

REPORT TO COUNCIL



Date: July 26, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z21-0003 & OCP21-0002

Owner: 1090396 BC LTD. INC. No.
BC1090396

Address: 1464, 1468 & 1476 Bertram Street

Applicant: New Town Architecture &
Engineering Inc.

Subject: Early Consideration of OCP Amendment and Rezoning Applications

Existing OCP Designation: MRM – Multiple Unit Residential (Medium Density)

Proposed OCP Designation: MXR – Mixed Use (Residential/Commercial)

Existing Zone: RU6 – Two Dwelling Housing

Proposed Zone: C7 – Central Business Commercial

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP21-0002 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lots 1, 2 & 3 District Lot 139 ODYD Plan 2277, located at 1464, 1468 & 1476 Bertram Street, Kelowna, BC from the MRM – Multiple Unit Residential (Medium Density) designation to the MXR – Mixed Use (Residential/Commercial) designation, NOT be considered by Council.

AND THAT Rezoning Application No. Z21-0003 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 1, 2 & 3 District Lot 139 ODYD Plan 2277, located at 1464, 1468 & 1476 Bertram Street, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the C7 - Central Business Commercial zone NOT be considered by Council.

2.0 Purpose

To consider a Staff recommendation to NOT amend the Official Community Plan and to NOT rezone the subject properties that would facilitate a mixed-use development.

3.0 Development Planning

Staff are not supportive of the proposed Official Community Plan (OCP) amendment and rezoning applications for the properties located at 1464, 1468 and 1476 Bertram Street.

The OCP amendment from MRM – Multiple Unit Residential (Medium Density) designation to the MXR – Mixed Use (Residential/Commercial) designation would allow the project to be developed within the C7 – Central Business Commercial zone. Both the current OCP and the C7 zoning regulations includes a Downtown Building Heights Map (Refer to Attachment 'A'). Both maps indicate a maximum of 12 storeys and 37.0 m at the subject location. The height maps indicate the focus of the maximum allowable height (26 storeys and 76.5 m allowed) along two corridors: east/west along Leon Ave and Lawrence Ave and on Bernard Avenue from Ellis Street to Richter Street, and north/south for the properties between Ellis Street and St Paul Street.

The intent behind this is to concentrate the greatest amount of height and density along the designated corridors (Indicated on the maps by dark blue). The adjacent parcels (indicated on the map as light blue) are intended to provide a height transition down to either the lake on the west or the single family residential to the east. This lends itself to having a more focused area for towers and creates an interesting downtown skyline. Based on the above, this proposal should have a reduced height and density as it is adjacent to Bernard Avenue. In this context, the proposal does not aide in providing a buffer to the predominantly low-density residential area east of Richter Street and the low-profile multi-family to the north along Bertram Street.

With greater height, comes greater density. The C7 zone allows for a Floor Area Ratio (FAR) up to a maximum of 9.0. FAR values should align with the heights map, in that greater FAR would be allowed along the focused height corridors. The height and FAR should reduce significantly for the adjacent properties in order to provide the downward transition of both height and massing to better integrate into the existing low scale surrounding neighbourhood.

The project proposes 35-storeys and an FAR of 6.57. This is a significantly greater amount of both height and FAR than would be anticipated at this location. For context, the Brooklyn and Bertram Block developments proposed an FAR of 6.0 with approved building heights of 36, 18 and 26 storeys. The BC Housing proposal currently under review proposes a tower height of 20 storeys with an FAR of 3.34.

4.0 Proposal

4.1 Background

On May 10, 2021 Staff brought forward a report to Council with a proposal to amend the City's Development Application Procedures Bylaw No. 10540. The intent was to receive direction from Council to modify the application process for complex projects when a proposal pushes the boundaries of what City policy and staff are able to support. Council supported staff's proposal to bring forward this application for early consideration.

Following Council's consideration of the pilot project Early Consideration Report, staff have had a number of discussions with the applicant team in regard to amending the proposal. With these amendments the proposal is still deemed to be beyond the scope of what Staff can support. Some of the key changes are as follows:

- 1) Building height has been amended from 46 storeys & 141 m to 35 storeys & 109 m
- 2) FAR has been reduced from 8.88 to 6.57

Generally, for projects of this scale, there would be a considerable amount of pre-application discussion with the Planning Department. Through the pre-application process, Staff will provide feedback and direction to the applicant and owner with respect to what is supportable based on current policy and guidelines. In this instance, Staff were unaware of the proposal until the submission was received.

