



Development Permit & Development Variance Permit DP19-0019 & DVP19-0020

This permit relates to land in the City of Kelowna municipally known as

541-545 Bernard Avenue

and legally known as

Lot 1 District Lot 139 ODYD Plan 2599

and permits the land to be used for the following development:

Mixed Use Commercial and Residential

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Council Decision January 21, 2020

Decision By: COUNCIL OR COMMUNITY PLANNING DEPARTMENT MANAGER

Development Permit Area: Revitalization Development Permit Area

Existing Zone: C7 – Central Business Commercial

Future Land Use Designation: MXR – Mixed Use (Residential/Commercial)

This is NOT a Building Permit.

In addition to your Development Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

NOTICE

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner: 1016006 BC Ltd Inc No BC1016006

Applicant: Worman Commercial

Terry Barton
Community Planning Department Manager
Planning & Development Services

Date



1. SCOPE OF APPROVAL

This Development Permit applies to and only to those lands within the Municipality as described above, and any and all structures, structures and other development thereon.

This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit, noted in the Terms and Conditions below.

The issuance of a permit limits the permit holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific variances have been authorized by the Development Permit. No implied variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

2. CONDITIONS OF APPROVAL

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
- c) Landscaping to be provided on the land be in accordance with Schedule "C"; and
- d) 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.

This Development Permit is valid for two (2) years from the date of approval, with no opportunity to extend.

3. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) An Irrevocable Letter of Credit **OR** certified cheque

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

4. PARKING CASH-IN-LIEU BYLAW

Parking Cash-in-Lieu in the amount of \$264,000 required for 8 stalls as part of the proposed development within the Downtown Urban Centre.

5. INDEMNIFICATION

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

**The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall ONLY be returned to the signatory of the**

540 LAWRENCE AVE., KELOWNA, BC



PROPERTY DESCRIPTION

CIVIC: 540 Lawrence Avenue, Kelowna, BC
LEGAL: Lot 1, Plan 2599

ARCHITECTURAL DRAWINGS:

- A-001 PROJECT INFORMATION
- A-101 ENTRY LEVEL
- A-102 SECOND LEVEL
- A-103 THIRD & FOURTH LEVEL
- A-105 FIFTH LEVEL
- A-106 SIXTH LEVEL
- A-200 ELEVATIONS
- A-201 ELEVATIONS
- A-200 SECTION AND ROOF PLAN
- A-700 RENDERING

ZONING CALCULATIONS:

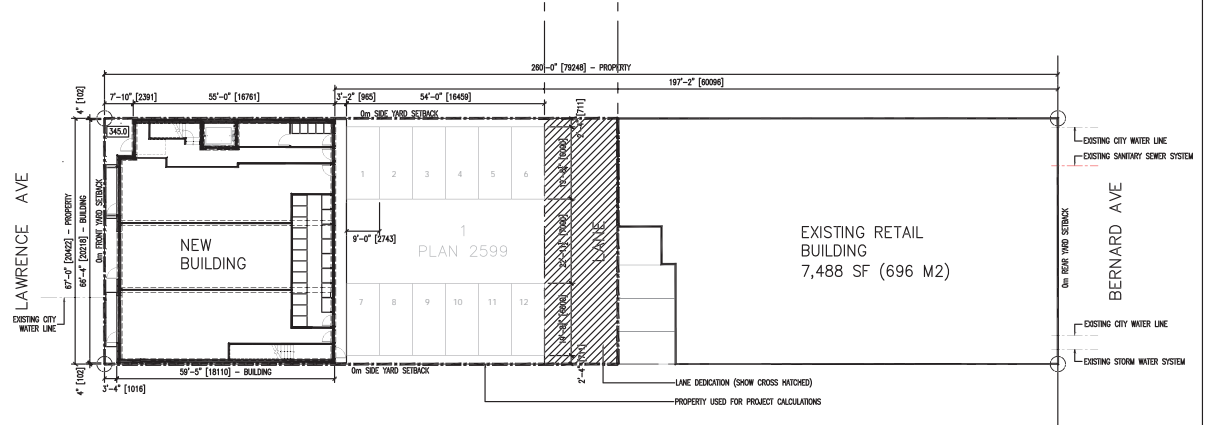
CURRENT: City of Kelowna C7 Zoning

SITE INFORMATION:

	Allowed	Proposed
Gross Site Area (south of Lane Dedication) =	9,380 sf (871.4m)	
Allowed Site Coverage =	100%	42% 3,904sf (new)
Coverage = Hardscaping =	100% (17,420sf)	100%
F.A.R. =	9 (84,420sf)	1.5 14,304sf (new)
Unit Area Calculations:		
ENTRY LEVEL LEVEL		
CRU #1		826.05F
CRU #2		802.55F
CRU #3		837.65F
SECOND LEVEL OFFICE		
		2,951.5F
THIRD LEVEL OFFICE		
		2,269.35F
FOURTH LEVEL OFFICE		
		2,269.35F
FIFTH LEVEL NEW RESIDENTIAL (6 UNITS)		
		2,159.5F
SIXTH LEVEL RESIDENTIAL UNIT OFFICE		
		684.75F
		1,304.25F
TOTAL NEW COMMERCIAL		2,466.15F (229.1M)
TOTAL NEW OFFICE		8,993.85F (835.6)
TOTAL NEW RESIDENTIAL		2,843.75F (264.25M)
TOTAL NEW		14,303.8 SF (1,328.85M)

ZONING CALCULATIONS (continued):

Building Height:	Allowed: 76.5m (251 Ft) approx. 26 stories	Proposed: 21.03m (69 Ft) or 6 stories
Max. Height =		
Yard setbacks:	Allowed:	Proposed:
Front yard -	0m/3m when abutting a street/above 16m in height	1m Entry & Second / 3m Third to Sixth Storey
Side yard -	0m/4m when abutting a property line/above 16m in height	.1m (4") full height
Rear yard -	0m	60.3m(197.6ft)
Parking Calculations:		
	Required:	Proposed:
8 per / bachelor =	.8 X 8 = 7 (Required)	8
Visitor =	1 per 7 dwelling units 1 (Required)	
1.3/100m2 (commercial)	1.3 x 229.1/100 = 3 (Required)	1
1.3/100m2 (office)	1.3 x 835.6/100 = 9 (Required)	3
Total	20 Required	12 (Cash in lieu for difference in required parking)
BASED ON NEW PARKING BYLAW		
Bicycle Storage:		
Residential:	Required:	Proposed:
Class I, 5/unit	5/8 = 4 (Required)	4
Class II, 1/unit	1/8 = 1 (Required)	1
Commercial		
Class I, 2/100m2	2 x 1,251.3/100 = 3 (Required)	3
Class II, 6/100m2	6 x 1,251.3/100 = 8 (Required)	8



SCHEDULE A

This forms part of application

DP19-0019 DVP19-0020

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Revision No.	Date	Description
1	11.20.18	FOR DISCUSSION
2	11.20.18	FOR DISCUSSION
3	12.20.18	FOR DISCUSSION
4	03.05.19	REV. PARKING/SB
5	07.17.19	DVP ADDENDUM #1
6	08.05.19	DVP ADDENDUM #1
7	05.20.19	DVP ADDENDUM #1
8	10.16.19	Revised Parking Calc.

