

Memo



Date: August 3, 2011
File: 1200-40
To: City Manager
From: Signe Bagh - Director, Policy and Planning
Subject: OCP and Zoning Bylaw Amendments Relating to Downtown Plan Charrette

Recommendations:

THAT OCP Bylaw Text Amendment No. OCP11-0006 to amend Policy 5.5.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by providing further detail relating to building heights in follow-up to the Downtown Plan Charrette process and by adding a new Map (Downtown Building Heights), as outlined in the report of the Policy and Planning Department dated August 3, 2011, be considered by Council;

AND THAT OCP Bylaw Text Amendment No. OCP11-0006 to amend the definition of the Mixed Use (Residential / Commercial) Land Use designation in the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by revising the reference to the need to decrease building height as distance from the core of the Urban Centre increases, as outlined in the report of the Policy and Planning Department dated August 3, 2011, be considered by Council;

AND THAT OCP Bylaw Text Amendment No. OCP11-0006 to include a policy that would encourage ground oriented housing in the Downtown on non-arterial and non-collector streets in the Kelowna 2030 - Official Community Plan Bylaw No. 10500, as outlined in the report of the Policy and Planning Department dated August 3, 2011, be considered by Council;

AND THAT further to the direction given staff on June 27, 2011, Council direct staff to not initiate an OCP amendment that would amend Map 4.1. Generalized Future Land Use to change the Future Land Use Designation of properties along the western side of Richter Street between the lane north of Bernard Avenue and Clement Avenue from Multiple Unit Residential (Medium Density) to Multiple Unit Residential (Low Density);

AND THAT Council confirm that OCP Bylaw Text Amendment No. OCP11-0006 has been considered in conjunction with the existing Financial Plan;

AND THAT the OCP Bylaw Text Amendment No. OCP11-0006 be forwarded to a Public Hearing for further consideration;

A handwritten signature in black ink, appearing to be the initials "S.B." or similar.

AND THAT Council direct staff to initiate amendments to the Zoning Bylaw No. 8000 to introduce greater side yard set-backs for C7 zone buildings over 22 m in height;

AND THAT Council direct staff to initiate Zoning Bylaw No. 8000 amendments to eliminate vehicle parking requirements for buildings that are four storeys or less in height along Bernard Avenue (between Abbott Street and Ellis Street) and the western side of Water Street (between Bernard Avenue and Lawrence Avenue);

AND FURTHER THAT the OCP amendments and Zoning Bylaw amendments referenced in the August 3, 2011 report from the Policy and Planning Department be advanced concurrently to a Public Hearing.

Purpose:

The purpose of this report is to respond to Council's direction to staff as received at the June 27, 2011 and July 25, 2011 Council meetings. The associated Service Requests are, respectively, Service Request 200293 and Service Request 203011.

Background:

On June 27, 2011, Council directed staff to advance a number of OCP amendments in furtherance of the Downtown Plan Charrette recommendations. On July 25, 2011, Council provided additional input. Based on Council's discussions and feedback, staff are recommending advancement of the following OCP and Zoning Bylaw amendments:

1. Providing Detailed Guidance Relating to Supportable Building Heights in the Downtown

It is recommended that OCP Policy 5.5.1 be amended as noted below:

Objective 5.5 Ensure appropriate and context sensitive built form

Policy .1

~~Building Height. Locate taller buildings in the geographic centre of Urban Centres and generally decrease height moving away from the centre, to a maximum of 4 storeys at the periphery of the Urban Centres, where adjoining land is designated for single/two unit housing.~~

In determining appropriate building height, the City will take into account such factors as:

- Contextual fit into the surrounding urban fabric
- Shadowing of the public realm
- View impacts
- Overlook and privacy impacts on neighbouring buildings
- Impacts on the overall skyline
- Distance between adjacent buildings above 22 m in height
- Impacts on adjacent or nearby heritage structures
- Building form and massing to mitigate negative impacts of buildings over 22 m in height

For all properties where height variances are required, a minimum separation distance of 36.5 m (120 ft.) will be sought between adjacent towers where there are floor plates larger than

larger than 697 sq. m (7,500 sq. ft.) and a minimum separation distance of 30.5 m (100 ft) will be sought between towers where floor plates are less than 697 sq. m. (7500 sq. ft.).

Within the context of the above-noted area height limits (for all areas of the City) the following criteria shall also be considered: Where a lot line abuts a lower density residential land use designation, buildings facing this lot line within the development should be stepped back such that there is no more than a one storey height gain between these building frontages and the height permitted within the land uses assigned to adjacent parcels. The key issue is the transition in scale. The City may consider alternatives to this if other measures can ensure an appropriate transition. Other alternatives may include a combination of appropriate choice of materials, positioning of a building on a site, the level of detail on the facing façade, positioning of balconies, windows, etc.

