

REPORT TO COUNCIL



Date: June 1, 2021

To: Council

From: City Manager

Department: Development Planning Department

Application: DP19-0133 / DVP21-0076

Owner: Stober Construction Ltd.,
Inc. No 125611

Address: 3340 Lakeshore Road

Applicant: Stober Construction Ltd – Bob
Dagenais

Subject: Development Permit and Development Variance Permit

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

Zone: C4 – Urban Centre Commercial

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 12102 (Z19-0078), be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0133 for Lot 1, District Lot 14, ODYD, Plan EPP77760, located at 3340 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. Prior to issuance of Building Permit, the applicant register a public access right-of-way and maintenance agreement with the City for the pedestrian walkways along the southern property line.

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0076 for Lot 1, District Lot 14, ODYD, Plan EPP77760, located at 3340 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 height from 15 metres and 4 storeys required to 48 metres (14 storeys) proposed.

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

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

2.0 Purpose

To consider the form and character of a proposed mixed-use terraced building with a height variance from 15 metres and four storeys to 48 metres and fourteen storeys.

3.0 Development Planning

The applicant is proposing a mixed-use development situated on 4.4 acres, at the interface between Kelowna South/Boyce-Gyro Beach and the South Pandosy 'Urban Village'. Formerly 'Willow Creek Campground', the property occupies a strategic location where the urban settlement pattern transitions from an urban street grid to the north to a more meandering, suburban 'shoreline' street pattern to the south. The location is a gateway that connects commercial, recreational, and residential areas and the Pandosy Village urban centre to Boyce-Gyro Beach.

The proposal consists of developing a mid-rise terraced building utilizing concrete construction in various combinations, featuring ground-level retail units along Lakeshore Rd and walk-up townhouses and live-work studios on Lanfranco Rd and Watt Rd elevations. The parkade, which is sizeable, is predominately hidden from street view by these ground-oriented uses with the exception of the vehicle entrances off Lanfranco Rd and Watt Rd. The podium is limited to 3 storeys in height which staff feel is an appropriate scale for this specific neighbourhood (as opposed to a 4 or 5 storey podiums observed in the Downtown). The podium structure along Lakeshore Rd includes a mid-block break for a publicly accessible pocket park that the developer is proposing to be called "Pendozi Court" celebrating the history of the area.

The most visually dominate component of the project are the two mid-rise terraced building forms (10 and 14 storeys) that are located above the parkade structure. Their proposed height triggers the developer's request for a variance from a 4 storey maximum as outlined in the C4 zone to 14 storeys.

The current OCP provides policy guidance for building heights in the South Pandosy Urban Centre:

- Height should be generally 4 storeys. 6 storeys within C4 or C9 zoned areas. Potential for 8 storeys where an architecturally distinct and significant buildings are placed at a corner, gateway or view terminus location that is of significance to the community or where a building is of cultural significance to the community.

Building height variances above the 8-storey mark have been approved in the broader area. The developer is requesting a height variance consistent with one of those previously approved variances, the Sopa Square tower. Staff have considered the building height request, the building massing, the proposed urban centre densities, the current policy context, the surrounding building forms, and the various site-specific amenities proposed. Staff are recommending support for the variance based on the following:

- Significant community amenity contribution in the building of a key phase of the Abbott Street Recreation Corridor, a major cycling and pedestrian corridor;
- Other key transportation network improvements including the extension of Lanfranco Road from Lakeshore Rd to Watt Road;
- Environmental improvements with the establishment and public dedication of a riparian area for Fascieux Creek;
- Enhanced streetscape improvements along Lakeshore Road to include a six metre wide public sidewalk area including:
 - The use of Silva cells and trenches below the sidewalk (for increased soil volume) in the road right-of-way and all tree plantings in the streetscape
 - The use of high-quality South Pandosy streetscape materials including the paving pattern, urban braille, street lights, and furniture (e.g. benches, tree grates, trash cans, etc.).
 - Corner setbacks at Lanfranco Rd and Lakeshore Rd that will include community-friendly elements such as public art, landscaping, bench seating, bike parking and patio areas.
- Design solution of the mid-rise terraced form should create a landmark entrance to South Pandosy and help to elevate the level of design in the area.

