

REPORT TO COUNCIL



Date: November 17, 2020

To: Council

From: City Manager

Department: Development Planning

Application: DP19-0168 DVP19-0169

Owner: 1080426 B.C. LTD, Inc. No.
BC1080426

Address: 3101 Lakeshore Rd

Applicant: Meiklejohn Architects Inc.

Subject: Development Permit and Development Variance Permit

Existing OCP Designation: MXR- Mixed Use (Residential/ Commercial)

Existing Zone: C4- Urban Centre Commercial

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP19-0168 for Lot 2, District Lot 14, Osoyoos Division Yale District Plan 2863 Except Plans 36584 and 40362, located at 3101 Lakeshore Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A",
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;
5. A car share program at the development be operated in accordance with the Agreement included as Schedule "D".

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0169 for Lot 2, District Lot 14, Osoyoos Division Yale District Plan 2863 Except Plans 36584 and 40362, located at 3101 Lakeshore Road, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted:

Section 14.4.5 (c) C4- Urban Centre Commercial Development Regulations

To vary the maximum allowable height from the lesser of 15.0m or 4 storeys in the South Pandosy Urban Centre to 30.2m or 9 storeys.

Section 8.2.11 (b) Car Share Incentives

To vary the allowable distance of an off-site car share from within 100m to +/- 205m and to allow for a car share stall to be located in a parkade structure.

AND THAT the applicant be required to register a Section 219 covenant for a public right of way over the driveway access from Lakeshore Road to allow for future access to lands beyond;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To issue a Development Permit for the form and character of a mixed-use seniors living facility and Development Variance Permit for proposed building height and car share location.

3.0 Development Planning

Staff are recommending support for the Development Permit and associated variances as the proposal will revitalize the subject property's former use as a gas station into a mixed-used development that will contribute to the positive redevelopment and intensification of Pandosy Street and the South Pandosy Urban Centre in general.

The project consists largely of a residential seniors' living facility that will add a significant amount of density to a very appropriate location at the corner of KLO Rd and Lakeshore Rd in the core of the Urban Centre. Shops, services, transit and amenities are within a close walking distance of the subject property and the development is well supported by existing roads and public infrastructure. This is consistent with the Official Community Plan's long-term sustainability objectives in order to limit growth on the periphery of the community.

This project represents the first major redevelopment in this section of Lakeshore Rd/ Pandosy Street, staff are tracking several other development scenarios that will further transform this auto-centric area into a mixed-use pedestrian environment creating more visual coherence over the coming decade.

The project's commercial retail units at-grade will help generate activity and interest at street level. The proposal meets the City's parking requirements through a well-integrated multi-level structured parkade that is concealed from public view by residential units along the street frontages on all levels. The residential units should help to further animated the streetscape and meet the policy intent of the OCP Urban Design Guidelines:

- Develop visual and physical connections between public street and private buildings (e.g. patios and spill-out activity, views to and from active interior spaces, awning and canopies);

- Design buildings to occupy 100% of a property's frontage along streets, eliminating elements that disrupt the streetwall such as off-street parking, dead spaces, empty lots of driveways

The applicant has refined the building design over the past year, largely in response to comments from staff. The design breaks the building's mass into several sub forms consisting of a curvilinear feature on the corner, distinct commercial retail units at-grade, mid-block sections with balconies and windows and the upper floor is recessed through both colours and setbacks. Overall, the design includes several different architectural elements, high quality and varied building materials and colours, articulation and modest setbacks that are consistent with the relevant urban design guidelines:

- Massing and height:
 - Mitigate the actual and perceived bulk of buildings by utilizing appropriate massing, including:
 - Architectural elements
 - Detailing that creates a rhythm and visual interest along the line of the building
 - Wall projections and indentations, windows and siding treatments as well as varied material textures should be utilized to create visual interest and to articulate building facades
- Exterior elevations and materials
 - Continue higher quality materials used on the principal façade around any building corner or edge which is visible to the public
 - Use materials in combination to create contrast, enhance human scale, and reduce the apparent bulk of the building

The project will include new sidewalks and boulevard improvements along KLO Rd and Pandosy Street that will implement the South Pandosy streetscape treatment including trees, street furniture, pedestrian lights, landscaped areas and a new transit stop. These efforts will help to achieve the OCP urban design guideline:

- Provide a high-quality public realm consistent with the character of urban development (i.e. incorporate focal points/plazas, pedestrian pathways, parks and open space, enhanced streetscapes and landscaping

The proposed building is detailed in Section 4.2 Project Description of this report. The applicant has completed public notification as per Council Policy 367.