Unless existing zoning provides for greater heights, building heights within the areas noted on Map 5.3 should be as noted below:

~~City Centre: Six storeys within C4 zoned areas. Within C7 zoned areas, the height limit would be a maximum of the heights defined in the Zoning Bylaw (this would be 6 storeys in some areas and 12-14 in other areas). Where the Zoning Bylaw sets heights of 12 storeys, Council may consider height variances allowing for up to 19 storeys, provided that the additional height (beyond that provided in the Zoning Bylaw) results in the creation of affordable housing or yields other significant community benefits. Those areas that have been the focus of a Council-endorsed comprehensive development plan approved subsequent to adoption of OCP Bylaw 10500 will be subject to the height limits identified in that plan. In all other areas, the height limit would be 4 storeys.~~

City Centre: For the Downtown area, building heights shall, at maximum, be as noted on the "Downtown Building Heights" map. To achieve those heights, Council may consider variances from the heights set out in the Zoning Bylaw, provided that the additional height (beyond that provided in the Zoning Bylaw) results in the creation of affordable housing or yields other significant community benefits.

The former Willow Inn site at the corner of Queensway Avenue and Mill Street is significant given the site's proximity to the waterfront and its high visibility. In order to achieve approval for up to 19 storeys on this site, any proposed development should be required to demonstrate that it gives careful consideration to view impacts from other parts of downtown, is a signature landmark building and that it meets a high standard of design excellence regarding aesthetics and building performance.

Where the "Downtown Building Heights" map provides for a maximum height of six storeys for properties along Bernard Avenue (between Abbott Street and Ellis Street) and the western side of Water Street (between Bernard Avenue and Lawrence Avenue) in acknowledgement of existing zoning, the City will consider incentives to encourage building heights to not exceed four storeys.

For the Central Green property at the SW corner of Richter Street and Harvey Avenue, building heights shall be as approved by Council through the zoning process.

For areas of the City Centre not specifically mentioned above, the maximum height shall be: seven stories within areas designated for mixed use (residential/commercial); four storeys for areas designated for commercial; within C7 zoned areas, the height limit

would be a maximum of the heights defined in the Zoning Bylaw (this would be 6 storeys in some areas and 12-14 in other areas); on properties designated for multiple unit residential (high density), the height limit will be 16 storeys. Where the Zoning Bylaw sets height limits of 12-16 storeys, Council may consider height variances allowing for up to 19 storeys, provided that the additional height (beyond that provided in the Zoning Bylaw) results in the creation of affordable housing or yields other significant community benefits.

Other Urban Centres:

Locate taller buildings in the geographic centre of Urban Centres and generally decrease height moving away from the centre, to a maximum of 4 storeys at the periphery of the Urban Centres, where adjoining land is designated for single/two unit housing.

- **South Pandosy:** Generally 4 storeys. Six storeys within C4 or C9 zoned areas. Potential for 8 storeys where architecturally distinct and significant buildings are placed at corner, gateway or view terminus locations that are of significance to the community or where buildings are of cultural significance to the community.
- **Rutland:** Generally 4 storeys. Six storeys within C4 or C9 zoned areas. Potential for up to 44 m height (12-14 storeys) in the core of Rutland, as identified in the C7 zone of the Zoning Bylaw.
- **Midtown:** 16 storeys, where the OCP designation provides for high-density multiple-units.
- **Capri/Landmark:** Generally 4 storeys. Greater height (up to 12 storeys) may be supported on the Capri Shopping Centre site and in the area bordered by Dickson Avenue, Dayton Avenue, Springfield Road and Kirschner Road upon approval of a Council-endorsed comprehensive development plan for the site that provides for a variety of housing types (including but not limited to ground-oriented and rental apartment housing) and the provision of commercial space that is of an amount that, at minimum, equals that which existed in 2010.
- **Elsewhere:** For all areas of the City outside the Urban Centres, buildings heights shall be a maximum of four ~~Four~~ storeys for residential and six storeys for apartment hotels and hotels. Additional height restrictions may be imposed as a result of airport-related zoning regulations.

Notwithstanding the above noted height provisions, for all parts of the City other than the downtown, building heights adjacent to Okanagan Lake should remain low, subject to the recognition that height provisions in existing zoning would prevail. Building height can be increased as the distance from the lake increases. Preservation of upland sight lines towards Okanagan Lake shall be an important consideration in the review of development applications.

The map referenced in the above-noted recommended OCP policy is included in Appendix 1.

With increased provisions for height, it will be important to ensure that towers are appropriately spaced. The above noted wording introduces tower separation standards where height variances are sought. To ensure that urban design and livability are not compromised by more towers of greater height, it is also suggested that tower setback distances be increased within the Zoning Bylaw.

The Downtown Charrette recommended that building heights along Bernard Avenue and a small portion of Water Street be kept low. Heights were not specified, but subsequently the consultant recommended a maximum height of four storeys. Although such heights are *encouraged* in the above-noted policy, actually *restricting* development to that height will be challenged by the reality that today's zoning provides for 22 m (roughly 6 storeys). As such, the map in Appendix 1 shows 6 storeys for the parts of Bernard Avenue and Water Street that were, on June 27, 2011 shown at 4 storeys. Instead of limiting new development in those areas to four storeys, it is recommended that the city initiate Zoning Bylaw amendments to provide an *incentive* for lower building heights in the sensitive areas. Eliminating parking requirements for projects with heights of four or fewer storeys could provide such an incentive.

