

# Memo



Date: June 2, 2010  
File: OCP08-0016; TA08-0004; Z08-0044  
To: City Manager  
From: City Clerk  
Subject: CD 21 - Main Issues for Council

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## Recommendation:

THAT Council receive, for information, the report of the City Clerk dated June 2, 2010 listing the Mayor's and Councillor's main issues with respect to the CD 21 Zone.

**Purpose:** At the conclusion of the May 17, 2010 discussion on CD 21 Zone, Council adopted the following resolution:

THAT each member of Council identify, in written form, their three (3) main issues with respect to the proposed CD21 Zone for review at the June 7, 2010 A.M. Regular Council Meeting.

In addition, each member of Council was asked to identify what heights and building locations in the present CD21 Zone are acceptable to them.

## Background:

Responses received from individual members of Council as of noon Wednesday, June 2, 2010 are attached.

## Considerations not applicable to this report:

Internal Circulation:  
Legal/Statutory Authority:  
Legal/Statutory Procedural Requirements:  
Existing Policy:  
Financial/Budgetary Considerations:  
Personnel Implications:  
External Agency/Public Comments:  
Community & Media Relations Comments:  
Alternate Recommendation:



Submitted by:



S. Fleming, City Clerk

Approved for inclusion



cc: Director, Real Estate and Building Services  
Director, Land Use Management

## CD21 Challenges:

1. The CD21 zone connecting all the properties is too complicated and should be simplified. Comprehensive zoning can be used as the tool but it should be broken into smaller development zones presenting their own unique vision. With smaller zones attach more interesting zone names: e.g. (Bernard Heritage) (Water Heritage) (Sails Corner) (Lawrence Market) (Leon China Town) (Highway Terrace) (Sails Plaza) (Park Way) which could include part or full blocks. This model should be expanded to the rest of downtown. In fact the entire block of Bernard on both the south and north side only need the Bernard streetscape enhancement that is already being planned.
2. Density and Height for the 4 blocks projected in the CD21 should be spread out throughout the downtown with height being highest at the Safeway end of Bernard with lower heights in the first few blocks nearer to the waterfront. I have come to the conclusion after listening to many in the community that height should be as in the present downtown plan with the ability for developments to get enhanced density as has been done already with very successful projects such as Centurion and Madison.
3. The redevelopment of the Willow Inn block should be encouraged to move ahead immediately with a height and density more in keeping with the present downtown plan. A boutique hotel would be most welcome in that area.
4. The City should stimulate immediate change in the Lawrence and Leon streets by progressing with a permanent Farmer's market on the city owned properties behind the Fire Hall with the development of multifamily accessible town homes in this area as proposed in the CD21 zone. The new Heritage Firehall Museum should become part of the plan for the area.

## Other Suggestions:

- a) The main amenity I support is the dock. The downtown will benefit as will the entire city and there should be a shared formula to achieve the dock. The dock development should be a number one priority in our upcoming budgeting to enhance the end of Bernard.
- b) I support the closure of Lawrence to Bernard along Abbott Street but would like the transportation review of also closing the last block of

Bernard and not extending the Mill Street through the block. Let's make the entire Sails area and Kerry Park all pedestrian friendly.

- c) The landscaping and streetscape enhancements being planned for Bernard should be extended to the Leon and Lawrence and Queensway.
- d) Changing to two-way along all of Lawrence and Leon will immediately bring economic interest to the broader downtown and should include moving the truck route off of Ellis.
- e) Affordable housing should be included in the multifamily developments according to our present policies.
- f) The large nightclubs should be encouraged to redevelop their spaces to active use during the day through a planning exercise.

Submitted June 1, 2010 by Mayor Sharon Shepherd

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**From:** Andre Blanleil [mailto:andre@andres1.com]  
**Sent:** June 1, 2010 8:06 AM  
**To:** Stephen Fleming  
**Subject:** Re: CD21 Zone

I'm good the way it is.

Andre Blanleil

## Charlie's 3 CD-21 issues

1: Originally the CD-21 concept was created to help 'revitalize downtown' as well as help address the 'issues' surrounding Lawrence and Leon Avenue. However, simply developing the bottom four blocks between Abbott and Water will not resolve either of these concerns in the big picture.

Where, what, and how is there a connectivity and interface between the CD-21 and the remainder of the entire downtown? Should the CD-21 not be reviewed and crafted to integrate and compliment both an overall Downtown Plan and the Spaxman Report?

2: There is significant concern that not all business/property owners agree with the CD-21 and/or interested in selling their land. It was adamantly stated during previous discussions that staff would not be looking at 'expropriation' as a resolve to such impasses, suggesting that for the right price land could be purchased. Most recently that response was altered to suggest staff did not have the power to expropriate but would leave such issues to council.

