

# REPORT TO COUNCIL



**Date:** January 21, 2020  
**To:** Council  
**From:** City Manager  
**Department:** Development Planning  
**Application:** DP19-0019 & DVP19-0020  
**Owner:** 1016006 BC Ltd Inc No BC1016006  
**Address:** 541-545 Bernard Avenue  
**Applicant:** Worman Commercial  
**Subject:** Development Permit and Development Variance Permit  
**Existing OCP Designation:** MXR – Mixed Use (Residential/Commercial)  
**Existing Zone:** C7 – Central Business Commercial

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP19-0019 and Development Variance Permit DVP19-0020 for Lot 1 District Lot 139 ODYD Plan 2599, located at 541-545 Bernard Avenue, 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;

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

**Section 14.7.5 (h)i: C7 – Central Business Commercial Development Regulations**

To vary the setback on the portion of the building above 16.0m in height from 3.0m to 0.9m abutting a street;

**Section 14.7.5 (h)ii: C7 – Central Business Commercial Development Regulations**

To vary the setback on the portions of the building above 16.0m in height from 4.0m to 0.1m abutting the east and west adjacent properties;

AND THAT a commercial lane between Bernard Avenue and Lawrence Avenue be dedicated to the City of Kelowna as shown on Schedule A;

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 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 use commercial residential building with variances to reduce the setback of the portions of the building above 16.0m from 3.0m to 0.9m abutting the street; and from 4.0m to 0.1m abutting the east and west adjacent properties.

**3.0 Development Planning**

Development Planning Staff recommend support for the proposed Development Permit as it is generally consistent with the Official Community Plan Design Guidelines for a Revitalization Development Permit Area (please see Attachment B). The applicant has achieved the following objectives as related to form and character:

- 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;
- Create open, architecturally-pleasing and accessible building facades to
- the street.

Development Planning Staff recommend support for the proposed Development Variances to reduce the setback of the portions of the building above 16.0m from 3.0m to 0.9m abutting the street; and from 4.0m to 0.1m abutting the east and west adjacent properties. As the building is only 21.03m in height, it is determined the setbacks would have minimal impact on adjacent properties. Further, the reduced setback on the east and west side yards will allow zero lot line development on the adjacent properties. The reduced setback allows the stairwells to be located along the corner of the building creating a more visually appealing and functional building.

#### 4.0 Proposal

##### 4.1 Project Description

The subject property borders both Bernard Avenue and Lawrence Avenue with a lane that passes through the middle that has historically been used for public access. As a function of this development, the applicant will dedicate the lane for continued public use. The proposed development is on the Lawrence Avenue side which is currently a parking lot.