4.0 Proposal

4.1 Background

The subject property is currently vacant. Historically, the property was used as an Esso gas station and has received a certificate of compliance from the Province indicating the site has been satisfactorily remediated to meet contaminated site regulation standards for commercial and residential development.

4.2 Project Description

The proposed building is L-shaped and designed to address the Lakeshore Rd and KLO Rd frontages. It is structured with a two-storey podium with seven stories of 132 residential units above. Level 3 has a southeast facing amenity courtyard for resident use and internally contains many of the amenity areas for residents such as the dining area and multi-purpose room. The units range from 1 bedroom to 2 bedrooms. Parking is provided in an above ground parkade structure that is concealed by the commercial units fronting onto Lakeshore Rd and KLO Rd. Access to the parkade is off a driveway from Lakeshore Rd. The applicant is required to register a Section 219 covenant to ensure public access to lands beyond (e.g. redevelopment of future adjacent properties) over this driveway access. A second driveway access is proposed off KLO Rd, which will restrict use to service vehicles. The two driveways will not allow for through flow of vehicular traffic and will be restricted by bollards. The main entry and pick up/drop off location for residents is located off the access from Lakeshore Rd at the southwest corner of the site.

Parking and Car Share

The proposed parking is based off the supportive housing use category in the Zoning Bylaw. Most retirement living residents do not own or operate vehicles. Additionally, Parc Retirement Living offers a chauffeur service strictly for residents. The applicant is also proposing two car share vehicles through a car share agreement with Modo, which is intended to provide a greater community benefit. This has allowed for an overall reduction in 10 total parking stalls (5 per each vehicle).

The applicant has agreed to the relocation of the existing bus stop on KLO Rd off the public sidewalk and onto their property. This creates a more desirable pedestrian environment along KLO Rd as the sidewalk will no longer be impeded by a bus stop. A design has been agreed to by all parties, including BC Transit, and will be finalized at the time of Building Permit.

Variances

Two variances are proposed by the applicant. The first is a proposed height variance that allows for the applicant to accomplish the maximum allowable density under the C4 zone. The applicant concentrated their design efforts on the quality of the ground level commercial component of the project to demonstrate strong urban design principles. This approach ensures a quality pedestrian experience at-grade when walking along the sidewalks as the overall height of the building will be less apparent up close. The height of the building will be appreciated further back and in conjunction with all the other existing and future buildings in South Padosy. To accomplish an active commercial frontage the following proposed conditions are key considerations:

- Active commercial retail units along Lakeshore Rd, with the exception of the residential main entry, lounge space and Parc staff offices;
- A commercial retail unit at the corner that has been purposefully set back to ensure the pedestrian realm is not impeded, and programming of the corner is possible (i.e. public art);
- A curvilinear building form at the corner designed to enhance the corner treatment and soften the experience at street level;
- The building does not take advantage of the 0.0m setback setback in the C4 zone, rather it is setback by 0.9m at the north property line, 4.6m at the corner, and 1.5m at the west property line to extend the public realm and ensure the building face is not directly at the sidewalk;

- Active commercial retail units along KLO Rd, with the exception of the relocated bus stop incorporated into the proposed building façade; and
- Off-site landscape treatment that will extend the existing South Pandosy village sidewalk treatment and the addition of street trees and furniture to buffer the sidewalk from the street.

The building is setback at level 3 and level 8 to aide in the reduction of mass and bulk. The north and west building face have continuous balconies and vertical screens are used to break up the building into more distinct sections. The building has a distinct base, middle and top, with the upper levels proposing a lighter grey aluminium panelling to make the building feel lighter and less imposing. Additionally, high quality building materials are being proposed, including brick (intended to compliment the South Pandosy character), cementitious and aluminium panels.