In the plan it appears there is \$6 million set aside for land acquisition, which is not enough to buy much in the way of the prime real estate needed to create the 'plaza' and/or angled walkway connection to Water St. Two possible solutions come to mind – drastically increase City funds allocated for land/building

acquisitions OR reduce the size of the outdoor Plaza so as to not have to obliterate Earls and other connected buildings.

Can we reduce the plaza footprint? If not what is a realistic dollar figure needed for the City to purchase some of the significant properties within the CD-21 plan?

3: Attractive amenities such as the plaza and pier are significant selling points for the public and business owners. Those amenities, however, could well be several years away from reality since they will be initiated mainly through future perceived developments and high-rises'- potentially stifling revitalization of the downtown.

Can the City initiate and even fastback the Pier project, Plaza, and perhaps even the long-discussed resurrection of an outdoor 'Regatta' like facility in City Park in the near future as a kick start to downtown revitalization - rather than wait on developers, speculators, property owners ...to lead the charge?

4. I support high rises but not in the Abbott to Water street sector, near the waterfront, as planned. Why not step them back and move them further towards Richter etc in a horseshoe configuration?

**Subject:** FW: CD21 Zone

Good Morning Stephen

My one request is that we change the wording in the affordable housing component.  
To give the developer the option to give one hundred percent cash or build the affordable units.

Thanks Graeme



Dear Council,

I've put a lot of thought into what would make the CD 21 the best it can be, now that we have the time and ability to make some changes. I put forward these three items for your consideration:

**1. Boundary - Redefine the boundary of CD 21 to encompass the area from Hwy 97 to Lawrence and from Abbot Street to Richter Street.**

CD 21 was born from the desire and a vision to clean up the Leon and Lawrence corridors. Since then it has somehow grown to encompass beyond this area to include Bernard and Queensway. While I believe the redevelopment and amenities proposed for Bernard and Queensway have merit, the hotel site could be considered for rezoning outside of the CD 21 discussion, and the remaining areas and amenities can be contemplated within a greater Downtown Plan, including such concepts as pedestrian-only areas along Abbot and Bernard Avenue.

Redefining the boundary of CD 21 would then allow the focus to be where it is most needed, along Leon and Lawrence from Abbot to Richter. It would also allow taller buildings within the zone to be pushed back further from the Lake. This will take additional time and budget considerations, but so would reconsidering other parts of the plan, so why not do it now and do it right. The 'two-waying' of Leon and Lawrence could be undertaken immediately, as well as using City-owned property as a stimulus for public amenities such as a downtown market and improved streetscape, as suggested by Mayor Shepherd. In the recent report provided by the Liquor Board, it was noted that the beauty and cleanliness of an area, or lack thereof, has a direct impact on the level of crime, types of behaviour exhibited by the public, the and perception of safety.

**2. Height – reduce and relocate the tallest buildings within CD 21.**

I understand that in order to receive the full amenity package proposed in CD21, buildings up to 26 stories are required. However, I would prefer to reduce heights and scale back the amenity package that extends all the way to Bernard and Queensway. A reduced amenity package can then be focused on Leon and Lawrence for the express purpose of the CD 21 zone's goals to revitalize and incentivize development in this area. Ideally, a height can be agreed upon as an outcome of our deliberations, and staff can work with Council's maximum height tolerance as a way to determine what amenity dollars would be available in exchange for the height. Streetscaping, a public market and a pocket park have been proposed for Leon/Lawrence and could remain at a minimum.

In the statistically valid survey cited by staff, a majority (55%) of respondents favoured buildings on the lower scale, under 14 stories. The remainder favoured buildings from 15-19 stories (17%); 20-25 stories (12%), 26-30 stories (6%) and 30+ stories (9%). I agree that buildings on the lower scale are more favourable for a variety of social and environmental reasons, although I would support taller buildings that are pushed back from the lake back towards Richter (if the boundary of the zone were redefined to extend this far), and along the Hwy 97 corridor. Shorter mixed use, commercial/residential buildings, could be the primary make-up for the rest of the zone as it approaches the lake.

