

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 "S. Bagh".

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:

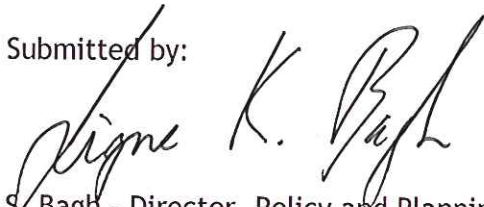
External Agency/Public Comments:

Community & Media Relations Comments:

Financial/Budgetary Considerations:

Personnel Implications:

Submitted by:



S. Bagh - Director, Policy and Planning

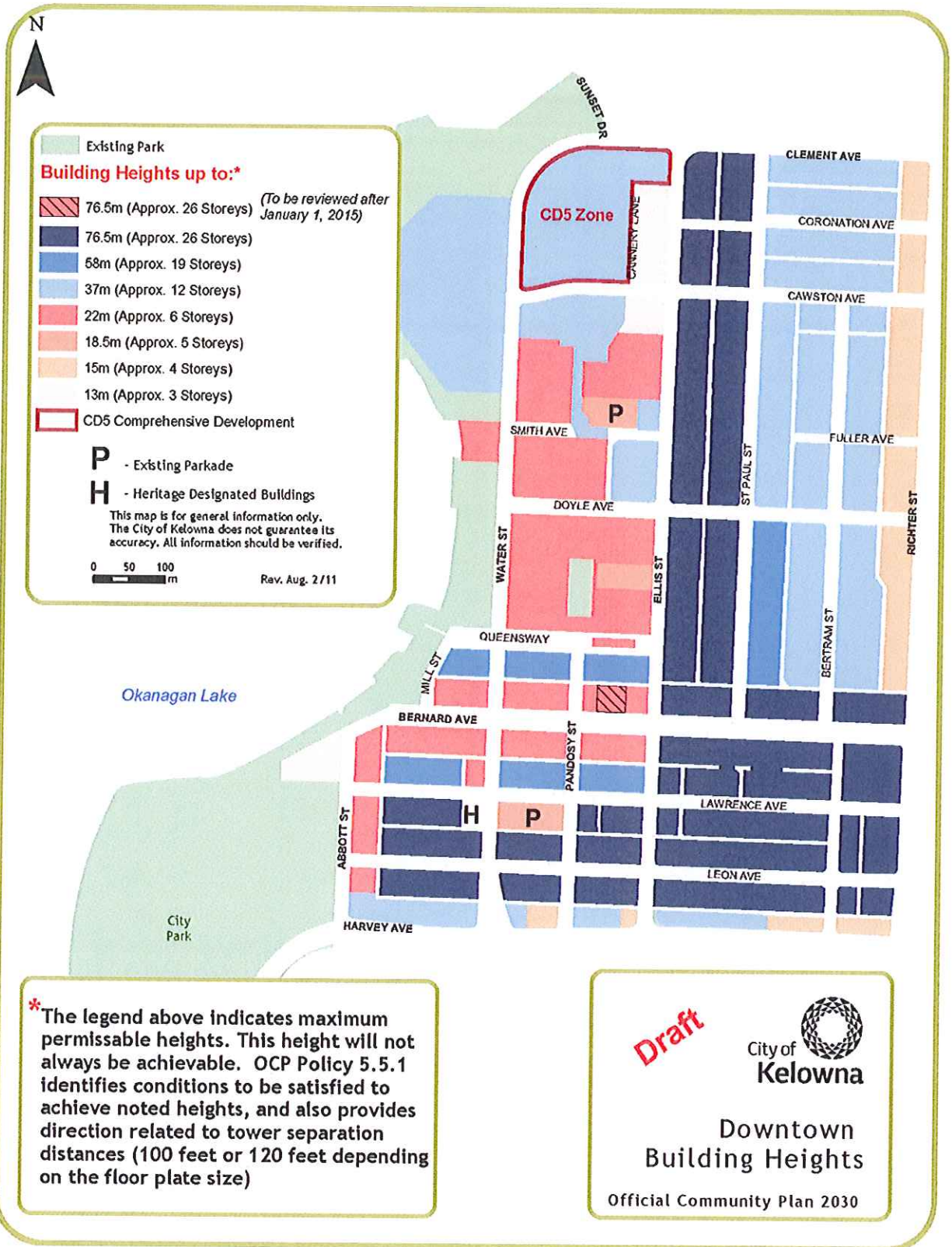
Approved for inclusion:



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

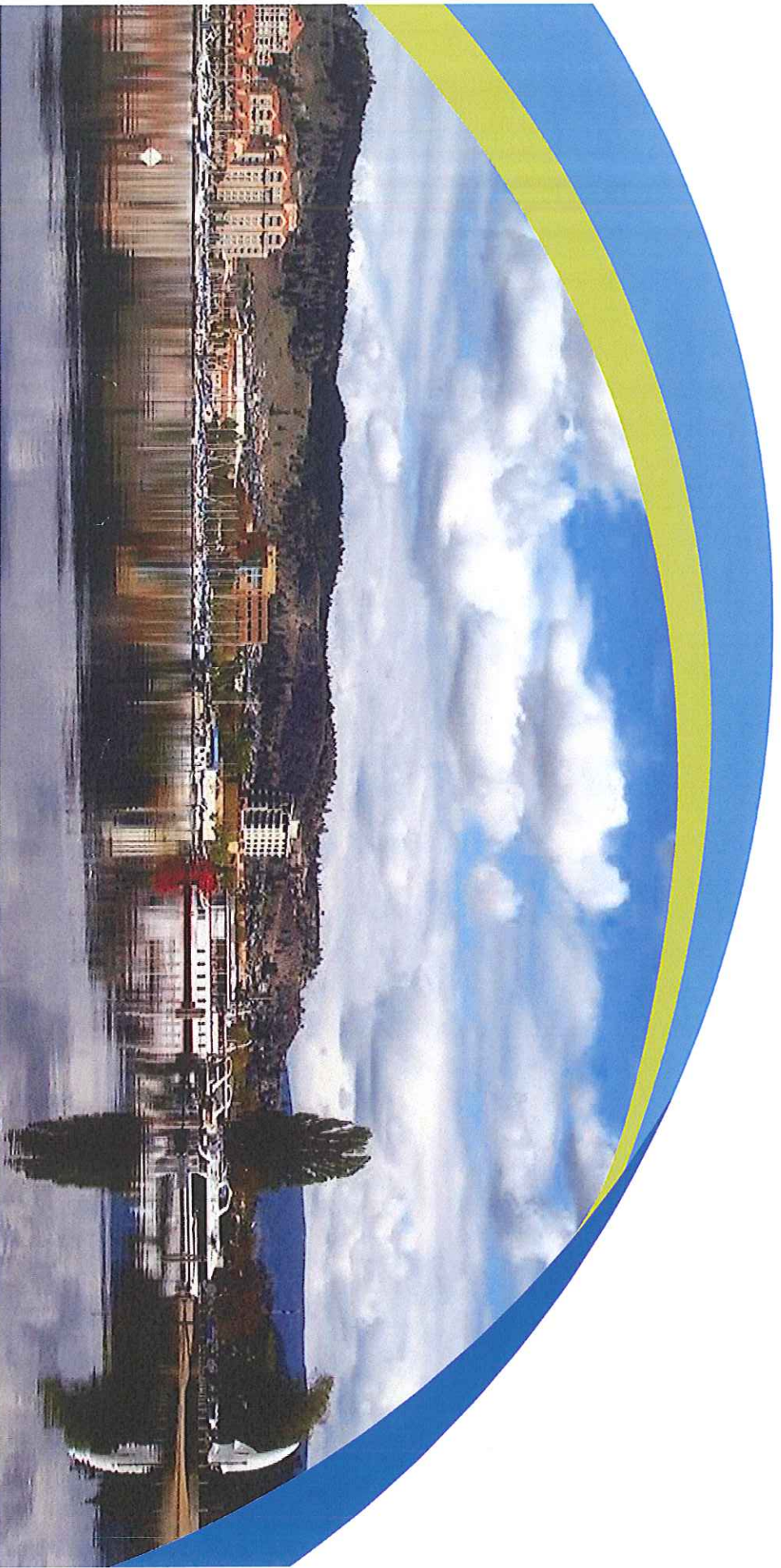
City of Kelowna

Downtown Building Heights






Official Community Plan 2030

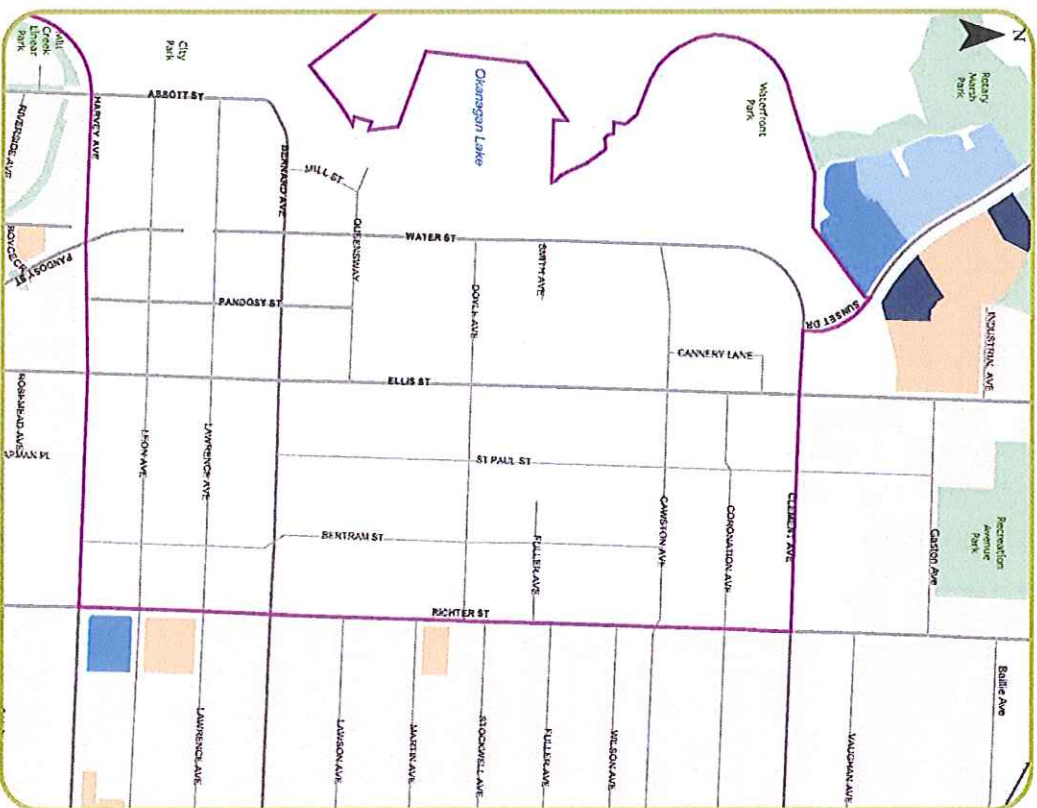
DOWNTOWN BUILDING HEIGHTS

August 8, 2011

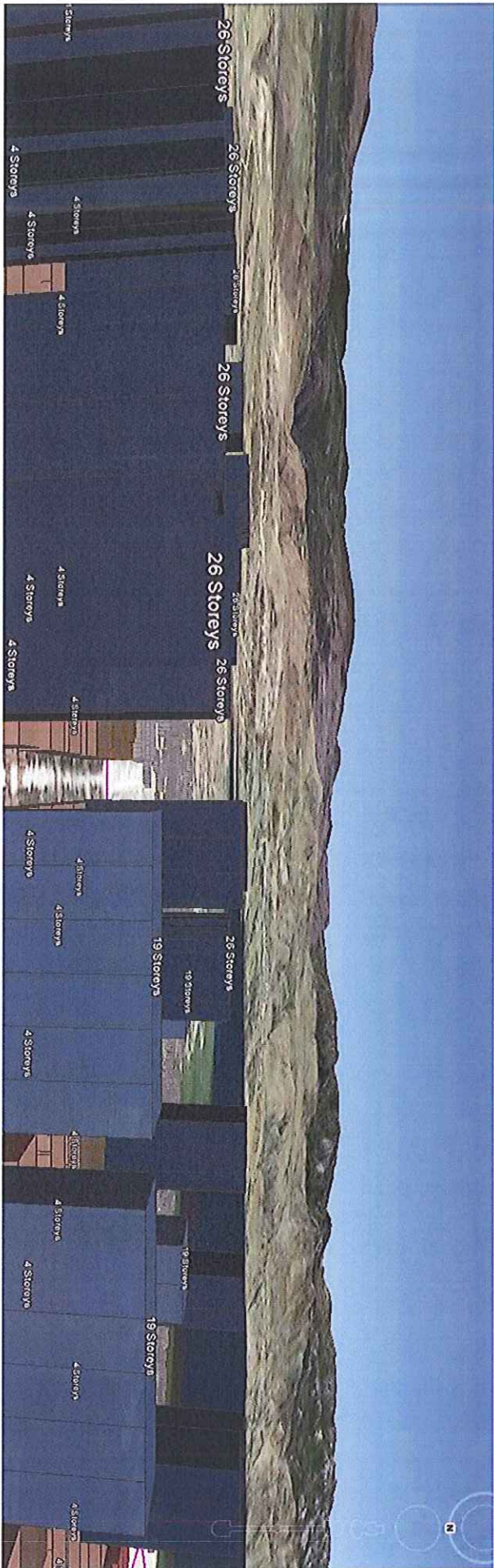


BUILDING HEIGHTS SURROUNDING DOWNTOWN

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



WHAT'S NOT WANTED

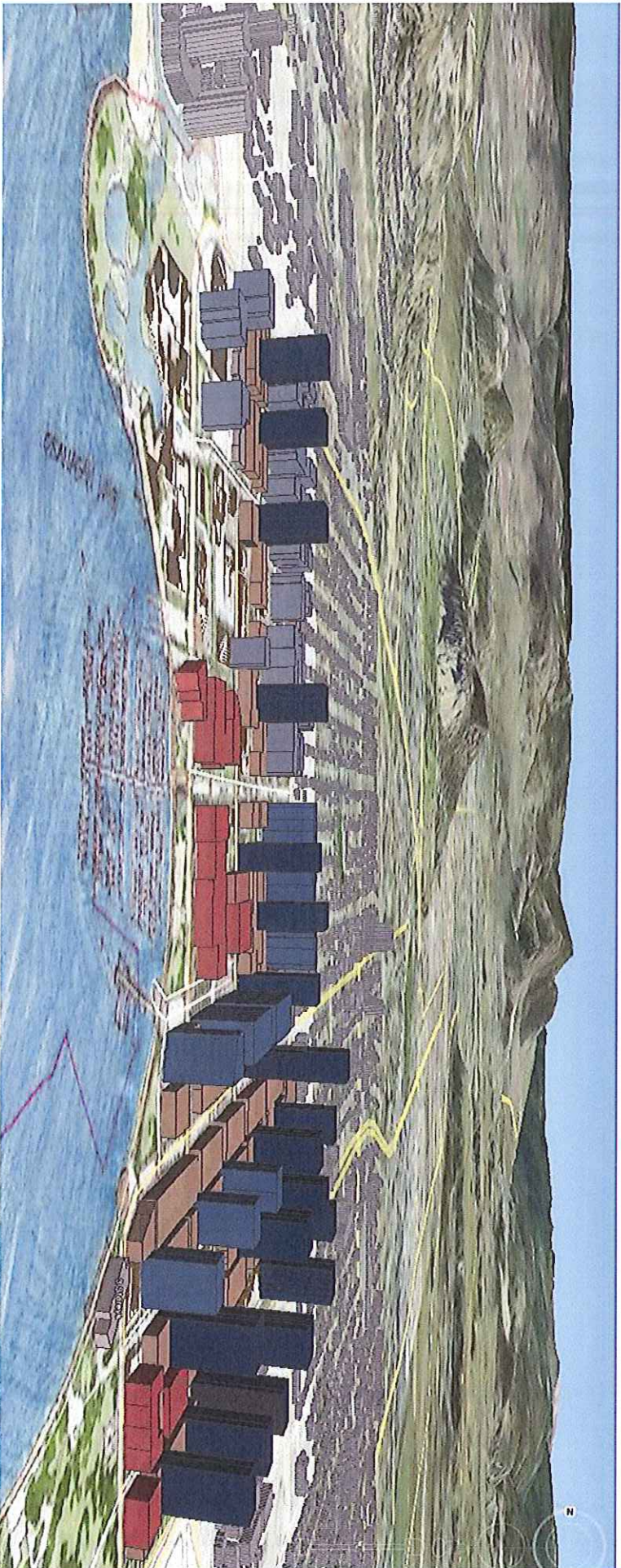