In addition to the above, the map included in Appendix differs from that forwarded on June 27th in that it:

- a. Corrects errors identified at the June 27th meeting;
- b. Reflects maximum building heights of 12 storeys on the Prospera site, as per existing CD5 zoning (the CD5 zoning has been acknowledged on the map);
- c. Shows potential for up to 4 storeys along the parts of Richter Street that were previously shown for 3 storeys (as per the rationale spelled out below in the section marked "Encouraging Ground Oriented Housing"); and
- d. Provides for greater transitioning between the 26 storeys along Ellis Street (between Doyle and Bernard) by showing some 19 storey development and then some 12 storey development before stepping down to 4 storeys along Richter Street.

To provide for the height profiles recommended through the Charrette, it will also be necessary to amend the OCP 2030 definition for Future Land Use designations as noted below:

Mixed Use (Residential/Commercial)

Developments that provide for commercial floor space on the ground floor or above, with additional potential for residential units above the ground floor. For Urban Centres other than the City Centre, building densities would decrease as the distance from the core of the Urban Centre increases. ~~-Other relevant policies include should also reference~~ Policy 5.5.1 Building Height and Chapter 17 - Urban Centre definition). Maximum density at the centre of the core would be consistent with zoning as follows: City Centre - C7 zone; Rutland - C7 zone; Pandosy - C4 zone; Midtown - C6 zone; Capri/Landmark - C4 zone.

2. Encouraging Ground Oriented Housing

One of the many outcomes of the Downtown Plan Charrette was a recommendation that Downtown properties along the western side of Richter Street be designated for low-density multiple family housing. One of the rationales for that was to provide for some ground-oriented housing within the boundaries of the Downtown Plan area. To implement that recommendation, Council directed staff to initiate an OCP amendment that would change the designation of those properties from "medium density multiple unit residential" to "low density multiple unit residential." Staff recommend that this direction be reconsidered in light of the following:

- The change would create a small area of low density multiple unit residential in an area surrounded by higher density designations;
- Some of the sites in question have already developed to higher densities; and
- The properties just across the alley could, if Council adopts the changes recommended in this report, be developed up to heights of 12 storeys - thus not providing for much of a transition.

Given the above, it is recommended that the land use designation for the properties along Richter Street remain as currently shown in the OCP. It is suggested that ground-oriented housing instead be encouraged throughout the plan area, at suitable locations, as part of higher density (including tower) developments. This can be achieved by, as noted below, adding wording to Policy 5.23.1

Policy 5.23.1.

Ground-Oriented Housing. Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms so as to provide a family housing choice within the multi-unit rental or ownership markets. High density residential projects in the Downtown area are encouraged to include a ground-oriented housing component, especially where such can be provided on non-arterial and non-collector streets.

Internal Circulation:

Director, Land Use Management

Legal/Statutory Procedural Requirements:

In order to implement the recommendations of the Downtown Charrette, amendments to the Official Community Plan and Zoning Bylaws will be needed, as noted in this report.

Legal/Statutory Procedural Requirements:

When Council, on June 27th, 2011 discussed OCP amendments related to the Downtown Charrette, Council waived the requirement for the amendments to be placed on an Advisory Planning Commission (APC) agenda prior to consideration by Council. This was done in acknowledgement of the considerable public input process already undertaken as part of the Charrette. Should Council wish to also waive the requirement for the APC to review the Zoning Bylaw amendments referenced in this report, then the matters noted in this report could be more expeditiously advanced to a Public Hearing. The resolution necessary to achieve this has been provided in the Alternate Recommendation section of this report.

Existing Policy:

Official Community Plan
Downtown Plan (2000)
Zoning Bylaw 8000

Alternate Recommendation:

AND THAT the Director, Land Use Management be instructed to waive the requirement for the Zoning Bylaw amendments noted in the August 3, 2011 report from the Policy and Planning Department to be placed on an Advisory Planning Commission Agenda prior to consideration by Council;

Considerations not applicable to this report:

Legal/Statutory Authority:

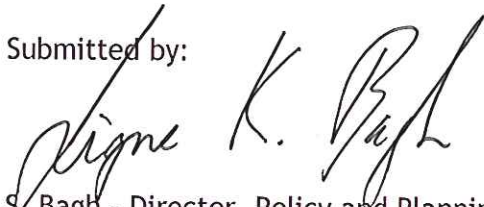
External Agency/Public Comments:

Community & Media Relations Comments:

Financial/Budgetary Considerations:

Personnel Implications:

Submitted by:



S. Bagh - Director, Policy and Planning

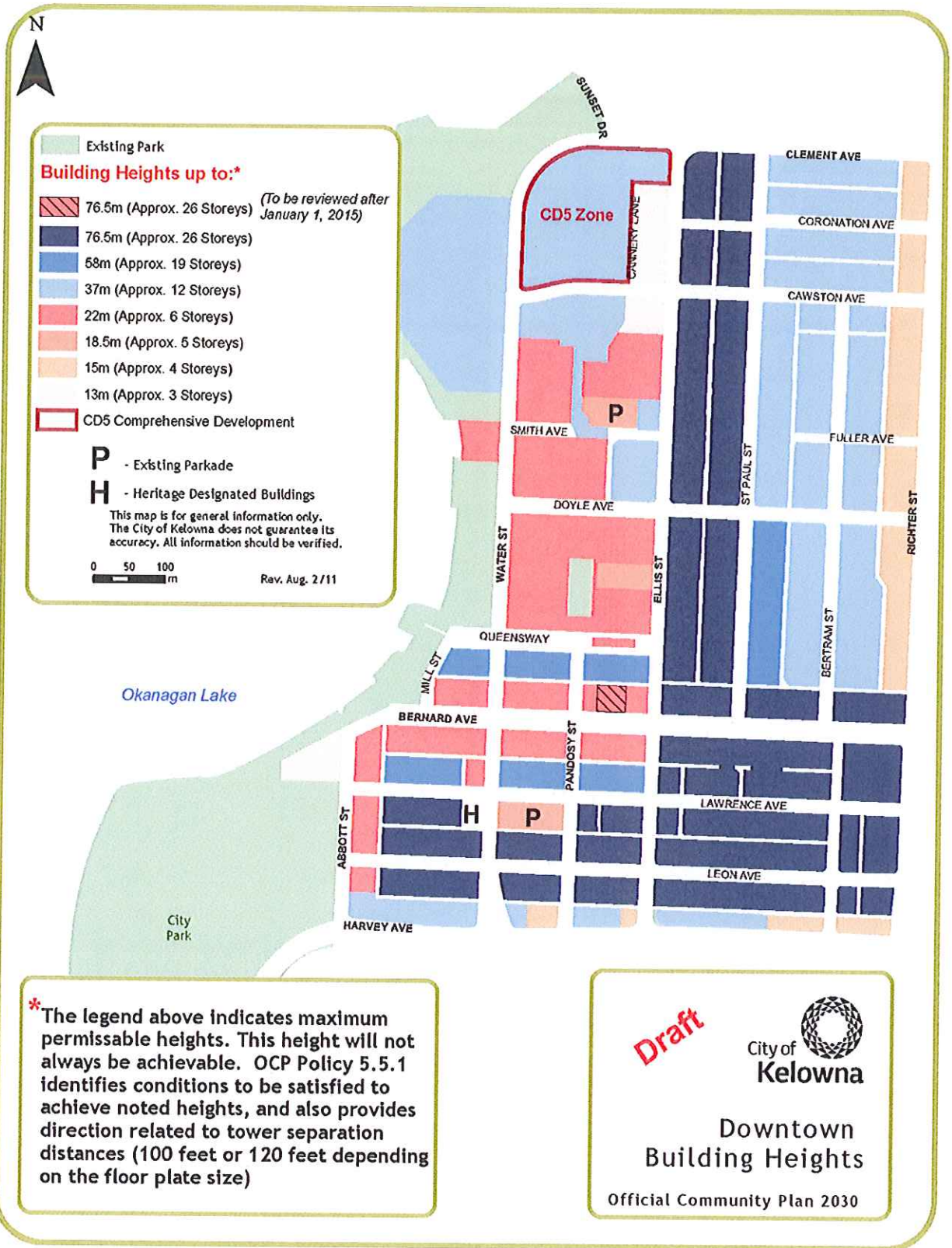
Approved for inclusion:



Jim Paterson - General Manager, Community Sustainability

Attachments:

Appendix 1: Downtown Building Heights



*The legend above indicates maximum permissible heights. This height will not always be achievable. OCP Policy 5.5.1 identifies conditions to be satisfied to achieve noted heights, and also provides direction related to tower separation distances (100 feet or 120 feet depending on the floor plate size)