<u>Downtown Core</u>	
Less than 4 storeys	9%
4-6 storeys	19%
7-14 storeys	27%
15-19 storeys	17%
20-25 storeys	12%
26-30 storeys	6%
30+ storeys	9%

**3. Sustainability - Recognize and act upon the City's requirement to reduce GHG's within CD 21**

Aside from increased density in our downtown core, the City is missing a huge opportunity to improve the liveability, marketability, energy efficiency, reduced GHG's, water conservation, and cost long-term cost effectiveness of CD 21. I recognize that we do not want to add so-called "burdens" or disincentives for development within CD 21, but improving CD 21's environment, social and economic viability need not do this. As part of the revamping of CD 21, staff could put forward additional incentives with a points-based system for achieving higher levels of sustainability, including, but certainly not limited to the ideas listed below. Depending on the extent of incentives and initiatives, a low-carbon zone could be created.

- ✓ A City or private utility-owned district energy system that developers could tie into, reducing the need for chillers/boilers and their associated infrastructure and costs.
- ✓ Climate-responsive design such as LEED or a high enerGuide rating.
- ✓ Urban agriculture
- ✓ Innovative transportation (car-sharing programs, ample secure bike storage for every resident, shower facilities), possibly complimented by an electric-trolley system
- ✓ Rainwater re-use, gray water recycling, water conservation natural drainage systems
- ✓ Green roofs and urban forests (tree planting)
- ✓ Recycling of building materials and building re-use
- ✓ Innovative recycling/kitchen composting facilities

Incentives could include priority permitting, density bonuses, reduced parking requirements, reduced DCC charges if infrastructure demands can be proven to be reduced, etc. An Integrated Design Process could also be encouraged and incentivized.

Thank you for your consideration of the concepts and I look forward to our next discussions with Council and the public!

Angela

1. Move height to south of Lawrence. I'm flexible on the height there as long as it steps back - keep buildings along lower Bernard to 4 stories, with the exception of the hotel which I would support at 17 stories. Move other height to other parts of downtown - ie nearer to Richter, through some kind of density or height transfer. Have those taller buildings also contribute to the amenities through some formula.

2. Close Bernard Ave between Mill and Abbott and use that land to expand the Sails Plaza. I would be willing to pull Mill St through to Lawrence if that would make the transportation flow work.

3. I'm still uncomfortable with the protection of the heritage buildings. Not sure what the answer is!

Those are my big three. I also have two small ones.

4. Allow the KGM to remain in it's subsection. Find a way to help them improve their building frontage.

5. Remove the small buildings directly behind the firehall. I think they mess up the view corridor from the Sails plaza.

I've given this a lot of thought, but I'm sure once I push send I will have a brainwave, so I reserve the right to modify my points :)

Thanks

Michele  
Councillor Michele Rule  
City of Kelowna  
250 717 6359  
[www.kelowna.ca](http://www.kelowna.ca)  
Canada's Best Blooming Community!

Luke Stack

(June 1, 2010)

Three Main issues: CD21-Zoning Bylaw Amendment no. 10020, 2008

1. Protection of open public space and view corridors: A primary benefit of the CD21 zone is the public open space that is created as a result of the higher density. The Market Green; The Crossing, the Sails plaza and the new Mill Street connection must be retained in the plan.
2. Siting and Massing: Maintain the human scale of buildings at the street level by setting towers back from the street edge. The street edge should only permit buildings that are 3 to 4 stories high.
3. Affordable Housing Amenity: Provide Developers the opportunity to pay 100% "cash-in-lieu" for the affordable housing amenity contribution to the Housing Opportunities Reserve Fund. These funds can then be directed to purchase or develop affordable housing on Civic properties outside of the CD21 zone. (I believe these funds are best used to provide land for future affordable housing initiatives funded in partnership with other levels of government.)

**Other considerations and compromises I am willing to support to proceed with the CD21 downtown re-development:**

1. I am agreeable to reduce some building heights and correspondingly reduce some of the \$22 million amenity contributions.
  - a. I believe the scope of the "Sails plaza" can be reduced; Gordon Price advised a smaller plaza would provide a higher quality pedestrian experience.
  - b. the public pier amenity contribution can be removed from the CD21 amenity package;
    - i. A modified Pier concept could proceed, but not be funded out of the CD21 amenity package.
2. I am supportive of major hotel(s) in Zone 1, Zone 2 or Zone 3.
3. I am agreeable to close part of Mill Street and Queensway and sell it at fair market value to a major hotel development provided assurances are in place that the development will proceed.