4.2 Project Description

The development proposes to construct a 35-storey tower, which consists of a 5-storey parkade podium with a 30-storey residential tower above. The project proposes 281 units with a mix of rental units and market housing. The Bertram Street frontage includes 5 townhouses to screen the parkade structure situated behind. The 6th floor incorporates a daycare space and a common amenity room for the building along with outdoor patio areas for each use.

The project proposal includes a height variance from 12 storeys and 37 m allowed to 35 storeys and 109 m proposed. Currently, this is noted as the only variance required. An in-depth review of the application and parking provisions will need to occur.

4.3 Application Considerations

Should Council support the alternative Staff recommendation, the following items will be reviewed through the application process.

Massing & Visual Impact- The application is proposing significantly more height at this location than either the OCP or the Zoning Bylaw foresees. The building height is proposed at 35 storeys and 109 m in height, when both the OCP and Zoning Bylaw would allow for a maximum height of 12 storeys or 35.0 m at this location.

With the Bertram and Bernard Block projects currently under construction, further construction in the last quadrant will increase the impact of shadowing on adjacent parcels. Along with this, the proposal will be similar in height to the Bernard Block project which was approved at 36 storeys. The intent would be for height to be decreased significantly at this location to provide the transition to the existing adjacent multi-family developments along Bertram Street.

MOTI Requirements - All applications which propose over 100 residential units and are within 800 m of a Ministry of Transportation and Infrastructure (MOTI) roadway are required to be circulated to MOTI for comment. Due to the scale of the project, MOTI will generally require a Traffic Impact Analysis. This requires co-ordinated meetings between staff from both MOTI and City of Kelowna (Planning and Development Engineering) along the applicants Transportation Consultants to outline and agree upon the Terms of Reference (TOR) scope for the proposal. Depending on the outcome of these meeting, this may add anywhere from 6 to 18 months to the standard Rezoning Application processing timelines.

Road Dedication and Improvements – The proposal triggers road dedications along both the north/south land and the east/west lane. All existing curb letdowns along the Bertram Street project frontage will need to be removed and replaced with curb, gutter and sidewalk. The forthcoming Transportation Master Plan (TMP) updates may have additional requirements to be addressed through this proposal.

Utilities – The subject properties do not currently have any services. The applicants civil and mechanical consultants will need to determine the requirements for domestic water and fire protection, sanitary sewer servicing needs along with a storm water management plan for the proposal.

As the project is within the City Centre Urban Centre, all Fortis service connections will need to be installed underground and must be coordinated with telephone and cable transmission companies.