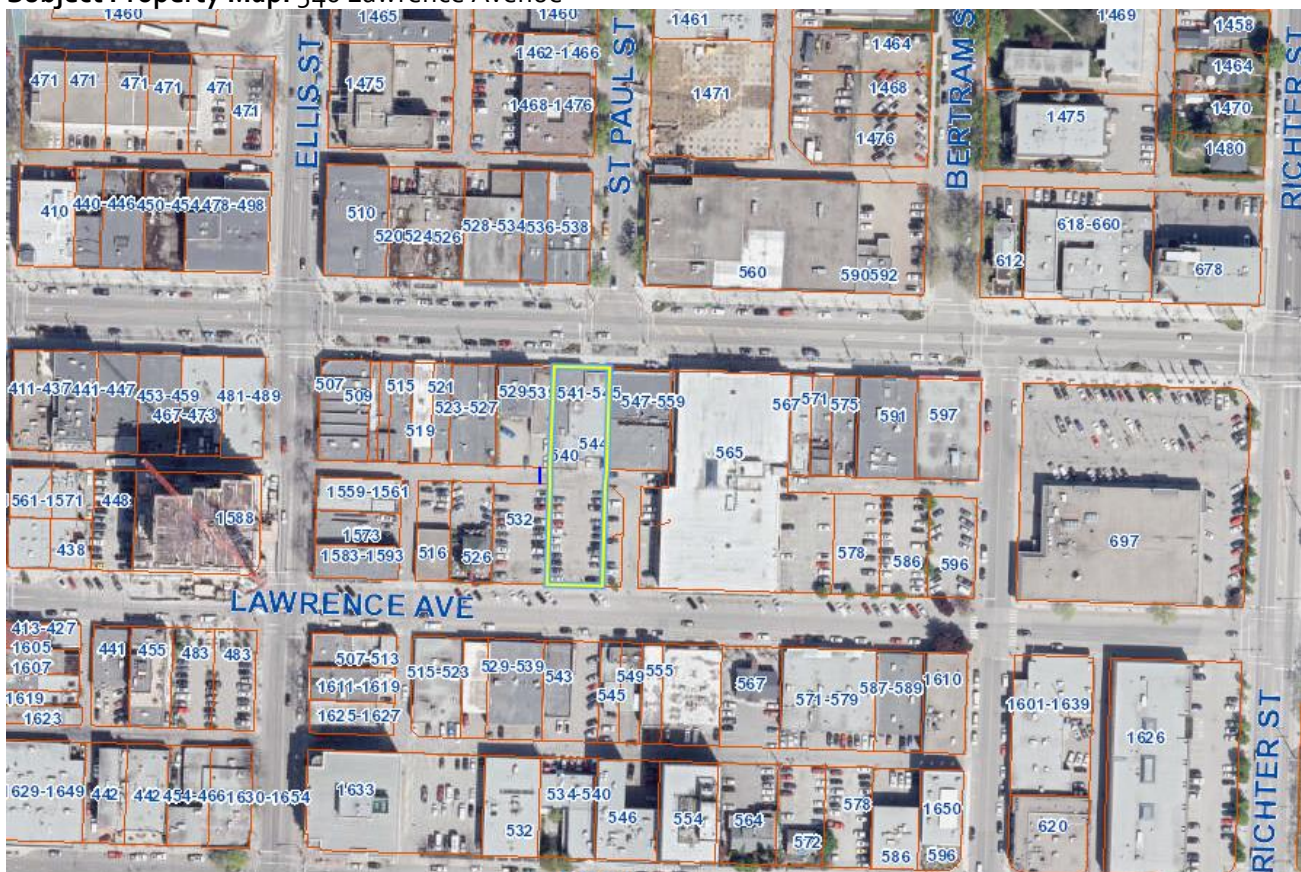
The proposed project is for a six-storey mixed use building featuring commercial, office, and residential. There are 8 bachelor dwelling units proposed, 229m<sup>2</sup> of commercial space, and 835m<sup>2</sup> of office space. The commercial units on the ground floor feature entrances directly onto Lawrence Avenue, activating the public realm. Balconies on the upper floors further promote interaction between the public and private realms and serve to provide architectural articulation. Materials selected include stucco with brick features on the lower floors.

Required parking for the residential, commercial, and office space combined is 20 stalls. The applicant has proposed 12 surface stalls at the rear of the building accessed from the lane, with cash-in-lieu for 8 stalls.

##### 4.2 Site Context

The subject property is in the Downtown Core along Lawrence Avenue between Bertram Street and Ellis Street. It is currently used as a parking lot and is adjacent to another private parking lot and the Towne Centre Mall property.

##### Subject Property Map: 540 Lawrence Avenue



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C7 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	9.0	1.5
Max. Height	76.5m or 26 Storeys	21.0m 6 Storeys
Min. Front Yard	0.0m	1.0m
Min. Side Yard (east/west)	0.0m	0.1m
Min. Rear Yard	m	m
Minimum Setbacks Above 16.0m in Height		
Min. Front Yard (street)	3.0m	0.9m ❶
Min. Side Yard (east/west)	4.0m	0.1m ❷
Other Regulations		
Min. Parking Requirements	20	12
Min. Bicycle Parking Class I	4	4
Min. Bicycle Parking Class II	1	1
❶ Indicates a requested variance to setback of the portions of the building above 16.0m from 3.0m to 0.9m abutting the street; ❷ Indicates a requested variance to setbacks of the portions of the building above 16.0m from 4.0m to 0.1m abutting adjacent properties.		

5.0 **Current Development Policies**

5.1 Kelowna Official Community Plan (OCP) Revitalization Design Guidelines

Please see Attachment B attached to the report.

6.0 **Application Chronology**

Date of Application Received: December 21, 2018

Date Public Consultation Completed: October 19, 2019

**Report prepared by:** Trisa Atwood, Planner II

**Reviewed by:** Laura Bentley, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

**Attachments:**

Attachment A: DRAFT Development Permit & Development Variance Permit DP19-0019 & DVP19-0020

Schedule A: Dimensions and Siting

Schedule B: Exterior Design and Finishes

Schedule C: Landscape Plan

Attachment B: Official Community Plan Revitalization Design Permit Guidelines

Attachment C: Applicant’s Letter of Rationale