**Background:**

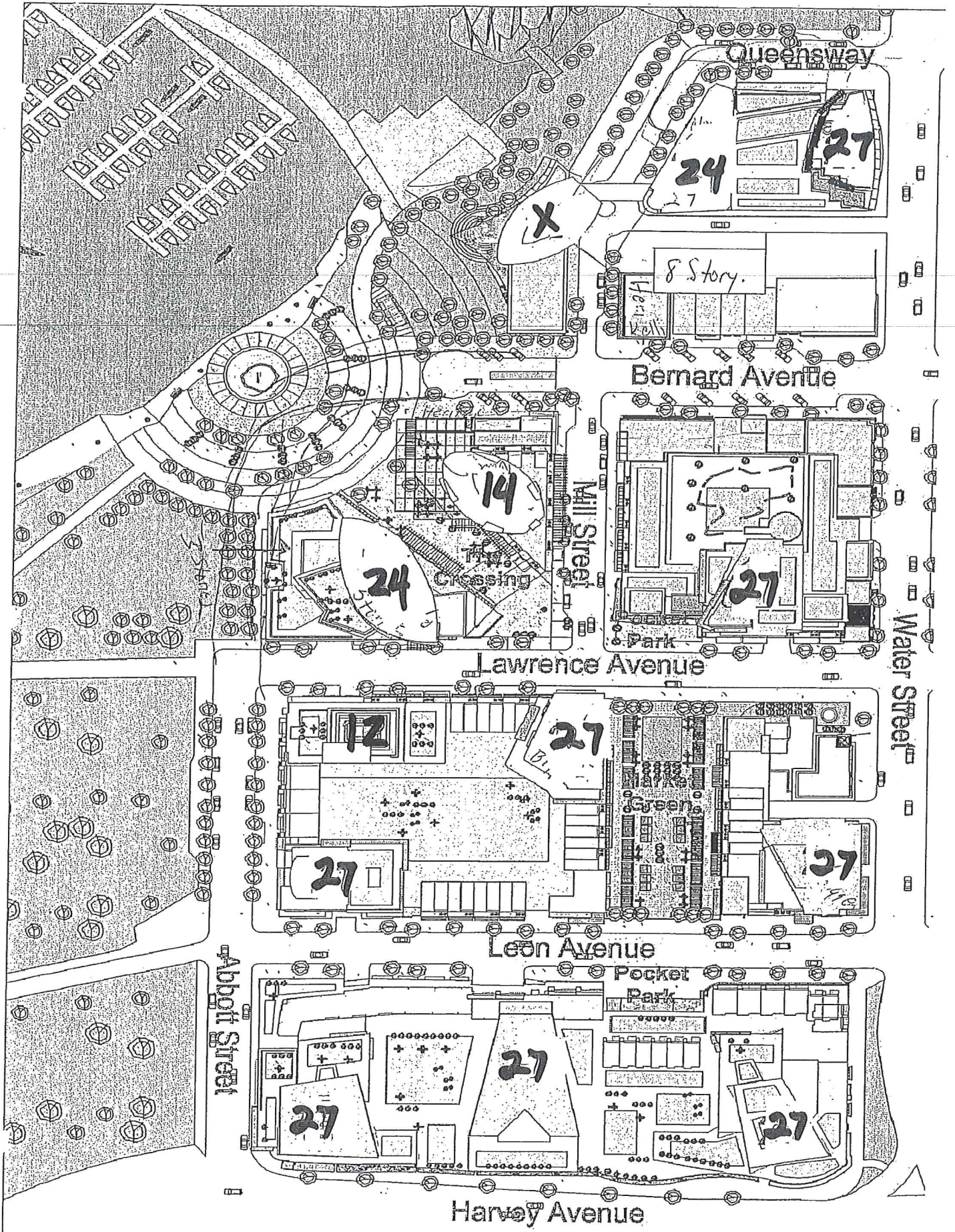
This will confirm that the following resolution was adopted by Council during the "open session" of the Regular A.M. Meeting held on Monday, May 17, 2010:

THAT each member of Council identify, in written form, their three (3) main issues with respect to the proposed CD21 Zone for review at the June 7, 2010 A.M. Regular Council Meeting.

For your appropriate action.

**PLEASE NOTE:** In addition to the above, each member of Council is to identify what heights and building locations in the present CD21 Zone are acceptable. (See attached Drawing)

Sandi Horning, Council Recording Secretary  
Office of the City Clerk, Corporate Services



From: robert hobson [mailto:rhobson@shaw.ca]  
Sent: Wednesday, May 26, 2010 2:59 PM  
To: 'SHorning@kelowna.ca'  
Subject: CD Zone Issues

Sandi:

Here are my three top issues with respect to the cd zone:

1. The relationship between heights in the CD zone and the remainder of the area in the Downtown Plan (ie: redistributing some of the height and density in the CD plan to the rest of downtown)
2. The need for further public input through a workshop process (to address public concerns and build support for a plan from the ground up)
3. The amenity package (both content and how to get the rest of downtown to help pay for it)

Thanks.