A solid wall of high rises



A mix of heights
Separated towers
Stepping back from the
lake





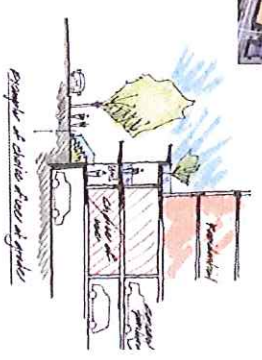
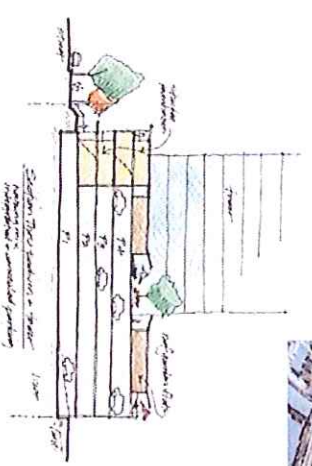
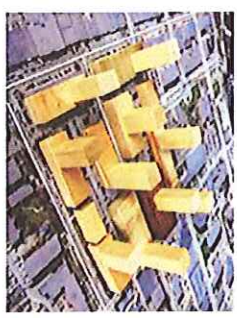
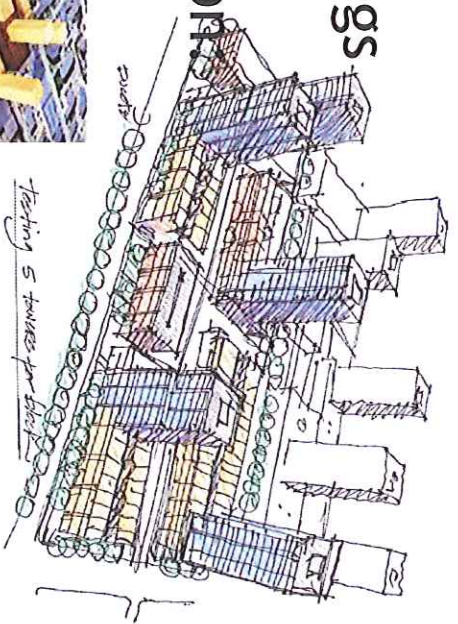
SOME GOOD LOCAL EXAMPLES



HOW DO WE GET THAT?

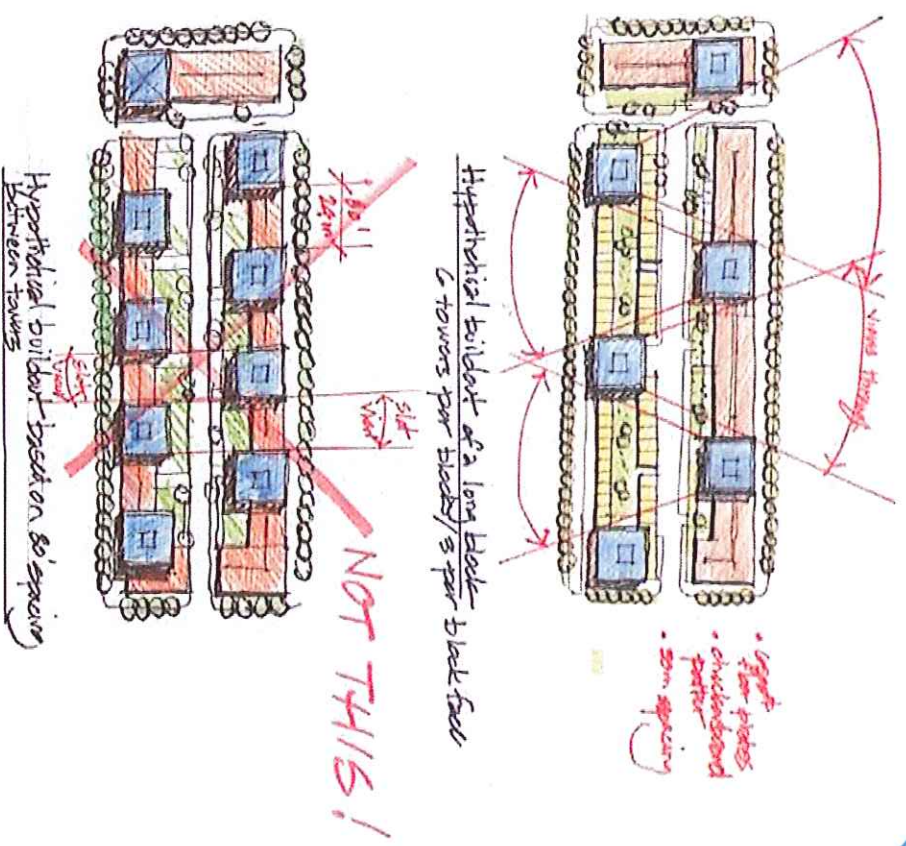
Ensure that the distance between buildings and building designs fits the surrounding context and does not negatively impact on:

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

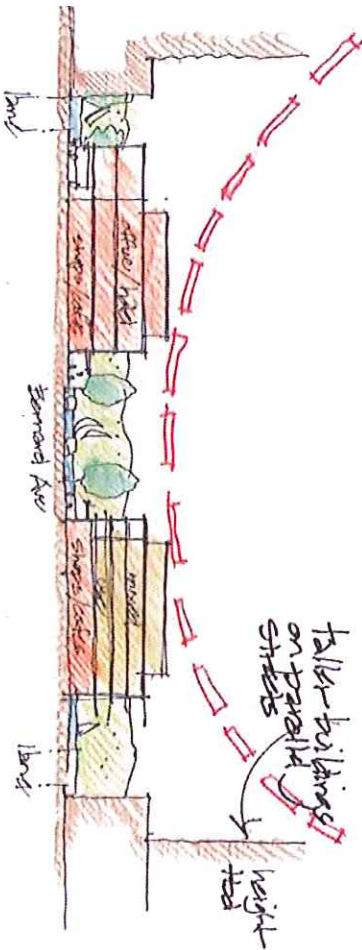


RECOMMENDATIONS

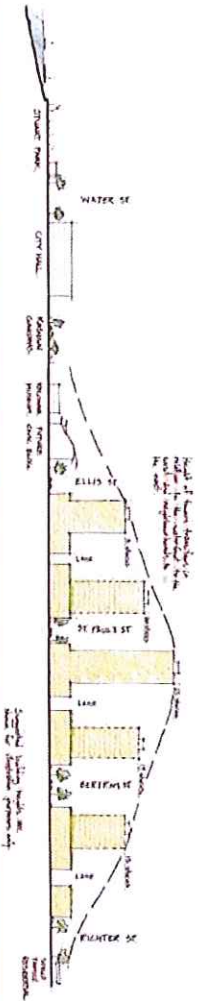
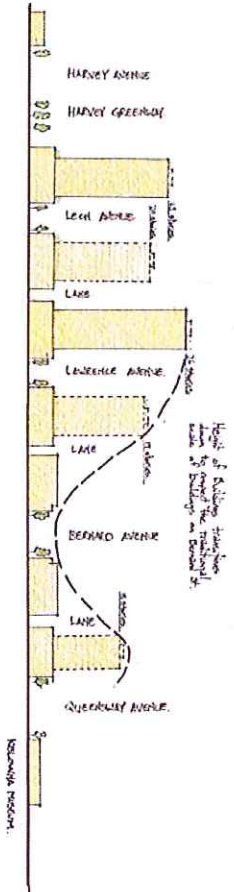
- ▶ Add OCP policy
 - ▶ Introduce tower separation
 - ▶ Specify design criteria
 - ▶ Identify maximum heights
- ▶ Change Zoning regulations
 - ▶ Increase tower setbacks
 - ▶ Provide parking incentives to keep height low along Bernard



HEIGHT PROFILE PRINCIPLES












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



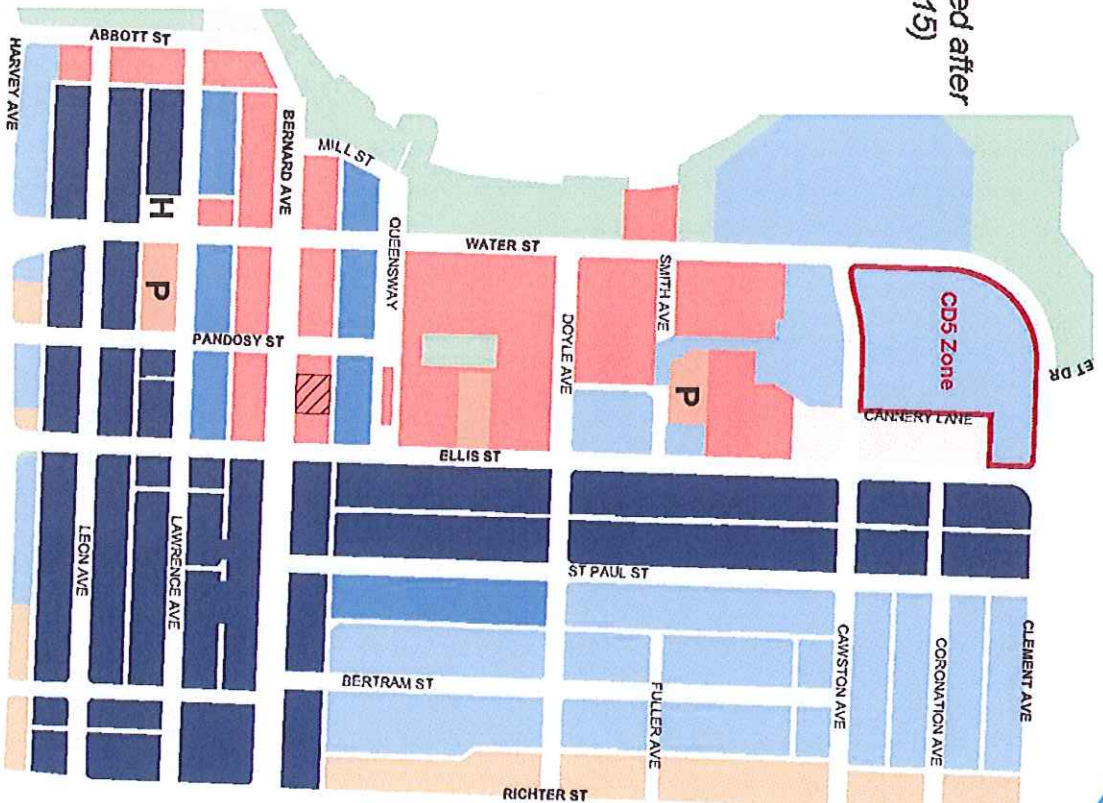
Existing Park

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)



Memo



Date: September 9, 2011
File: TA11-0009/OCP11-0006
To: City Manager
From: Land Use Management Department, Community Sustainability Division
Subject: Text Amendment to Zoning Bylaw related to Downtown Plan Charrette

Report Prepared By: Luke Turri

Recommendation:

THAT Text Amendment No. TA11-0009 to amend City of Kelowna Zoning Bylaw No. 8000, by amending the C7 - Central Business Commercial zone to reflect the recommendations of the Downtown Plan Charrette, as outlined in "Schedule A" and "Diagram B" of the report of the Land Use Management Department dated September 9, 2011 be considered by Council;

AND THAT Bylaw No. 10568 be amended at first reading, to include policy wording on sightline angles for high-rise development and consideration for mid-rise development, as outlined in the report of the Land Use Management Department dated September 9, 2011;

AND FURTHER THAT the bylaw be forwarded to a Public Hearing in conjunction with OCP11-0006.

Purpose:

The purpose of this report is to advance changes to the Zoning Bylaw related to the Downtown Plan Charette, in conjunction with OCP amendments presented to Council for initial consideration at the August 8, 2011 Council meeting.

Background:

Based upon Council direction on June 27, 2011, and further input on July 25, 2011, staff are advancing OCP and Zoning bylaw amendments to move forward with the recommendations from the Downtown Plan Charette of June 2011.

The proposed OCP amendments (OCP11-0006) were given initial consideration at the August 8, 2011 Council meeting. This text amendment recommendation seeks to have zoning regulations that are consistent with the proposed OCP amendments. The supporting Zoning Bylaw changes referenced during the OCP amendment discussion are as follows:

Tower Separation Regulation

The Downtown Plan Charette process established general consensus on encouraging additional residential density for Downtown. Community input through the charrette focused on creating and maintaining a livable city, with strong urban design at the forefront. While taller building heights were generally encouraged, the location, design and spacing of taller buildings were fundamental considerations of the public input process, and support for increased heights.

