

Report to Council



Date: June 12, 2023
To: Council
From: City Manager
Subject: 2040 OCP: Downtown Building Heights Mapping for Ellis Street Amendment
Department: Policy and Planning

Recommendation:

THAT Official Community Plan Map Amendment Application No. OCP22-0008 to amend Map 4.1 in the Kelowna 2040 – Official Community Plan Bylaw No. 12300, as outlined in Schedule A in the Report from the Policy & Planning Department dated June 12, 2023, be considered by Council;

AND THAT the Official Community Plan Amending Bylaw No. 12421 be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT Council considers the Public Hearing be appropriate consultation for the Purpose of Section 475 of the Local Government Act, as outlined in the Report from the Policy and Planning Department dated June 12, 2023.

Purpose:

To amend the 2040 Official Community Plan to change the Building Heights Map, specifically as it relates to the east side of Ellis Street from Bernard Avenue to Clement Avenue.

Background:

On July 11th, 2022, Council directed staff to bring forward a proposed amendment to Map 4.1 - Downtown Buildings Heights in the Kelowna 2040 – Official Community Plan Bylaw No. 12300 by changing the building height from the 20 storey building height designation to the 26 storey building height designation on some or all of the subject properties. This resolution followed Council’s direction for staff to provide the rationale for the land use designation during the October 26, 2021 Public Hearing for the 2040 OCP.

Previous Council Resolution

Resolution	Date
THAT Council direct staff to bring forward proposed amendments to Downtown building height policy and mapping in the Kelowna 2040 – Official Community Plan Bylaw No. 12300.	July 11, 2022

<p>THAT Council direct staff to bring forward, upon adoption of the OCP 2040, the rationale for the OCP 2040 Map 3.1 Future Land Use designation for 1205 High Road;</p> <p>AND THAT Council direct staff to bring forward, upon adoption of the OCP 2040, the rationale for the OCP 2040 Map 3.1 Future Land Use designation for 4998 Gordon Drive:</p> <p>AND FURTHER THAT Council direct staff to bring forward, upon adoption of the OCP 2040, the rationale for the OCP 2040 Downtown Building Heights Map 4.1, specifically the east side of Ellis Street from Bernard Avenue to Clement Avenue.</p>	<p>October 26, 2021</p>
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This report serves to address the portion of Council’s resolution that speaks to the Downtown Building Heights Map 4.1. Due to other time sensitive OCP amendments, the completion of this report was delayed. In addition, this report updates the building height colours to provide more contrast.

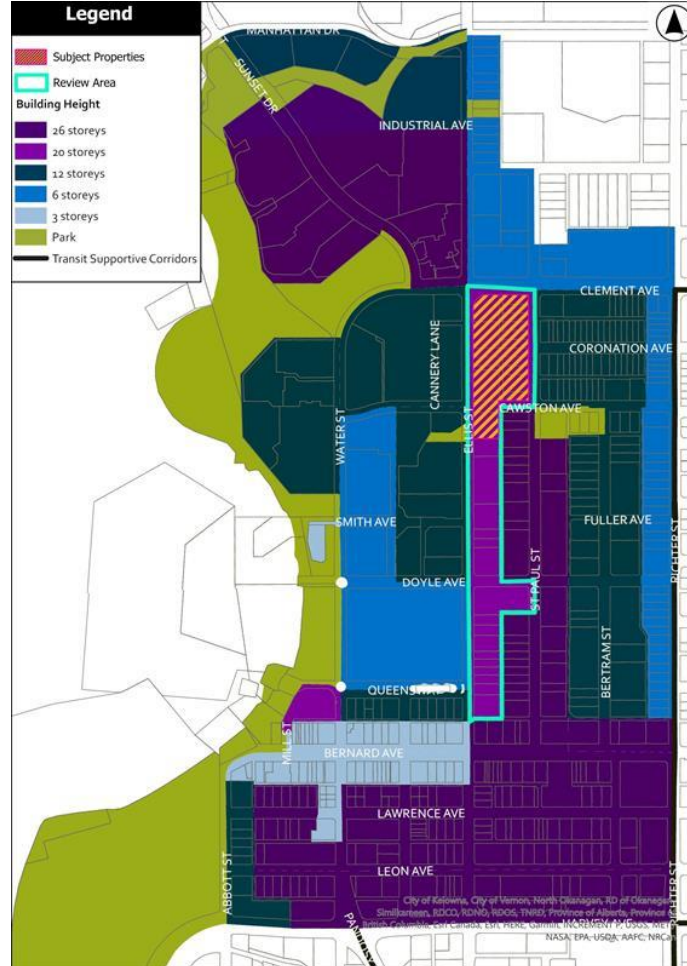
Discussion:

The changing landscape for tower construction in Kelowna will necessitate refinements of the height policies and corresponding mapping in the 2040 OCP. Such refinements, even early in the OCP’s life is in keeping with the directions outlined in *Chapter 16: Making the Plan Work*:

“The Official Community Plan is a living document that provides direction on how Kelowna will evolve to 2040. While policies and decisions should be consistent with the Pillars, Growth Strategy, objectives and the policies of the Plan, the Official Community Plan should be recognized as a flexible and adaptable document. Amendments to the plan from time to time are expected during its 20 year life to ensure that it adapts to a changing context.”

This report speaks directly to the proposed refinement to the Downtown Building Heights Map 4.1 of the 2040 OCP to signal the building height change from the 20 storey building height designation to the 26 storey building height on the subject properties, the orange diagonal hatch pattern, within the Review Area, the blue outline, identified in Figure 1. Council directed staff to explore the Review Area and staff are recommending that only the building height of the subject properties identified be amended.

Figure 1: Downtown Building Heights Review Area



Height Mapping in the 2040 Official Community Plan Process

Chapter 4 of the 2040 OCP outlines objectives, policies and mapping that speak specifically to building heights in Kelowna’s five Urban Centres. During the development of the 2040 OCP, some concerns were raised from the public about building heights in Urban Centres proposed in the draft OCP, including Downtown. In response to these concerns, revised policies and maps for all Urban Centres were developed. These revisions lowered the building height for the subject properties as illustrated in Figure 1 along the east side of Ellis Street between Bernard and Clement Avenue to 20 storeys. This was lower than those signaled in both the earlier draft 2040 OCP and the now repealed 2030 OCP (see Table 1).

Table 1: Building Height Changes on Subject Properties (orange diagonal hatch)

Document	Proposed Heights	Notes
2030 OCP	26 Storeys	Tallest building heights signaled
Draft 2040 OCP	13 storeys and above	Tallest building heights signaled with heights regulated through Zoning Bylaw
Adopted 2040 OCP	20 storeys	Second-tallest building heights signaled

The rationale for the change in heights on the subject properties was to allow for a more gradual height transition from taller buildings along St. Paul Street towards the lower profile buildings in the Civic Precinct, which includes historic buildings such as the one-storey Laurel Packinghouse. The small size of many of the subject properties was also a factor, due to considerations for accommodating parking and podium heights.

During the October 26, 2021 Public Hearing for the 2040 Official Community Plan, Council received input expressing concerns about the change in height for 1301 Ellis Street, indicating that the heights were

lower than those of the 2030 OCP (see Attachment 1). Council directed staff to bring forward the rationale for the change in height and on July 11, 2022, subsequently directed staff to proceed with a proposal to amend the relevant building height mapping and policy.

Building Height Direction Following OCP Adoption

As outlined in the report dated July 11, 2022, following the Public Hearing for the 2040 OCP, several development applications have been made for taller buildings in Downtown, particularly east of the subject properties but also in other areas of Downtown (Figure 2).

Figure 2: Buildings Under Application (2023)



Many of these proposals are significantly higher than the 26 storeys signaled in that area and rationalized in accordance with Policy 4.4.3 of the 2040 OCP (outlined below). Given the shifting height profile of these projects, the 20 storey heights currently signaled in the OCP along Ellis Street would now result in a more sudden height transition than anticipated when the 2040 OCP was being developed.

It was determined that the subject properties within the Review Area north of and including 1301 Ellis Street, as identified in Figure 1, have the potential to support height up to 26 storeys. The other properties south of 1301 Ellis Street within the Review Area do not have the potential to support height up to 26 storeys given the FAR of the properties, therefore will remain at 20 storeys for base density. There are fewer than five sites within the subject properties that are expected to develop in the timeframe of the 2040 OCP that have land area greater than 2,000 square metres, mitigating the concerns about the parking and podium heights. Others are significantly smaller in size or have seen more recent development.

