

# REPORT TO COUNCIL



**Date:** July 27, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DP21-0040 DVP21-0041      **Owner:** Cressey Lakeshore Holdings Ltd., Inc.No. 788131

**Address:** 3377 Lakeshore Road      **Applicant:** Cressey (Lakeshore) Development LLP

**Subject:** Development Permit and Development Variance Permit Application

**Existing OCP Designation:** COMM - Commercial

**Existing Zone:** C9 – Tourist Commercial

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP21-0040 and Development Variance Permit DVP21-0041 for Lot A District Lot 134 Osoyoos Division Yale District Plan EPP84686, located at 3377 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 "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

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

**Section 14.9.5(c): C9 – Tourist Commercial Development Regulations**

To vary the required minimum front yard (Lakeshore Road) from 6.0 m permitted to 0.0 m proposed.

**Section 14.9.5(d): C9 – Tourist Commercial Development Regulations**

To vary the required minimum flanking side yard (Richter Street) from 4.5 m permitted to 3.3 m proposed.

**Section 14.9.5(d): C9 – Tourist Commercial Development Regulations**

To vary the required minimum side yard from 3.0 m permitted to 1.0 m proposed.

**Section 7.6.1(c): Section 7 – Landscaping and Screening, Minimum Landscape Buffers**

To vary the required minimum landscape buffer for the side yard (north) from 3.0 m required to 0.0 m proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application and Development Variance Permit Application in order 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 mixed-used development with variances to minimum front yard, minimum flanking side yard, minimum side yard and minimum landscape buffer.

**3.0 Development Planning**

Staff recommends support for the Development Permit and Development Variance Permit applications for the proposed mixed-use development. The application meets the majority of the City's Comprehensive and Revitalization Design Guidelines and staff feels the unique architectural design will benefit the South Pandosy Urban Centre and contribute to the distinct character of the area.

Architecturally, the proposal includes two mid-rise building towers which are located above a ground floor commercial and parkade. The proposal is within the maximum allowable height for the C9 – Tourist Commercial zoned property. On the Lakeshore Road (west) elevations, the designs differ, to add visual interest and reduce the apparent mass of the buildings. A waterfall features separates the towers mid-block on this Lakeshore Road elevation, to further help break up the building frontage and add a design element that would be unique to this property in Kelowna and contribute to Official Community Plan (OCP) policy to provide a strong gateway or sense of entry to the Urban Centre.

**Variances**

This application is requesting variances to the minimum front yard (Lakeshore Road), flanking side yard (Richter Street) and side yard (north) setbacks. Together with the landscaping plan, as well as off-site boulevard landscaping that would be completed, Development Planning supports the request for these variances as they lead to a strong pedestrian streetscape and active frontages along both Lakeshore Road and Richter Street.

A landscape buffer variance for the north side yard has also been requested. Development Planning recognize this is a challenging area to landscape and the intent of a landscape buffer cannot be met in this area. As there is a building setback variance being requested for this property line, this remaining 1.0 m wide area is directly adjacent to the wall of the parkade and would receive limited sun exposure. This area would also be fenced off at both ends to limit trespass across the property.

## 4.0 Proposal

### 4.1 Background

A Development Permit was last issued in 2008 for this property. Due to changing market conditions at the time, construction never began and the permit expired. An application for this project was resubmitted in 2017, but it was closed due to inactivity and was not brought forward for Council consideration.

The subject property was previously occupied by a motel, which was demolished in 2008. It has been vacant since.

### 4.2 Project Description

This application proposes a mixed-use development consisting of 127 residential and eight retail units. The largest retail space is approximately 6,400 ft<sup>2</sup>, at the corner of Lakeshore Road and Richter Street, which would likely be a feature restaurant and patio. The other seven retail units front directly on to Lakeshore Road.

The majority of residential units consists of one-bedroom (44 dwellings), two-bedroom (74 dwellings) and three-bedroom (two dwelling) units in the form of apartment housing. The remainder of residential units include seven two-bedroom ground-oriented townhouses along Richter Street, to provide a mix of housing options. While all the units are contained within the same building footprint, these apartment housing dwellings are within the two six-storey towers, as seen in Figure 1. These towers are separated on the second floor by rooftop amenity space, including cabanas and a swimming pool. This west (Lakeshore Road) elevation also features a prominent 520 ft<sup>2</sup> waterfall feature. The Applicant's Rationale has been included in Attachment C.