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Strong support was given to protect views through spatial separation and architectural expression.

As identified in the Charette, it is important to reiterate that the building heights proposed in the Downtown Building Heights Map do not imply or recommend that all development reach this maximum height potential. Rather, site-specific consideration of each development is required to ensure an overall improvement to the urban design and public realm of the Downtown.

In consideration of the above, the criteria for evaluation of tall buildings must assess: surrounding context, shadowing, impacts on privacy, view corridors and the overall skyline, distances from adjacent towers, impacts on nearby heritage buildings, as well as the overall form and massing of taller buildings. To help achieve these objectives, regulations are proposed for the Zoning Bylaw to achieve adequate separation distances between towers. For the purposes of the Zoning Bylaw, a “tower” will be considered any portion of a building greater than 22.0m in height (generally above 6 storeys).

The recommendations presented respond to the outcomes of the Charrette and a review of best urban planning practices in larger urban centres regarding tower height and separation regulations.

The proposed changes are summarized below, and detailed in “Schedule A”:

Proposed Tower Setback Regulations

	Existing Regulation (portion of building above 15m)	Proposed Additional Regulation (portion of building above 22m)
Building setback from lot line abutting a street.	3.0m Daylight angle regulations also apply, as per Diagram B.	No changes proposed.
Building setback from interior lot line.	4.0m (only within Areas 1 and 2)	15.0m All C7 properties.
Building setback from lot line abutting a lane.	3.0m (only within Areas 1 and 2) Daylight angle regulations also apply, as per Diagram B.	10.0m All C7 properties.
Separation distance between more than one tower on the same property.	None currently specified.	30m

Under the existing C7 zone, there is little consideration for spacing between towers, particularly along abutting lot lines. Without providing for adequate separation distances between towers, several problems arise, including:

- Privacy issues for residents in adjacent buildings
- The creation of unfavorable wind conditions
- Extensive shadowing and limitations on light and sky views, both at street-level and for surrounding views
- Encouragement of a “first-in” development scenario, without protecting for the viability of development on neighbouring parcels

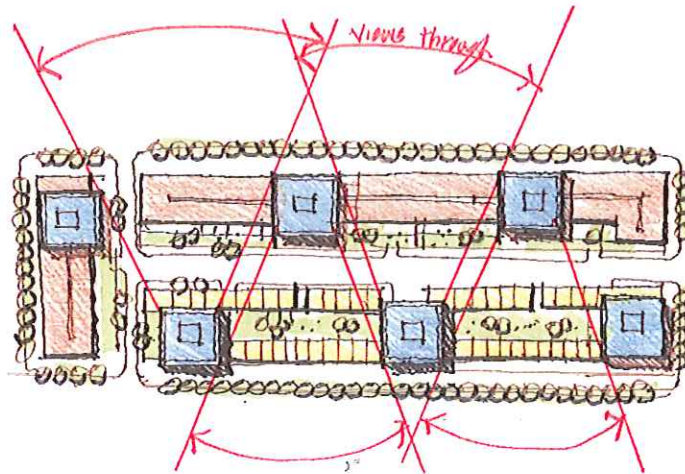
The extent of the tower setbacks follows the recommendations of the Downtown Plan Charrette. Across an abutting property line, the 15m setback creates a minimum 30m separation between towers. Across a laneway, the 10m setback creates a minimum 26-27m setback, depending on the width of the lane. These distances relate closely to the width of a typical road right-of-way in the Downtown (20-30m), and require that a development accommodate appropriate spacing within its own property.

In conjunction with the Building Height Map and OCP policy, the proposed tower regulations provide detailed guidance related to supportable building heights in the Downtown. The regulations also provide a level of certainty for neighbouring property owners, affording equal opportunities for development throughout the Downtown Urban Centre.

OCP Building Height Policy

The tower setbacks proposed above create adequate separation between towers. However, on their own, they would not achieve the “checkerboard” pattern which developed during the Charrette, and was presented as the preferred model for tower development. This type of regulation cannot be placed within the Zoning Bylaw, as the Zoning Bylaw cannot control development siting based on off-site development. As such, to support this pattern of development an addition to the OCP building height policy is proposed below.

The below diagram illustrates the desired “checkerboard” pattern and sightline angles:



It is important to note that the proposed view angles would not apply to buildings under 44.0m (~12 storeys) in height (low to mid-rise buildings), as the new wording would only apply to buildings over-and-above the current Zoning Bylaw maximum height of 44.0m. In tandem with the tower setback regulations proposed in the Zoning Bylaw these changes aim to maintain a high-quality of urban design and a welcoming public realm within the Downtown should high-rise development be proposed. At the same time, mid-rise development (between 22m-44m) is still welcomed and encouraged for the Downtown. To this end, it is also recommended that proposed additions to the building height policy also include policy direction for mid-rise development.

Based on the above, it is recommended that proposed changes to OCP Policy 5.5.1 (as per OCP11-0006) include additional wording, as shown below underlined:

For all properties where height variances are required, a minimum separation distance of 36.5m (120 ft.) will be sought between adjacent towers where there are floor plates larger than 697 sq.m (7,500 sq. ft.) and a minimum separation distance of 30.5m (100 ft)

will be sought between towers where floor plates are less than 697 sq.m (7,500 sq.ft.). In addition, where a height variance is required, adequate view corridors shall be provided between towers. For blocks a minimum of 100m in width, any portion of a building above 44.0m should be sited to afford existing surrounding tower development on the same block a 40 degree panoramic view, measured from the closest building face parallel to the lot line fronting a street.

Council may consider variances to the tower setbacks distances in the Zoning Bylaw for mid-rise (22m-44m) development, provided that the overall development conforms to OCP building height policy.

Ground level activity (“Choice-of-use” at-grade)

Currently, the C7 zone requires that any development which includes residential uses must provide a “functional commercial space” on the first floor for all abutting road frontages. The intent of this regulation is to encourage mixed-use developments with active streetscapes. However, the Downtown Plan Charrette identified that requiring commercial at-grade for all commercially-designated properties in the Downtown may detract from the viability of primary retail corridors - while forcing commercial uses in areas which may not be viable.

It is recommended to only require commercial at-grade (specifically retail uses) along designated corridors, allowing the market to determine what use (e.g. commercial vs. residential) activates the ground floor for other secondary corridors. While the ground level would still need to incorporate an active use, ground-orientated residential would now be an option for these secondary corridors (e.g. St. Paul, Lawrence, Leon, Bertram). These changes are summarized in Appendix A.

In acknowledgement of the above, a minor amendment is proposed to the C7 zone to add “multiple dwelling housing” as a principal use. Currently, residential uses in these zones fall under “apartment housing” or “apartment hotel” use categories. The “multiple dwelling housing” category would provide greater clarity by explicitly permitting ground-orientated housing (i.e. row housing, stacked townhomes) as an appropriate use in C7 zone. For consistency, the addition is also proposed for the C4 zone, which is predominant in other Urban Centre locations.

The proposed changes to the at-grade uses regulation would still achieve the goals of active streetscapes, increase the range of development options within these areas, and protect the economic viability of principal retail corridors.

Incentives for lower building heights in Bernard Ave/Water St character area

Through the Downtown Plan Charrette process, strong support was given to keep building heights to four storeys or lower for the “character area” of Bernard Avenue (east of Ellis Street), preserving the street’s historic scale. However, the existing Zoning Bylaw allows for up to 22.0m (approximately 6 storeys) in this area. Rather than reduce the existing development potential of these properties, an incentive approach is recommended to achieve desired building heights.