Draft

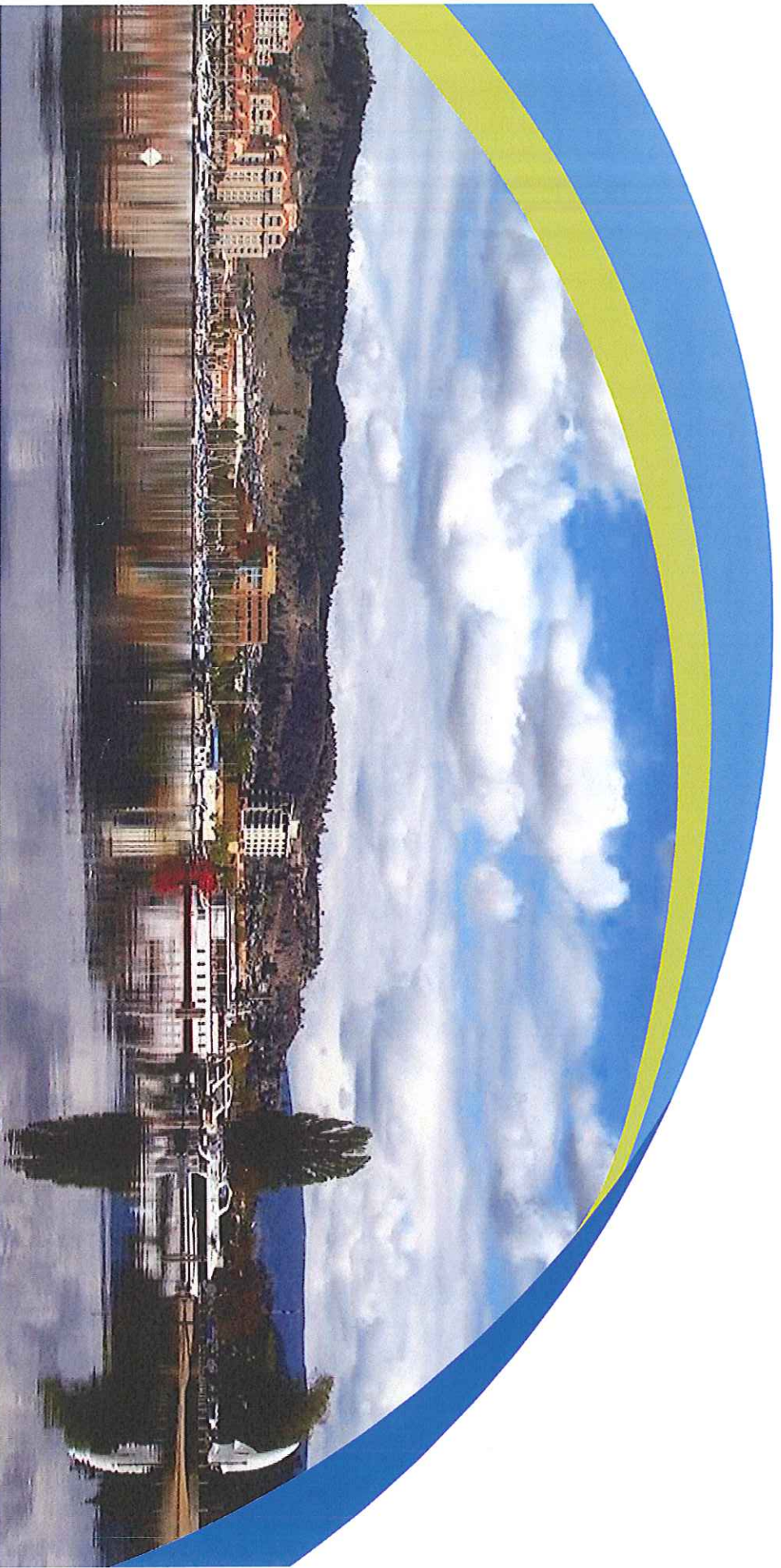
City of Kelowna

Downtown Building Heights






Official Community Plan 2030

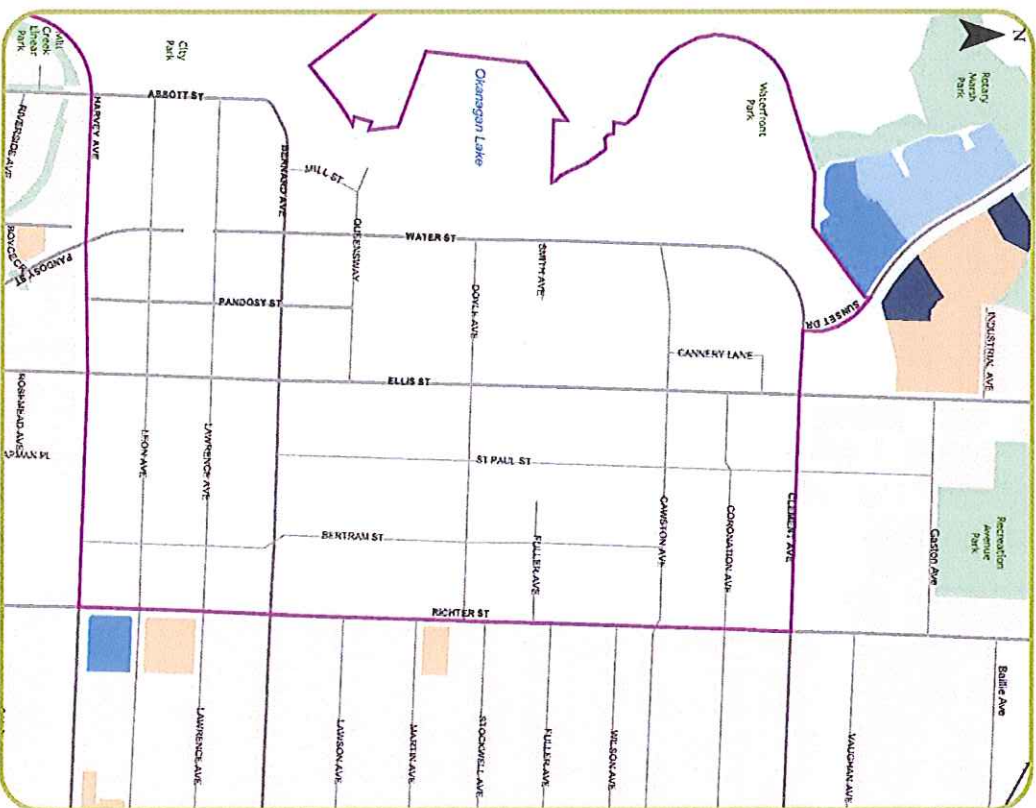
DOWNTOWN BUILDING HEIGHTS

August 8, 2011