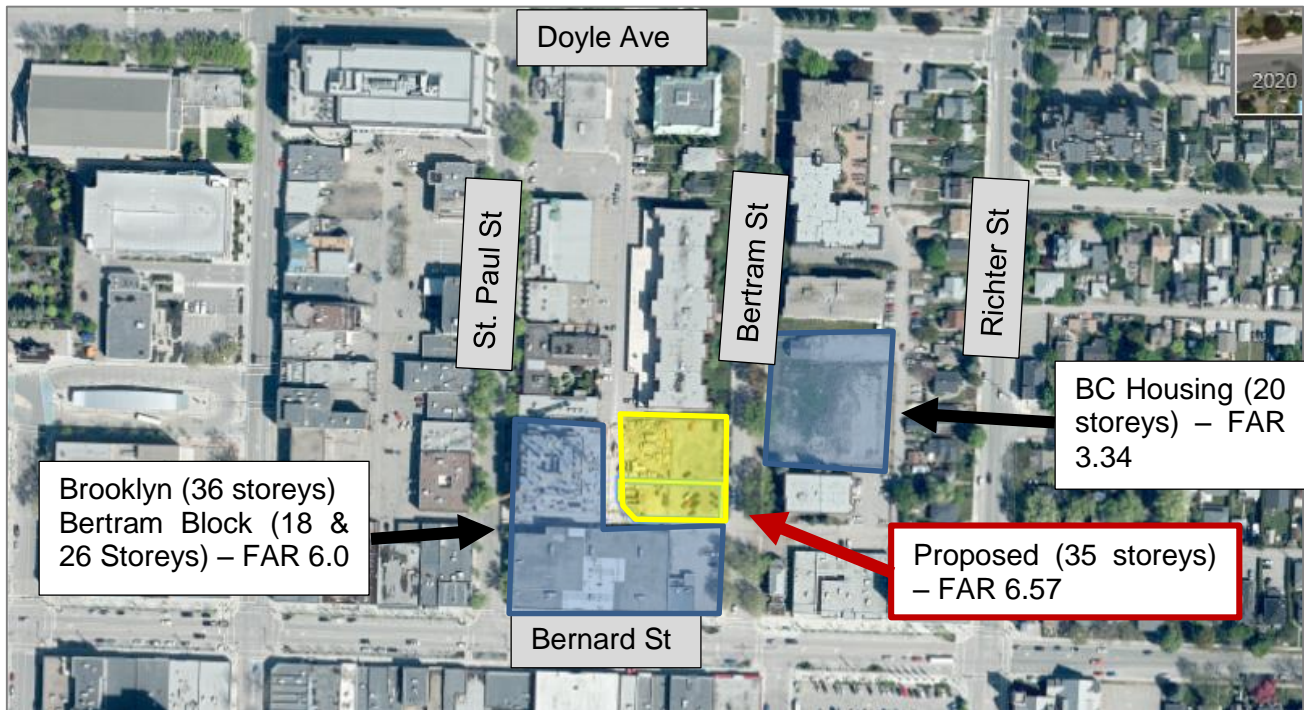
Site Context

The subject properties are located in the Downtown Urban Centre on Bertram Street, a ½ block north of Bernard Avenue. The three parcels have a combined area of 3,163 m² and are within the permanent growth boundary and are connected to city services. The project proposes and FAR of 6.57.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM5 – Medium Density Multiple Housing	Multi-Family Residential
East	RM5 – Medium Density Multiple Housing	Multi-Family Residential, Vacant
South	C7 – Central Business Commercial	Commercial
West	C7 – Central Business Commercial	Commercial

Subject Property Map: 1464, 1468 & 1476 Bertram Street



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.1 Ensure new development is consistent with OCP goals

Policy .1 Vision and Goals. Staff will evaluate all development applications in the context of the community's vision and goals as expressed in Chapter 1.

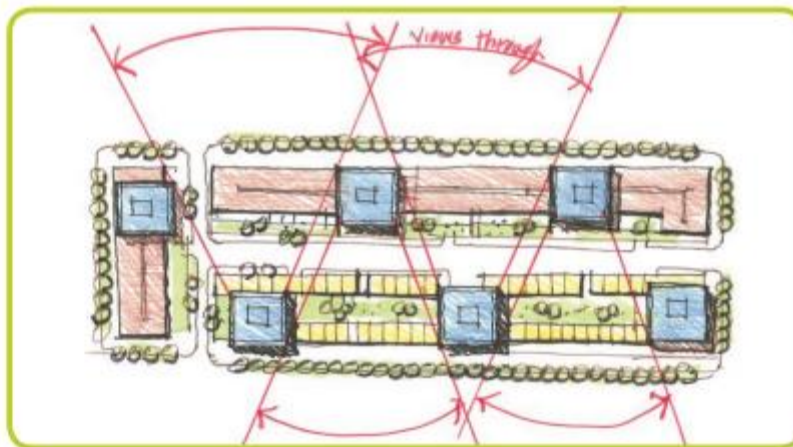
Objective 5.5 Ensure appropriate and context sensitive built form.

Policy .1 Building Height. 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
- 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 the adjacent towers where there are floor plates larger than 697 m² (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 m² (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 100 m in width, any portion of a building above 44 m 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. (See Diagram 5.1)

Diagram 5.1



6.0 Application Chronology

Date of Application Accepted: January 14, 2021

Date of Council Workshop Discussion: May 10, 2021

7.0 Alternate Recommendation

THAT Council directs Staff to process the Official Community Plan Map Amendment Application No. OCP21-0002 to amend Map 4.1 and Rezoning Application No. Z21-0003 in accordance with the standard application processes as outlined in the Development Application Procedures Bylaw No.10540.

Report prepared by: Lydia Korolchuk, Planner Specialist

Reviewed by: Jocelyn Black, Urban Planning Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: OCP & Zoning Bylaw C 7 – Downtown Building Heights Maps

Attachment B: Project Rationale