Plot Date	18/05/19	Drawing No.	A-001
PROJECT			
540 LAWRENCE AVENUE			
DRAWING TITLE			
PROJECT INFORMATION			



DVP - ADDENDUM NO.1

SCHEDULE A

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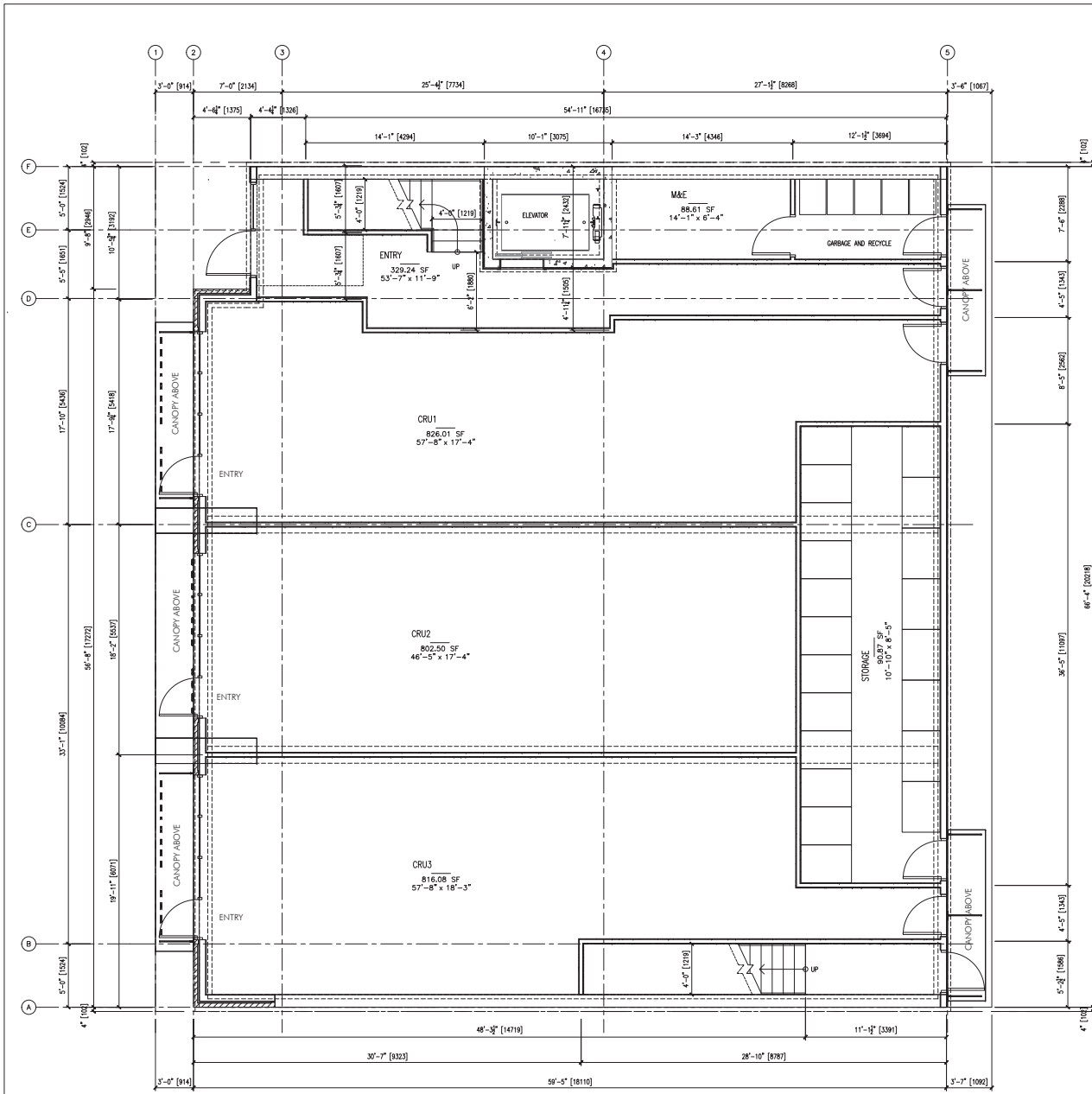
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All trades are to execute the work in accordance with the current applicable building bylaws and requirements of other local jurisdiction laws. Substitutions or use of different materials, finishes, etc. (not listed) including or installed without the architect's approval. All trades shall remain responsible for the location and protection of all work and above ground utilities, water and sewer, gas, electric, etc. and shall coordinate, locate, mark and protect them.