A new regulation is proposed which would eliminate the parking requirement for any development which is no greater than 15.0m/4 storeys in height. Any development in excess of this height would be required to meet the full parking requirement of the Zoning Bylaw.

Legal/Statutory Procedural Requirements:

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

Existing Policy:

Kelowna Official Community Plan 2030

Kelowna OCP 2030 provides a number of existing policies related to tower siting, form and massing:

Revitalization Design Guidelines¹:

Building Design

- Mitigate the effect of shadowing on public areas. A visual assessment sun/shadow study is required for those developments greater than 5 storeys in height;

View Corridors

- Preserve and protect existing views, and where possible, create new views at the pedestrian level for any public or semi-public space;
- Reinforce views to and from developments (i.e. through the placement of seating, open spaces, circulation routes and massing of buildings);
- Retain extensive views (including from afar) to both the Lake and to the mountains, and special care should be taken with respect to massing of new developments on street ends from the pedestrian level and from other strategic locations;
- Design new developments that take into account the view characteristics of adjacent ground floor public areas, of surrounding buildings as well as the view potential of the proposed building itself.

Tower Design

- Design towers that are sited, shaped, and oriented along their longest axis in order to enhance the views to and through the skyline;
- Incorporate tower forms and the upper portions of buildings as integral yet distinct elements of the overall building design. Tower tops are encouraged to have trellising and roof projections that are fundamental expressions of the building structure and contain substantial landscaping;
- Evaluate tower buildings with respect to their compatibility with surrounding structures and contribution to the general skyline.
- Incorporate architecture that expresses a slender verticality, particularly in its upper elements. Design buildings greater than ten floors that are tall, slender towers rather than bulkier towers of the same floor space ratio;
- Design new buildings to take into account microclimatic effects, including shading of adjacent areas (i.e., reduce the casting of long shadows on high volume pedestrian areas) and wind tunneling;
- Integrate new developments with the established urban pattern through siting and building design by utilizing transitional structures, setbacks, landscaping, etc.;
- Enhance towers with elements such as gazebos, trellises, and pergolas providing visual interest and usability of rooftop spaces;

¹ Kelowna OCP 2030 - Chapter 14: Urban Design Development Permit Areas

- Design podiums to provide an animated pedestrian environment with the use of street wall massing, articulation, and overall design. Podiums should highlight their active uses and disguise any parking or ancillary uses.

In addition to existing policies, the following building height policies are proposed through OCP11-0006.

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 properties.*
- *Impacts on the overall skyline.*
- *Distance between adjacent buildings above 22m in height.*
- *Impacts on adjacent or nearby heritage structures.*
- *Building form and massing to mitigate negative impacts on buildings over 22m in height.*

For all properties where height variances are required, a minimum separation distance of 36.5m (120ft) will be sought between adjacent towers where there are floor plates larger than 697 sq.m (7,500sq.ft.) and a minimum separation distance of 30.5m (100ft) will be sought between towers where floor plates are less than 697sq.m (7,500sq.ft).

Report prepared by:

Luke Turri, Urban Land Use Planner

Reviewed by:



Signe Bagh, Director, Policy & Planning



Shelley Gambacort, Director, Land Use Management

Approved for inclusion:



Jim Paterson, General Manager, Community Sustainability

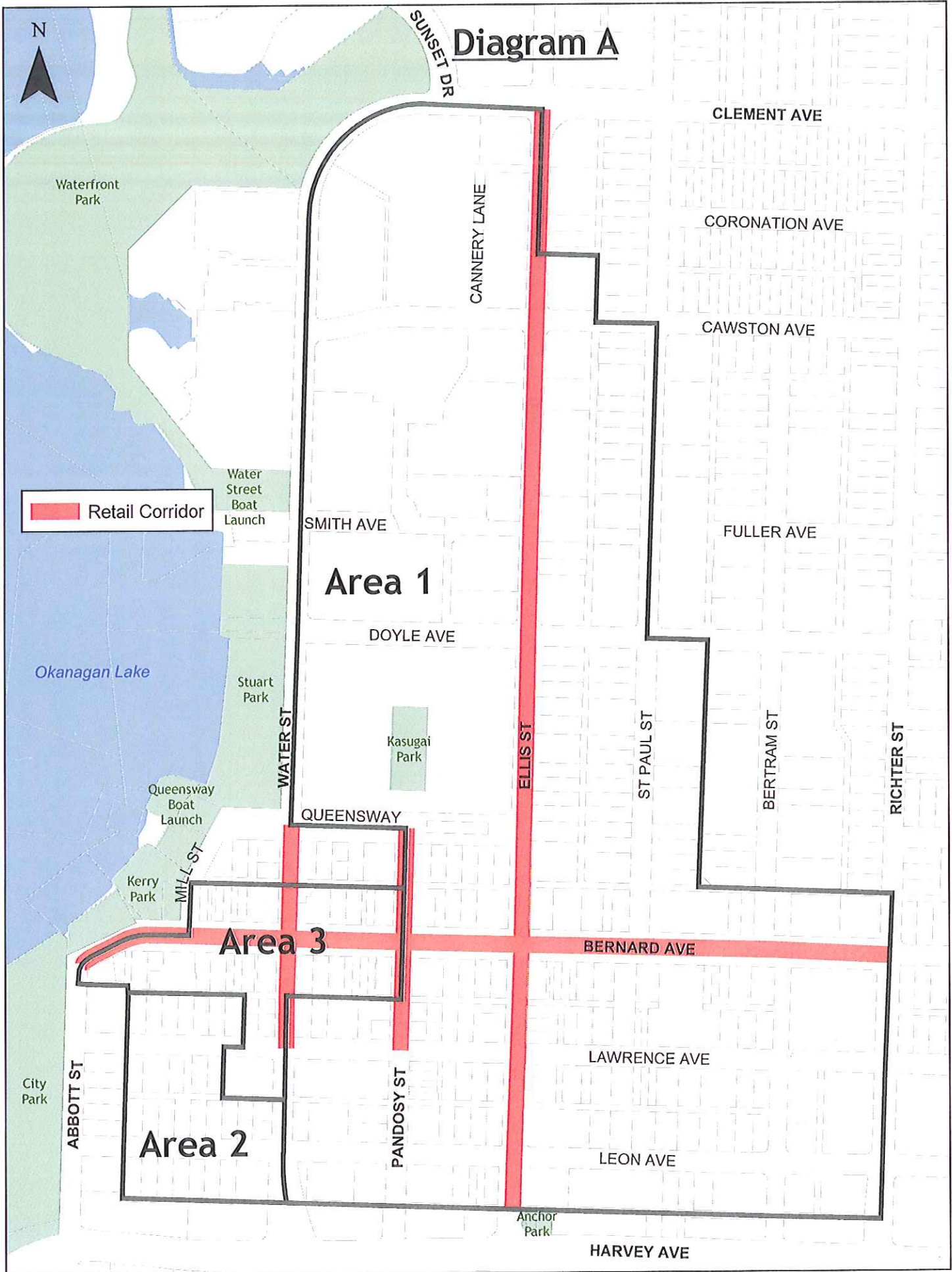
Attachments:

Schedule "A" - Proposed Text Amendments

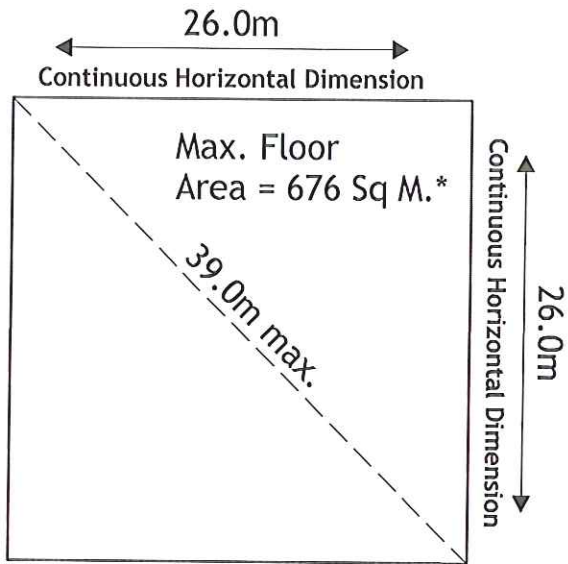
Proposed "Diagram A"

Proposed "Diagram B"

Diagram A

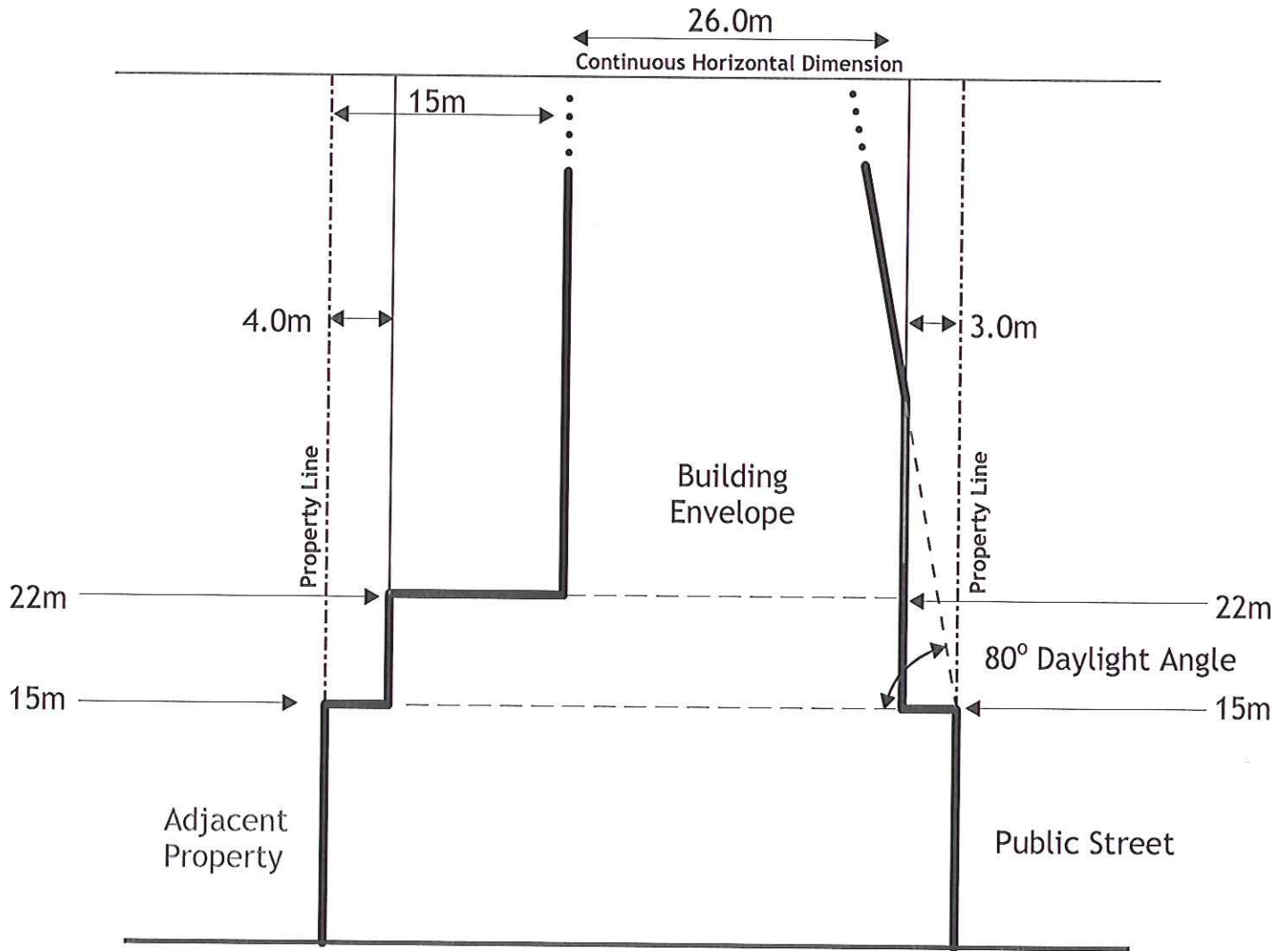


C7 - Diagram B

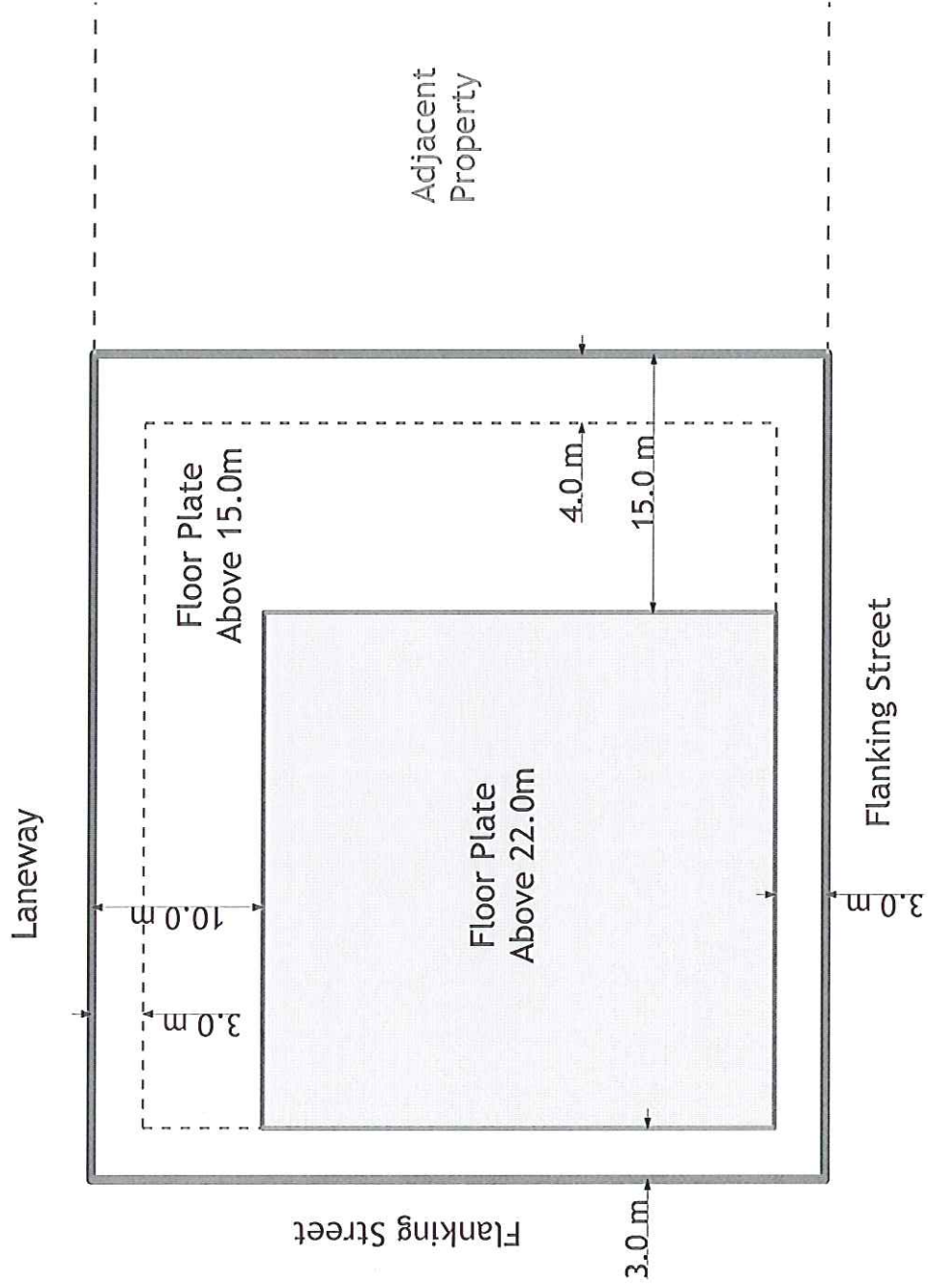


* can have an additional 5% providing all other provisions of bylaw are met.

Illustrative Floor Plan @ 15m



Illustrative Building Section



Building Setbacks Above 15.0m and 22.0m in Height

Schedule 'A' - List of Amendments to Zoning Bylaw No. 8000 (TA11-0009)

Topic	Section	Existing	Proposed
Ground-orientated housing	Amend 14.4.2 (C4 Zone Principal Uses) & 14.7.2 (C7 Zone Principal Uses)	Various uses.	Add "multiple dwelling housing" as a Principal Use.
Tower spacing	Add 14.7.5(l)	n/a	<p>Any portion of a building above 22.0m in height must maintain a minimum setback of:</p> <ul style="list-style-type: none"> • 15.0m from any property line abutting another property line. • 10.0m from any property line abutting a lane. • 30.0m between more than one tower on the same property. <p>The above setbacks will be measured from the nearest exterior building face, exclusive of unenclosed balconies.</p>
Retail at-grade	Replace 14.7.6(d)	<p>Except in Area 2, as shown on C7 - Diagram A and Diagram C, attached to this bylaw, a building incorporating residential and other uses shall provide a functional commercial space on the first floor, which must occupy a minimum of 90% of all street frontages, OR a minimum of 75% on secondary street frontages provided 100% of the principal frontage has a functional commercial space. Access driveways and other portions of the street frontage not used as building will not be considered for the purpose of this calculation.</p>	<p>All buildings along an identified "Retail Corridor", as shown on C7 - Diagram A, attached to this bylaw, shall provide a functional, retail commercial space on the first floor, which must occupy a minimum of 90% of the street frontage.</p>
	Add 14.7.6(f)	n/a	<p>All development within the C7 zone must provide an active commercial or residential use at-grade along all street frontages (e.g. retail, office space, ground-orientated residential units), which must occupy a minimum of 90% of the street frontages, OR a minimum of 75% on secondary street frontages provided 100% of the principal frontage has an active commercial or residential space. Access driveways and other portions of the street frontage not used as building will not be considered for the purpose of this calculation.</p>