Staff are supportive of the height variance as it has been mitigated through the high degree of attention given to the ground-level, architectural details described above, as well as the surrounding context considerations discussed in Section 3.0 of this report.

The second variance is for the proposed location of the two car share vehicles. As per Section 8.2.11 Car Share Incentives of the Zoning Bylaw, car share vehicles must be located within 100m of the subject property and should not be located in a parkade structure. In this scenario, Planning Staff believe it is more appropriate to locate one of the cars at an off-site location that is located close to a transit stop and easily accessed by the South Pandosy neighbourhood residents. In this case, the intention of the car share incentive is not to provide a direct benefit to residents of Parc Retirement Living, but to give an amenity to the greater community. The second consideration of this variance is the location of the second car in the on-site structured parkade. Planning typically wish to see the car located in a highly visible location that is easily accessed by the public. However, the building design forces the parking to be concealed in a parkade structure which is preferred from an overall form and character and urban design perspective. The applicant is required through their agreement with Modo to ensure 24/7 access to the car-share and will do this through their concierge service.

Overall, Planning welcomes the use of a retirement living facility into an Urban Centre. The site is highly walkable, located close to amenities and services regularly used by the senior's population and has good access to public transit.

4.3 Site Context

The subject property is located within the South Pandosy Urban Centre on the corner of KLO Rd and Lakeshore Rd. The site is bordered by commercial development to the north and east along KLO Rd. A vacant property is situated to the south, and service commercial/commercial development is located to the east. This is a prime redevelopment opportunity given that the site is current vacant and situated at a predominant corner within the South Pandosy Urban Centre.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4- Urban Centre Commercial	Retail stores, general
East	C4- Urban Centre Commercial	Financial Services/ Commercial
South	C4- Urban Centre Commercial	Vacant site
West	C4- Urban Centre Commercial	Gas bars/Food primary

Subject Property Map:



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	2.35	2.34
Max. Site Coverage (buildings, parking, driveways)	75%	65.6%
Max. Height 🚫	15.0m/4 storeys	30.2m/9 storeys
Min. Front Yard	0.0m	0.9m
Min. Side Yard (west)	0.0m	4.6m
Min. Side Yard (east)	0.0m	1.5m
Min. Rear Yard	0.0m	9.2m
Other Regulations		
Min. Parking Requirements	Residential: 0.35 per unit Staff: 0.5 per employee Visitor: 0.14 per unit CRU: 1.3 per 100 sqm Total required: 80	Residential: 46 Staff: 10 Visitor: 18 CRU: 5 Total provided: 71 stalls 2 car share stalls allow for reduction of 10 stalls

Min. Bicycle Parking	Residential:	
Min. Private Open Space	Bachelor (per unit): 8.0 m ² 1 bedroom (per unit): 10.0 m ² 2 bedroom (per unit): 15.0 m ² Total required: 1,536 m ²	Indoor: +/- 2,030m ² Outdoor: +/- 2,261m ²
● Indicates a requested variance to building height		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy .2 Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by using increasing densities (approximately 75-100 people and/or jobs per ha located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres.

Objective 5.8 Achieve high quality urban design.

Policy .2 Streetscaping. Urban Centre roads should be considered as part of the public space and streetscaped with full amenities (i.e. sidewalks, trees and other planting, furniture, bike facilities, boulevards, etc)

Objective 5.20 Achieve high quality urban design and appropriate land uses

Policy .2 South Padosy Urban Design. Encourage the development of landmark buildings at key intersections within the precinct and at the terminus of significant sight lines. Landmark buildings should be distinguished from other buildings through conscientious use of siting, common entrances, additional storeys, articulation of the footprint or roof-line, decorative structures, colour and other means appropriate to the setting and desired effect

Objective 5.22 Ensure context sensitive housing development.

Policy .11 Housing Mix. Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed-use developments.

6.0 Application Chronology

Date of Application Received: October 29, 2019

Date Public Consultation Completed: June 2019 (pre-application)/July 2020

Report prepared 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: Draft Development and Development Variance Permit DP19-0168/DVP19-0169

Schedule A: Site Plan

Schedule B: Elevations and Materials

Schedule C: Landscape Plan

Schedule D: Car Share Agreement

Attachment B: Applicant Rationale Statement and Renderings