Impacts of Proposed Amendments on Zoning Bylaw

The Zoning Bylaw developed base density and height regulations as a result of the policies identified within the OCP Urban Centre Building heights map. In addition, the base densities were based on the relationship to other development regulations such as: typical setbacks, site coverage, podium heights, tower floorplates, and approximate parking demand. Bonus densities and additional storeys are granted depending on the OCP height category.

Development Application and Heritage Procedures Bylaw No. 12310

With respect to the recommendation to waive the public notification for this OCP amendment, the Development Application and Heritage Procedures Bylaw establishes procedures for the processing of

land development applications, including amendments to the Official Community Plan. The Bylaw outlines that consultation requirements as identified in Council Policy No. 367 must be undertaken. This Policy establishes standards and procedures for applicant's public notification and consultation responsibilities in respect of development applications prior to initial Council consideration. This ensures transparent and consistent application of standards for the benefit of affected residents, the development community and the City.

As this proposed OCP amendment involves a major change to the Future Land Use class, public notification prior to consideration of first reading includes posting a development notice sign, conducting neighbour consultation, and hosting a public information session. It is recommended that Council waive this pre-first reading public consultation requirement as the proposal was a result of the engagement efforts undertaken during the 2040 OCP Process and the resulting public hearing.

Updating Map Colours

Staff were made aware from members of the public that it was difficult to differentiate from the light purple and dark purple building heights in Map 4.1. Staff propose that the 26 storeys building height be changed for dark purple to dark pink and that the 20 storeys building height be changed from light purple to light pink. The updated building height colours provide greater contrast.

Conclusion:

The changing landscape of in-stream tower approvals has warranted a reconsideration of these select blocks of Ellis Street and surrounding areas. The proposed change to the Downtown Building Heights Map 4.1 in the Kelowna 2040 – Official Community Plan Bylaw No. 12300, supports a more gradual height transition that responds to the dynamic skyline that is emerging through recent development approvals. There are fewer than five sites within the subject properties identified in the Review Area (Figure 1) that are expected to develop in the timeframe of the 2040 OCP that have land area greater than 2,000 square metres, mitigating the concerns about the parking and podium heights. No additional zoning amendments are required as the zoning density and height regulations will automatically update as part of this OCP amendment.

Internal Circulation:

Divisional Director, Planning and Development Services
Department Manager, Development Planning

Considerations applicable to this report:

Existing Policy:

Imagine Kelowna
2040 Official Community Plan

Policy 4.4.2. Downtown Skyline.

Support development Downtown that is generally consistent with Map 4.1 to accomplish the following:

- Tapering of heights from taller buildings in the center of Downtown to lower buildings towards Okanagan Lake and adjacent Core Area Neighbourhoods;
- Preservation of the existing form and character of historic Bernard Avenue and other heritage sites;
- Consistency with the objectives of the Civic Precinct Plan; and
- The development of taller buildings that incorporate distinct architectural features in strategic locations near Okanagan Lake.

Policy 4.4.3. Taller Downtown Buildings.

With due consideration of the objectives of Policy 4.4.2, consider support for development that is higher than the heights outlined in Map 4.1 where the proposal contains significant benefit to Kelowna citizens, including some or a combination of the following:

- An affordable, supportive and/or rental housing component that further advances Urban Centre housing objectives;
- A significant public amenity that supports the fostering of more inclusive and socially connected Urban Centres, such as parks, public spaces, schools, post-secondary institutions or childcare facilities;
- Offsite considerations, including enhanced streetscapes, provision of Active Transportation Corridors, tree canopy protection and enhancement, or green infrastructure within the road right of way;
- Smaller tower floorplates to mitigate the impact on views and shadowing; and/or
- Outstanding and extraordinary architectural design.

Attachments:

Schedule A – OCP Amendment File OCP22-0008

Attachment 1 – Public Hearing Correspondence

Submitted by: R. Miles, Long Range Policy Planning Manager

Approved for inclusion:



D. Noble-Brandt, Policy & Planning Dept. Manager