Elimination of Parking Requirements for Downtown Heritage Area	Add 14.7.6(g)	n/a	<p>Within Area 3, as shown on C7 - Diagram A, attached to this bylaw, buildings less than or equal to 15.0m in height shall not be required to meet the vehicle parking space requirements of Section 8.1 of this Bylaw. Any buildings greater than 15.0m in height shall fully conform to Section 8.1.</p>

Diagram A	Diagram A for C7 zone	Existing Diagram A of Area 1 and 2.	To be replaced with amended Diagram A.
Diagram B	Diagram B for C7 zone (Illustrative Building Section)	Existing Diagram B.	To be replaced with amended Diagram B.

REPORT TO COUNCIL



Date: September 28, 2011
File: TA11-0009/OCP11-0006 (LT)
To: City Manager
From: Land Use Management Department, Community Sustainability Division
Subject: Text Amendment to Zoning Bylaw related to Downtown Plan Charrette

Recommendation:

THAT Bylaw No. 10594 be amended at first reading, to include a revised "Diagram A" as shown in the report of the Land Use Management Department dated September 28, 2011;

AND THAT Bylaw No. 10568 be amended at first reading, to include "Diagram 5.1" as shown in the report of the Land Use Management Department dated September 28, 2011;

Summary:

On September 19, 2011, Council gave First Reading to amendments to the C7 zone to forward recommendations of the Downtown Plan Charette. One of the changes included adding "Area 3" to the existing Diagram A in the C7 zone, which is to specify the area where vehicular parking requirements would be waived for development of four storeys or less. The intent of this change was to include all properties fronting Bernard Avenue from Abbott St to Ellis St; however, the map presented to Council on September 19 only extended east to Pandosy Street. A revised Diagram A is attached which includes the expanded boundary.

In addition, following Council discussion at the September 19 meeting, it is recommended that the following "Diagram 5.1" be added to the proposed Building Height Policy (5.5.1):

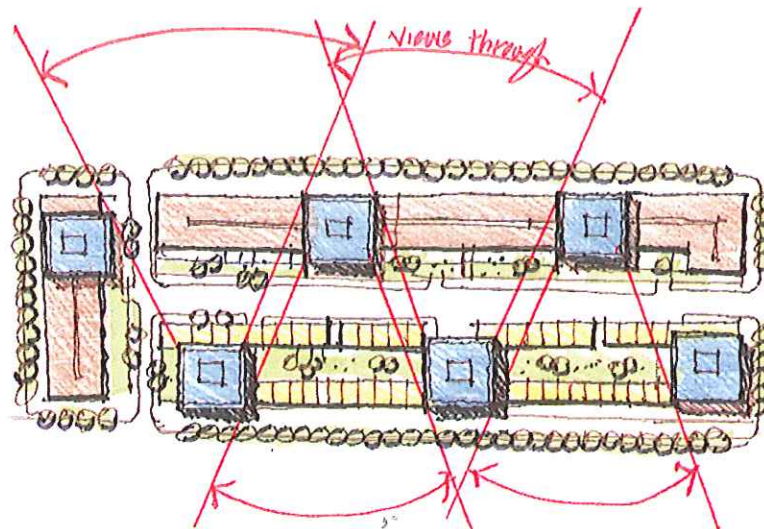
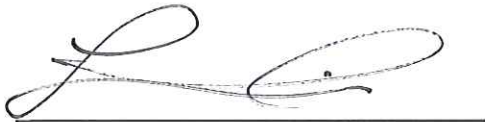


Diagram 5.1

The above diagram illustrates the desired "checkerboard" pattern and sightline angles to be achieved for tall buildings through the revised wording of the Building Height Policy.

A handwritten signature in blue ink, located in the bottom right corner of the page.

Report prepared by:



Luke Turri, Urban Land Use Planner

Approved for inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

Revised "Diagram A"

Diagram A