Furthermore, the height variance allows the developer to achieve a significant amount of density on a large comprehensively planned site. *Imagine Kelowna* provides a vision for achieving denser Urban Centres resulting in more efficiency of the City's transportation network and less reliance on automobiles. The *Urban Centre Roadmap* targets approximately 75-100 residential units per hectare within each Urban Centre. The current population density of the South Pandosy Urban Centre is approximately 30 units per hectare. The development represents approximately 250 units per hectare. Creating a denser development on this key gateway site will help to increase the overall average in the Urban Centre.

Overall, Staff are recommending support for the proposed Development Permit and Development Variance Permit due to the proposal's overall consistency with the Official Community Plan's (OCP) design guidelines.

4.0 Proposal

4.1 Project Description

The applicant is proposing the construction of a mixed-use terraced building over a 3 level parkade. Above the podium the project proposes two terraced buildings. The building on the southern portion of the lot is 10 storeys. The building on the northern portion is 14 storeys. This project will facilitate the construction of Lanfranco Road intersection, the rehabilitation of Fascieux Creek, the construction of Watt Road Active Transportation Corridor connecting Boyce-Gyro Park with the future Pandosy Waterfront Park.

The applicant team has hired a geotechnical engineer which produced a preliminary report on the soil conditions and on the possible construction and foundation techniques that are available to construct a building of this scale.

The applicant's proposed building exterior finishes have been selected to attempt to balance the eclectic architectural designs throughout South Pandosy Village with the more casual, playful feel of the adjacent vibrant and active family-oriented waterfront-park of Boyce-Gyro Beach. The materials are selected to vary from a more solid podium base to a lighter palate on the terraced upper levels and reflect the building massing of 'podium' with a 'terraced middle & top' as noted below:

Podium/Base:

The podium base is a combination of architectural concrete, two-tone Swiss Pearl cement panels installed in a modern random pattern & locally sourced "Kettle Valley Stone" base for planters used for residential and condominium entries.

Windows are a mix of clear anodized and charcoal colour aluminum curtainwall and storefront sections sunshades and canopies provided in a mix of shading 'trellis' forms, and painted steel and concrete canopy forms.

The Pendozi Court on Lakeshore Rd will be contrasted in heritage inspired 'textured' cement stucco with bright colour accents for windows and doors in a deliberate recall to early Okanagan beachfront Motel design.

Terraced Middle/Top:

The upper terrace forms are a mix of glass, Swiss Pearl Cement panels in a two-tone random panels and curved concrete balconies in painted architectural concrete. The balconies are formed with a clear glass guardrail set behind a low concrete 'upstand' that provides a visual privacy and a neat outward appearance. The concrete will be painted in bleached, desert-inspired tones inspired by Okanagan landscapes of clay and sand.

4.2 Community Consultation

Over the past two years, the design has evolved in response to the input received from the community. The applicant hosted three community-wide consultation opportunities (including both in-person and virtual sessions) and many one-on-one neighbour interviews. The applicant conceived and created a virtual platform to ensure a broad community response and created a website to distribute project information in order to receive community input. This informed a greater understanding of the community's aspirations and priorities. The input forum remains open to this day. The summary of consultation results is attached to this report.

4.3 Site Context

The subject property is located within the South Pandosy Urban Centre. The surrounding area is mixed between apartment buildings, townhouses, commercial developments, and Boyce-Gyro Park.

COMMUNITY CONSULTATION

Subject Property Map: 3340 Lakeshore Rd**4.4 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	C ₄ ZONE REQUIREMENTS	PROPOSAL
Unit Calculation - Existing Building		
Studio	n/a	2
1 bedroom	n/a	34
Jr 2 bedrooms	n/a	181
2 bedrooms	n/a	48
Townhouse 2 bedroom	n/a	19
2 bedrooms + Den	n/a	42
3 bedrooms	n/a	19
TOTAL	n/a	345 Units
Commercial Retail Units	n/a	5 units (2,042 m ² total area)
Development Regulations		
Max. Floor Area Ratio	1.3 (+ 0.2 + 0.84 bonus) = 2.34	1.68
Max. Site Coverage	75 %	60 %
Max. Height	15 m (4 storeys)	48 m (14 storeys) ❗
Min. Setback (Lanfranco Rd)	0.0 m	3.0 m
Min. Setback (City Parking)	0.0 m	6.0 m
Min. Setback (Watt Rd)	0.0 m	3.0 m
Min. Setback (Lakeshore Rd)	0.0 m	6.0 m measured from back of curb to building face
Other Regulations		