Revision No., Date and Description
12.19.18 - FDS DVP
06.28.19 - DVP-ADDENDUM #1

Plot Date Drawing No.
28-Jun-19 A-101

PROJECT
540 LAWRENCE AVENUE
DRAWING TITLE
ENTRY LEVEL PLAN



1 ENTRY LEVEL
1/4" = 1'-0"

DVP - ADDENDUM NO.1

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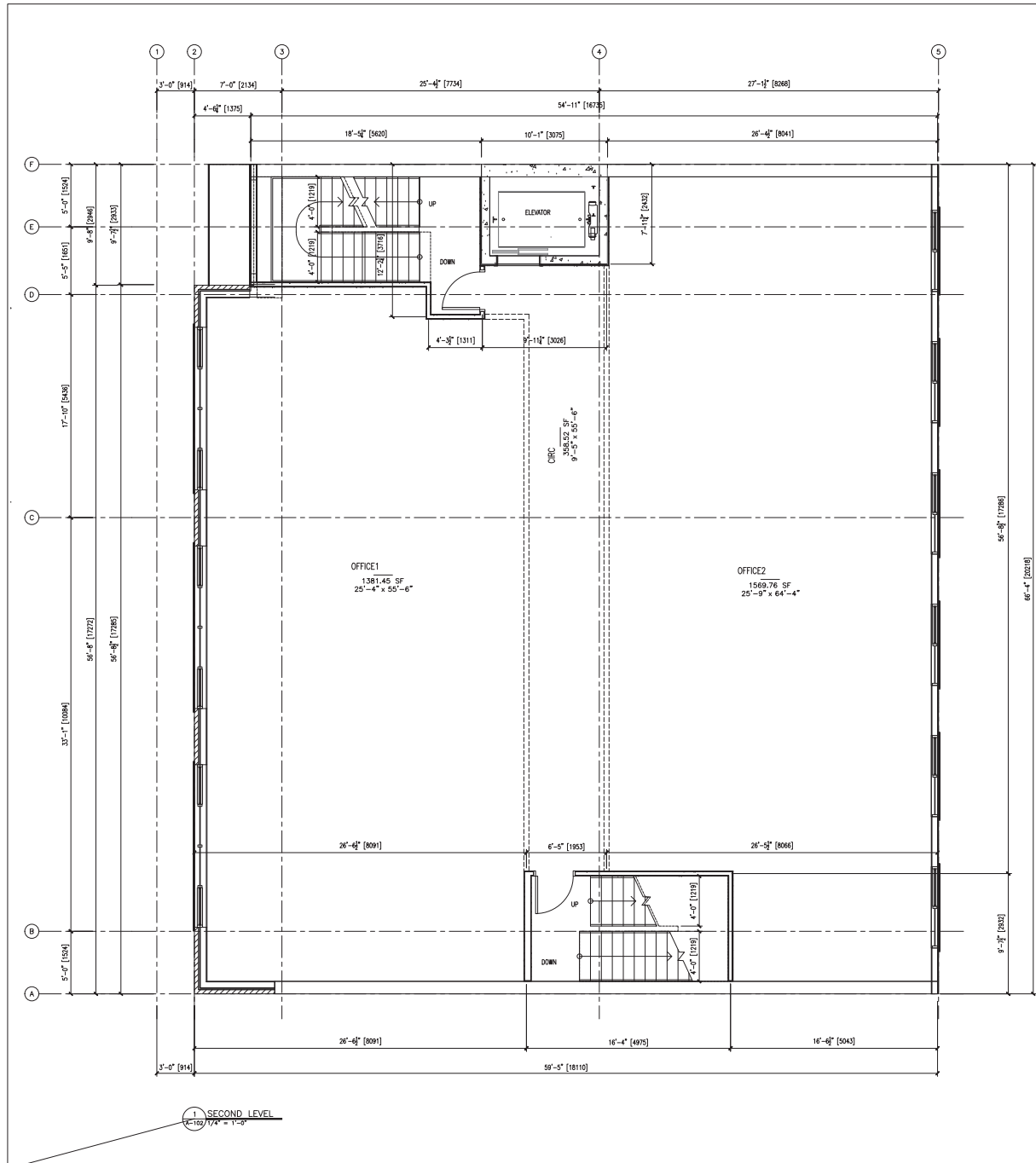
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All trades are to execute the work in accordance with the current applicable building codes and requirements of other local jurisdiction laws. Installation of any new building systems (including but not limited to) including all installed materials and systems. All trades shall carry full responsibility for the installation and protection of all work and shall provide written, signed and dated completion, including but not limited to) notes, memo, pin, type and signature.

