communal private open space. The provision of this amenity is consistent with the *Kelowna Downtown Plan* which encourages landscaped rooftop areas. Where the proposed zoning would not require commercial at grade, it is anticipated that private open space could be provided in the form of at-grade communal amenity space.

Staff consider that a complete reduction of open space within a development may, over time, place an additional burden on on public open space assets within the Downtown Plan area. Moreover, staff continue to feel that the provision of the private open space stipulated in the C7 zone is essential to developments that contribute to the desired quality of life envisioned in the OCP for Kelowna's Town Centres.

Staff are prepared to look at creative proposals for the provision of open space other than conventional approaches such decks and/or balconies.

Increased Building Height

The 15 metre height was determined based on consideration of the amount of sunlight that would fall on sidewalks on the north side of streets. Increasing the height at which any building in the C7 zone would be required to set back from the street would considerably reduce the period of time in which sunlight could be expected to fall onto the sidewalk on the north side of a street oriented in an east-west direction. Staff estimate the reduced period could be as much as 92 days¹. Maintaining the setback at 15 metres is therefore considered consistent with the urban design objectives set out in the Planning and Development Services Report of December 10, 2002 for achieving sunlight access at street level.

Although not presented as part of the Public Hearing, staff have also received concerns from individual members of UDI regarding the proposed maximum floor plate size for buildings above 15 metres in height. The proposed maximum floor plate size is 676 square metres (approximately 7, 277 square feet).

¹ April 21 - August 21 vs. June 1 - July 1 for Bernard Avenue at 1 P.M.

The individual UDI members expressed that from a marketing perspective, the minimum floor plate size should be 929 square metres or 10,000 square feet. Staff developed the proposed restriction to ensure that aspects such as daylighting, wind effects, and overall massing and scale are considered in the zoning regulations.

In most areas, increasing the maximum floor plate size above 15 metres in height will increase the mass of the tower portion of any building such that less sunlight will reach the street. However, there may be building designs with floor plates above 15 metres that exceed the proposed limit, where the scale of the building is not large relative to the size of the site, or where other aspects of the design make a contribution to the overall streetscape that compensates for the larger floor plates and building bulk.

Staff recommend that the maximum floor plate size remain as proposed and that Development Variance Permits be considered on a site by site basis and on the merits of individual proposals.

Variances

The variance provision would continue in effect under the changes proposed in the Planning and Development Services Report of December 10, 2002.

This provision allows a variance of the zoning provisions to be requested with respect to any aspect of a project, except where the requested change would result in a building that exceeded the allowable density, or would result in a use not identified in the C7 zone.

The variance mechanism therefore provides for due consideration of any projects which would not meet the proposed provisions of the C7 zone with respect to parking, open space, or building envelope.²

SUMMARY

Staff feel the proposed changes as outlined in the Planning and Development Services Report to Council dated December 10, 2002 will set the stage for future downtown development and are a considerable improvement over the current provisions of the C7 zone. Staff recognize however that the proposed revisions, as well as those provisions proposed to be retained, may need to be re-evaluated in response to changing market conditions for Downtown residential and/or commercial development. In the interim, the provision for variances offers a mechanism for projects that do not meet the requirements of the C7 zone for parking, open space, or building envelope.

It is therefore recommended that the proposed amendments to the C7 zone as outlined in the Planning and Development Services Report of December 10, 2003, proceed to fourth reading. It is also recommended that staff initiate a process to examine the merits of

² The proposed FAR of 12 is generous and it is unlikely any proposed building in the C7 zone would exceed this density. This means that the proposed changes to the C7 zone would allow a building to rise above 18 meters from the property line along a street, without exceeding the maximum density allowed.

providing dedicated parking in City-owned parking facilities, in conjunction with cash-in-lieu payments for residential and/or commercial occupancies within the C7 zone and report back to Council .

Andrew Bruce
Current Planning Manager

Approved for inclusion



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