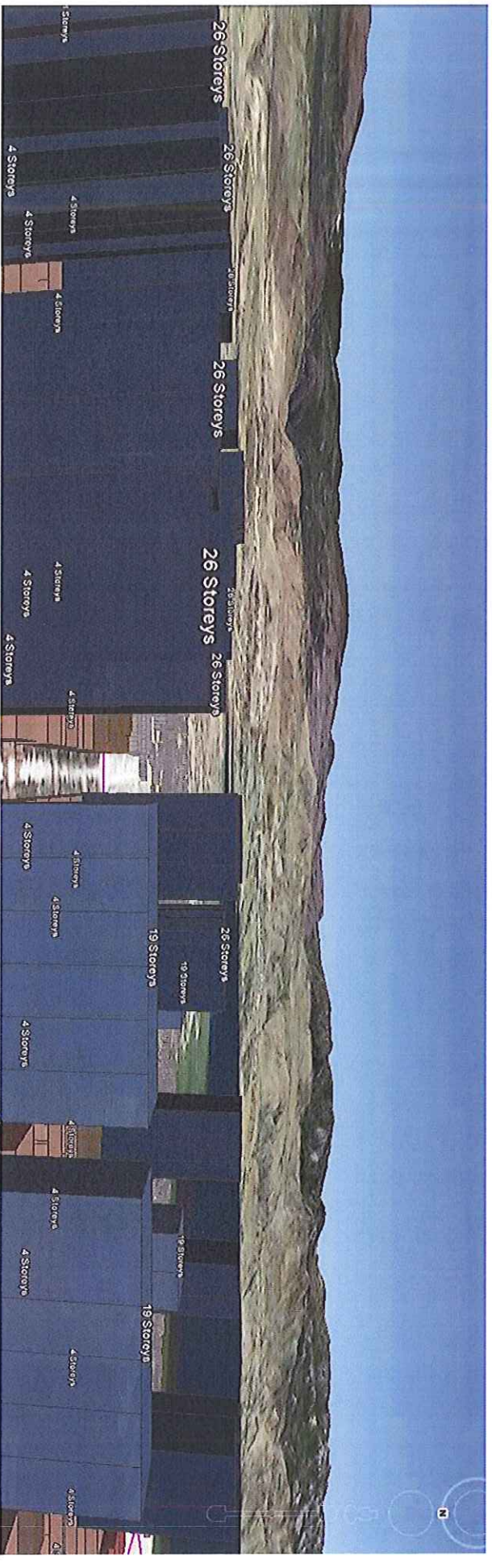
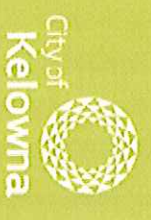


BUILDING HEIGHTS SURROUNDING DOWNTOWN

-  26 storeys or less
-  19 storeys or less
-  12 storeys or less
-  4 storeys or less
-  3 storeys or less