**Figure 1 – Artist Rendering of the West Elevation (Lakeshore Road)**



Vehicular access to the site is along Richter Street. This entrance leads to a surface loading stall for the commercial units as well as to the entrance to a parkade. Required parking and bicycle parking is met on-site, and a basement as well as ground-level parkade ensures all parking is screened from public view.

### 4.3 Site Context

The subject property is located in the South Pandosy Urban Centre at Lakeshore Road and Richter Street. The surrounding area is mixed between apartment buildings, townhouses, commercial developments, and the property is directly across from Boyce-Gyro Beach Park. The Walk Score is 70, or very walkable and most errands can be accomplished on foot.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C <sub>4</sub> – Urban Centre Commercial C <sub>9</sub> – Tourist Commercial	Offices Motel
East	C <sub>4</sub> – Urban Centre Commercial P <sub>4</sub> – Utilities	Mixed use commercial/residential ("The Shore") Utilities
South	C <sub>4</sub> – Urban Centre Commercial	Mixed use commercial/residential ("The Shore")
West	P <sub>3</sub> – Parks and Open Space	Public Parks

Subject Property Map: 3377 Lakeshore Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C9 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	1.5	1.5
Max. Height	22.0 m / 6 storeys	21.8 m / 6 storeys
Min. Front Yard (Lakeshore Road)	6.0 m	0.0 m <sup>①</sup>
Min. Flanking Side Yard (Richter Street)	4.5 m	3.3 m <sup>②</sup>
Min. Side Yard (north)	m	1.0 m <sup>③</sup>
Min. Rear Yard	4.5 m	5.58 m
Other Regulations		
Min. Parking Requirements	202 stalls	209 stalls
Min. Bicycle Parking	42 short-term stalls 93 long-term stalls	42 short-term stalls 109 long-term stalls
Min. Loading Space	1 stall	1 stall
Landscape buffer (north side yard)	3.0 m	0.0 m <sup>④</sup>
<p>① Indicates a requested variance to the minimum front yard</p> <p>② Indicates a requested variance to the minimum flanking side yard</p> <p>③ Indicates a requested variance to the minimum side yard</p> <p>④ Indicates a requested variance to the minimum landscape buffer</p>		

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.
- 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.

Chapter 1: Introduction*Goals for a Sustainable Future:*

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

Chapter 5: Development Process*Objective 5.3 Focus development to designated growth areas*

*Policy 5.3.2 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 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.

*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

Chapter 14: Urban Design DP Guidelines

Comprehensive Development Permit Area Design Guidelines

Key Objectives

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;
- Provide for a scale and massing of commercial buildings that promotes a safe, enjoyable living, pedestrian, working, shopping and service experience;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character;
- Protect and restore the urban ecology (i.e. architectural and site consideration with respect to the ecological impact on urban design).

Revitalization Design Guidelines

Key Objectives

- Use appropriate architectural features and detailing of buildings and landscapes to define area character;
- Convey a strong sense of authenticity through high quality urban design that is distinctive of Kelowna;
- Enhance the urban centre's main street character in a manner consistent with the area's character;
- Provide for a scale and massing of buildings that promotes an enjoyable living, pedestrian, working, shopping and service experience;
- Encourage an appropriate mix of uses and housing types and sizes;
- Design and facilitate beautiful public open spaces that encourage year-round enjoyment;
- Create open, architecturally-pleasing and accessible building facades to the street; and
- Improve existing streets and sidewalks to promote alternative transportation.

Chapter 17: Definitions

*Town Centre (South Pandosy / Rutland / Capri-Landmark):* 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.

## 6.0 Technical Comments

### 6.1 Development Engineering Department

See Attachment B: City of Kelowna Memorandum

## 7.0 Application Chronology

Date of Application Accepted: February 17, 2021

Date Public Consultation Completed: April 27, 2021

**Report prepared by:** Kimberly Brunet, Planner II  
**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: Draft Development Permit and Development Variance Permit DP21-0040 DVP21-0041

Schedule A: Site Plan

Schedule B: Floorplans, Elevations, Materials and Colour Board

Schedule C: Landscape Plan

Attachment B: City of Kelowna Memorandum

Attachment C: Applicant's Rationale

Attachment D: Artist Renderings