Min. Parking Requirements	2 studio unit x 0.8 = 1.6 34 1-bedroom units x 0.9 = 30.6 272 2-bedroom units x 1.0 = 291 18 3-bedroom units x 1.0 = 18 Visitor Stalls 0.14 x 345 = 48.3 Commercial (1.3 stalls / 100m ² GFA) = 26.5 stalls Total = 416 stalls	489 stalls provided
Min. Bicycle Parking	278 Long Term 77 Short Term	278 Long Term 77 Short Term
Min. Private Open Space	4,987 m ²	18,610 m ²
Min. Loading Space	1	1
ⓘ Indicates a requested variance to Section 14.4.5 (c) Development Regulations - Height.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

A summary of key Official Community Plan Development policies for South Pandosy are:

- Height should be generally 4 storeys. 6 storeys within C₄ or C₉ zoned areas. Potential for 8 storeys where an architecturally distinct and significant buildings is placed at a corner, gateway or view terminus location that is of significance to the community or where a building is of cultural significance to the community.
- 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 the conscientious use of siting, common entrances, additional storeys, articulation of the footprint or roofline, decorative structures, colour, and other means appropriate to the setting and desired effect.
- Provide a strong gateway or sense of entry to the town centre along the north-south arterials (northbound: Lakeshore Road at Richter Street) (Southbound: Pandosy Street at Wardlaw Avenue). The gateway should be established by the appropriate use of land use, site planning, building design, landscaping, and street section, including streetscape treatment.
- Consider a joint City – developer proposal for combined park / parking / commercial use in a major landmark development at the corner of Lakeshore Rd and Watt Road. The intent is to permit a mixed-use building with commercial at grade level and office and / or residential above. A building up to 8 storeys in height be considered for the site.

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs 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 (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Contain urban growth.² Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, (Chapter 1 Introduction).

Mixed Use.³ Integration of residential uses into commercial developments as mixed-use projects is encouraged in Urban Centres, provided that the ground floor use remains commercial.

Housing Mix.⁴ Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

Town Centre (South Pandosy / Rutland / Capri-Landmark)⁵ A vibrant, amenity-rich area wherein different land uses frequently occur within the same building and almost always occur within a one-block area. Town Centres contain a variety of housing types, the presence of which contributes to social diversity. Town Centres are highly urbanized, pedestrian-friendly environments that draw people for work, shopping, and recreation from a broad community of approximately 25,000 residents living within approximately 2 kilometres. Town Centre cores are located at least 2 kilometres from the core of other Town Centres, a City Centre, or a Highway Centre. Density will decrease as the distance from the core increases.

Chapter 4: OCP Land Use Designation Massing and Height.³

- Mitigate the actual and perceived bulk of buildings by utilizing appropriate massing, including:
- Architectural elements (e.g. balconies, bay windows, cantilevered floors, cupolas, dormers);
- Visually-interesting rooflines (e.g. variations in cornice lines and roof slopes);
- Step back upper floors to reduce visual impact;
- 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;
- Building frontages that vary architectural treatment in regular intervals in order to maintain diverse and aesthetically appealing streets.

Chapter 14: OCP Urban Design Guidelines Amenities, ancillary Services and Utilities.⁵

- Locate loading, garbage, storage, utilities and other ancillary services away from public view. All such areas shall be screened and designed as an integral part of the building to minimize impact;
- Create attractive rear alley facades with high quality materials on buildings facing residential areas (e.g. rear building entrances, windows, balconies, plazas, and plantings).

³ City of Kelowna Official Community Plan, (Chapter 4 Future Land Use).

⁴ City of Kelowna Official Community Plan, Policy 5.27.11 (Development Process Chapter)

⁵ City of Kelowna Official Community Plan, Chapter 17 Definitions.

6.o Application Chronology

Date of Application Received: June 12, 2019
Date Public Consultation Completed: Multiple (see attached community consultation report)
Date of First Reading: September 14, 2020
Date of Public Hearing: October 6, 2020

Report prepared by: Adam Cseke, Planner Specialist
Reviewed and Approved by: Jocelyn Black, Urban Planning Manager
Terry Barton, Development Planning Department Manager
Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment 'A': Development Permit and Development Variance Permit

Schedule 'A': Siting and Dimensions

Schedule 'B': Elevations

Schedule 'C': Landscaping

Attachment 'B': Applicant's Active Transportation Letter Commitment

Attachment 'C': Applicant's Design Rationale Letter and Community Consultation Report