WHAT'S NOT WANTED

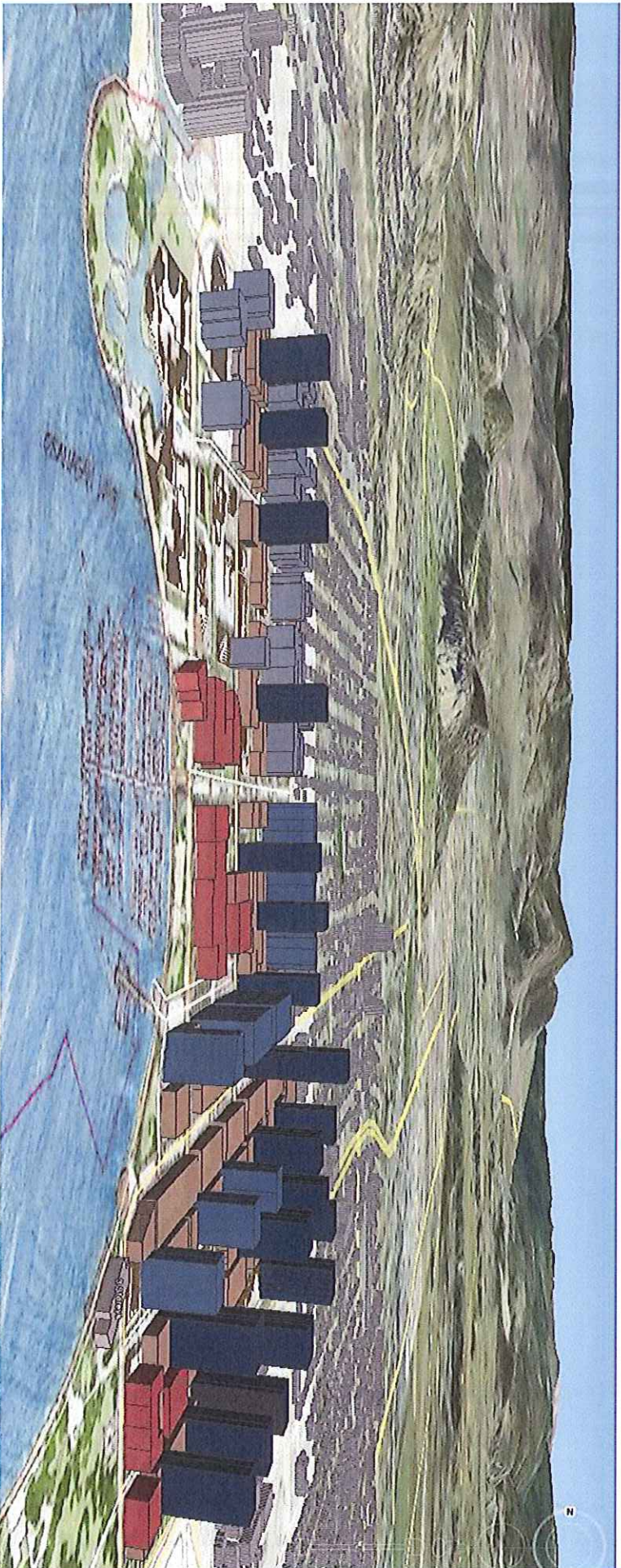


A solid wall of high rises



A mix of heights
Separated towers
Stepping back from the
lake





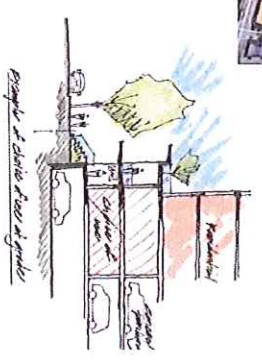
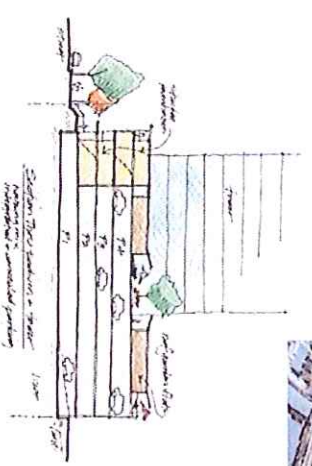
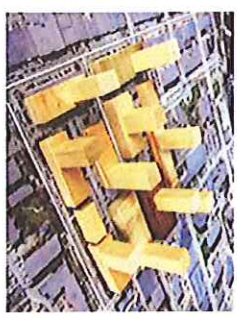
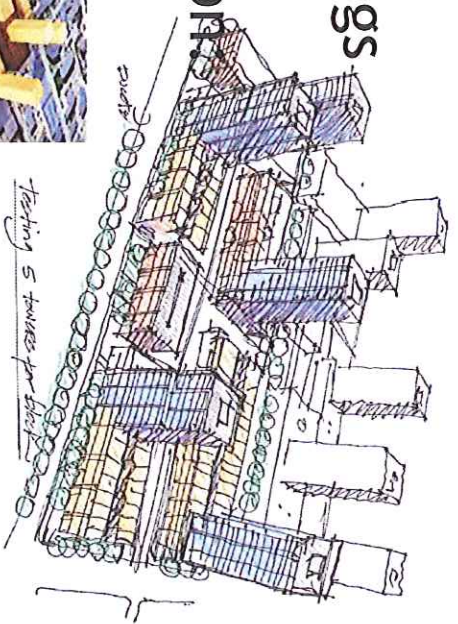
SOME GOOD LOCAL EXAMPLES



HOW DO WE GET THAT?

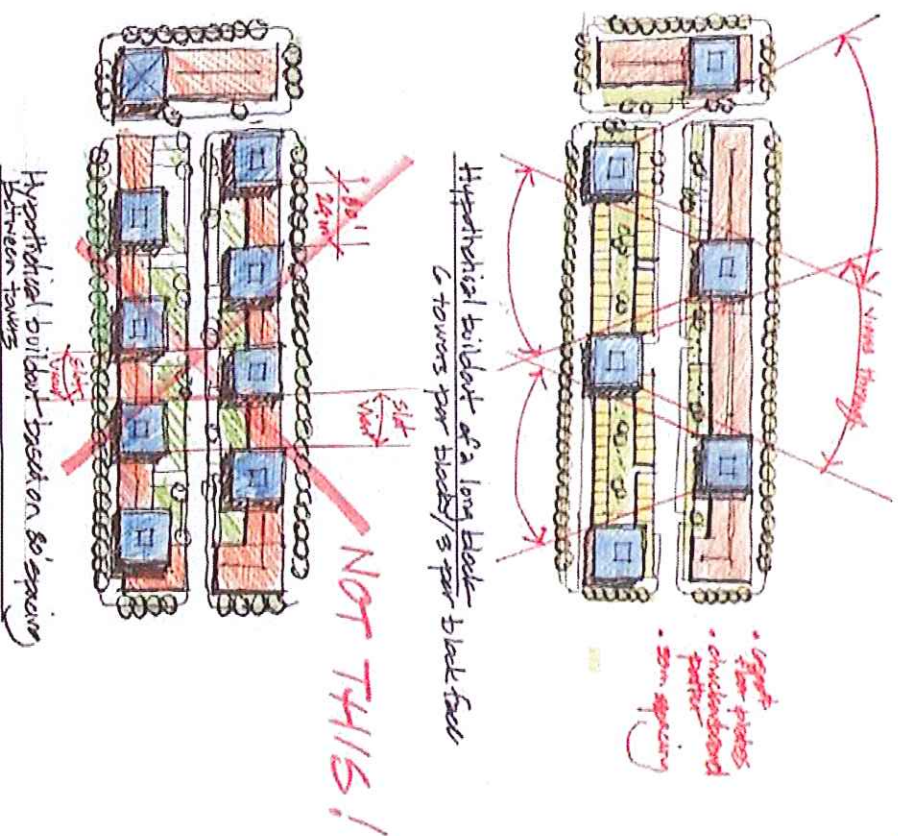
Ensure that the distance between buildings and building designs fits the surrounding context and does not negatively impact on:

- Shadowing
- Views
- Overlook and privacy
- Skyline
- Heritage Structures

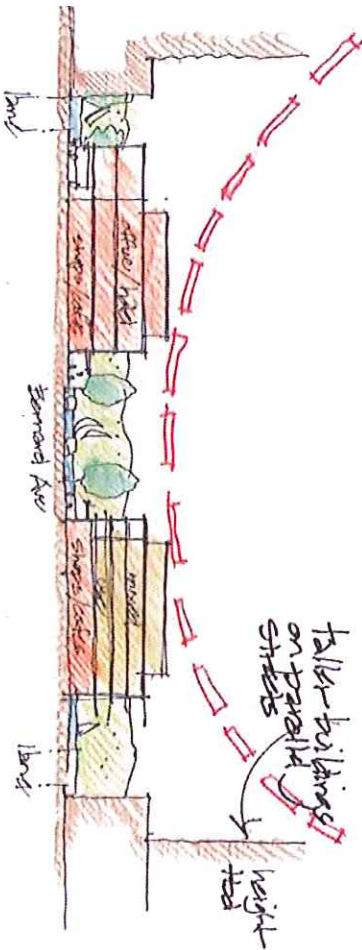


RECOMMENDATIONS

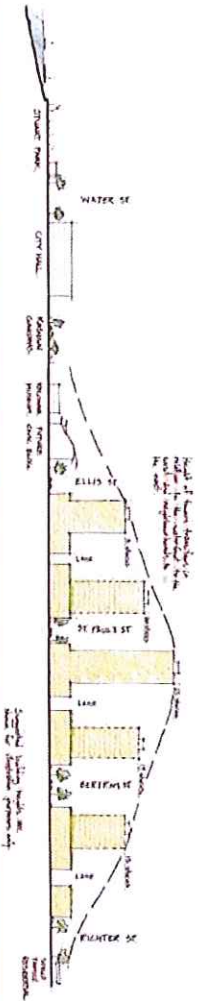
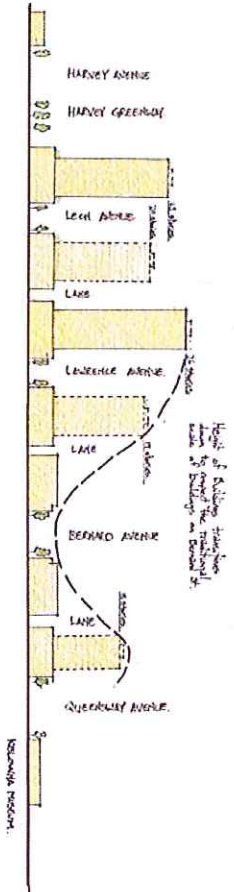
- ▶ Add OCP policy
 - ▶ Introduce tower separation
 - ▶ Specify design criteria
 - ▶ Identify maximum heights
- ▶ Change Zoning regulations
 - ▶ Increase tower setbacks
 - ▶ Provide parking incentives to keep height low along Bernard



HEIGHT PROFILE PRINCIPLES












Keep historical scale of Bernard Avenue.
From Ellis St. to Lake



Existing Park

Building Heights up to:*

(To be reviewed after January 1, 2015)

-  76.5m (Approx. 26 Storeys)
-  76.5m (Approx. 26 Storeys)
-  58m (Approx. 19 Storeys)
-  37m (Approx. 12 Storeys)
-  22m (Approx. 6 Storeys)
-  18.5m (Approx. 5 Storeys)
-  15m (Approx. 4 Storeys)
-  13m (Approx. 3 Storeys)
-  CD5 Comprehensive Development

*The legend above indicates maximum permissible heights. This height will not always be achievable. OCP Policy 5.5.1 identifies conditions to be satisfied to achieve noted heights, and also provides direction related to tower separation distances (100 feet or 120 feet depending on the floor plate size)