Revision No., Date and Description
12.19.18 - FCS DVP
06.28.19 - DVP-ADDENDUM #1

Plot Date 28-Jun-19 Drawing No. A-102
PROJECT 540 LAWRENCE AVENUE
DRAWING TITLE SECOND LEVEL PLAN



SCHEDULE A

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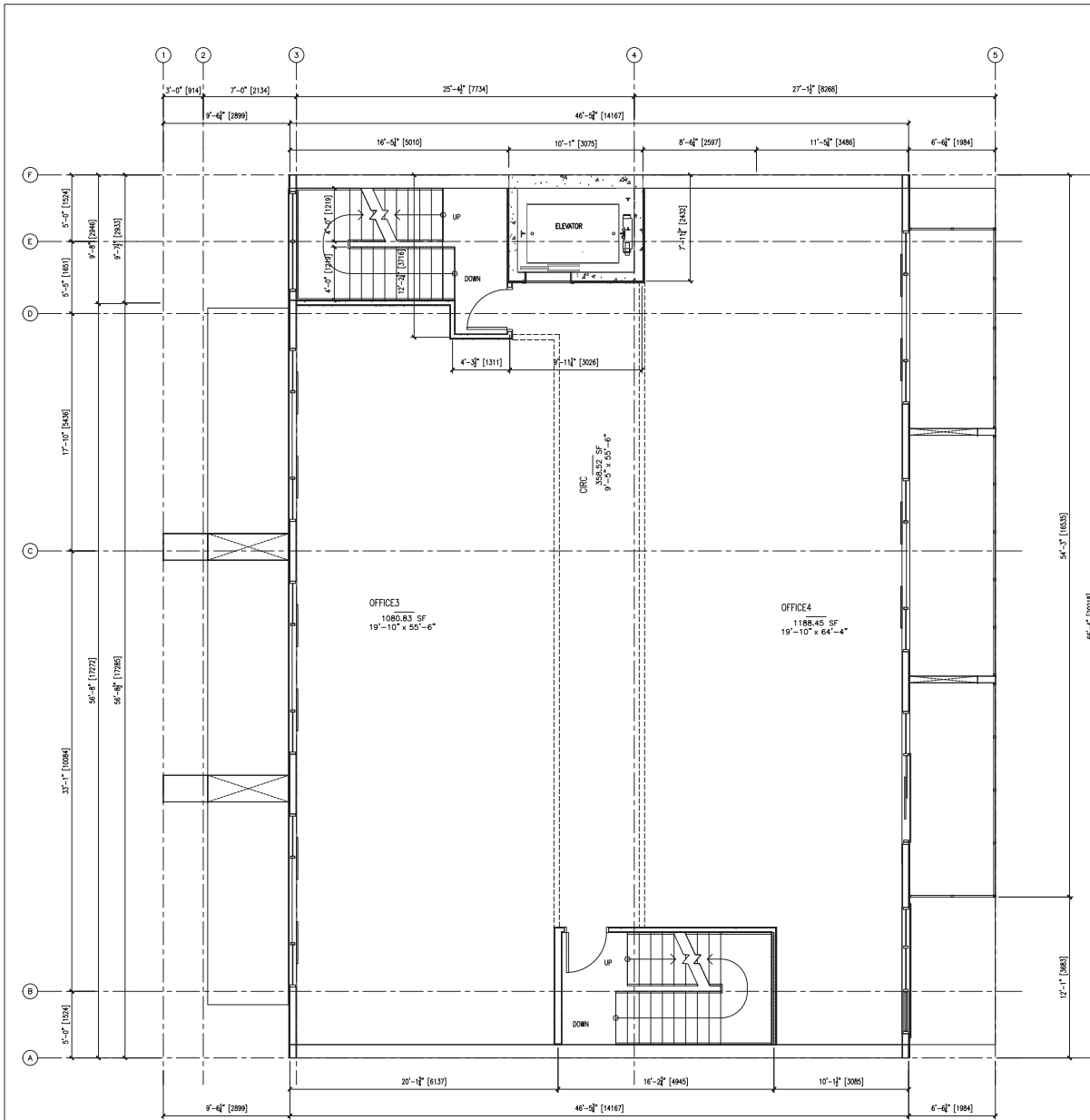
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PLOT SCALE

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PLOT SCALE

Revision No., Date and Description
12.19.18 - FOR DVP
06.19.19 - CLIENT REVISIONS
06.28.19 - DVP ADDENDUM #1

Plot Date 28-Jun-19 Drawing No. A-103

PROJECT 540 LAWRENCE AVENUE
DRAWING TITLE THIRD - FOURTH LEVEL PLAN



1 THIRD & FOURTH LEVELS
1/4" = 1'-0"

DVP - ADDENDUM NO.1

SCHEDULE A

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DP19-0019 DVP19-0020



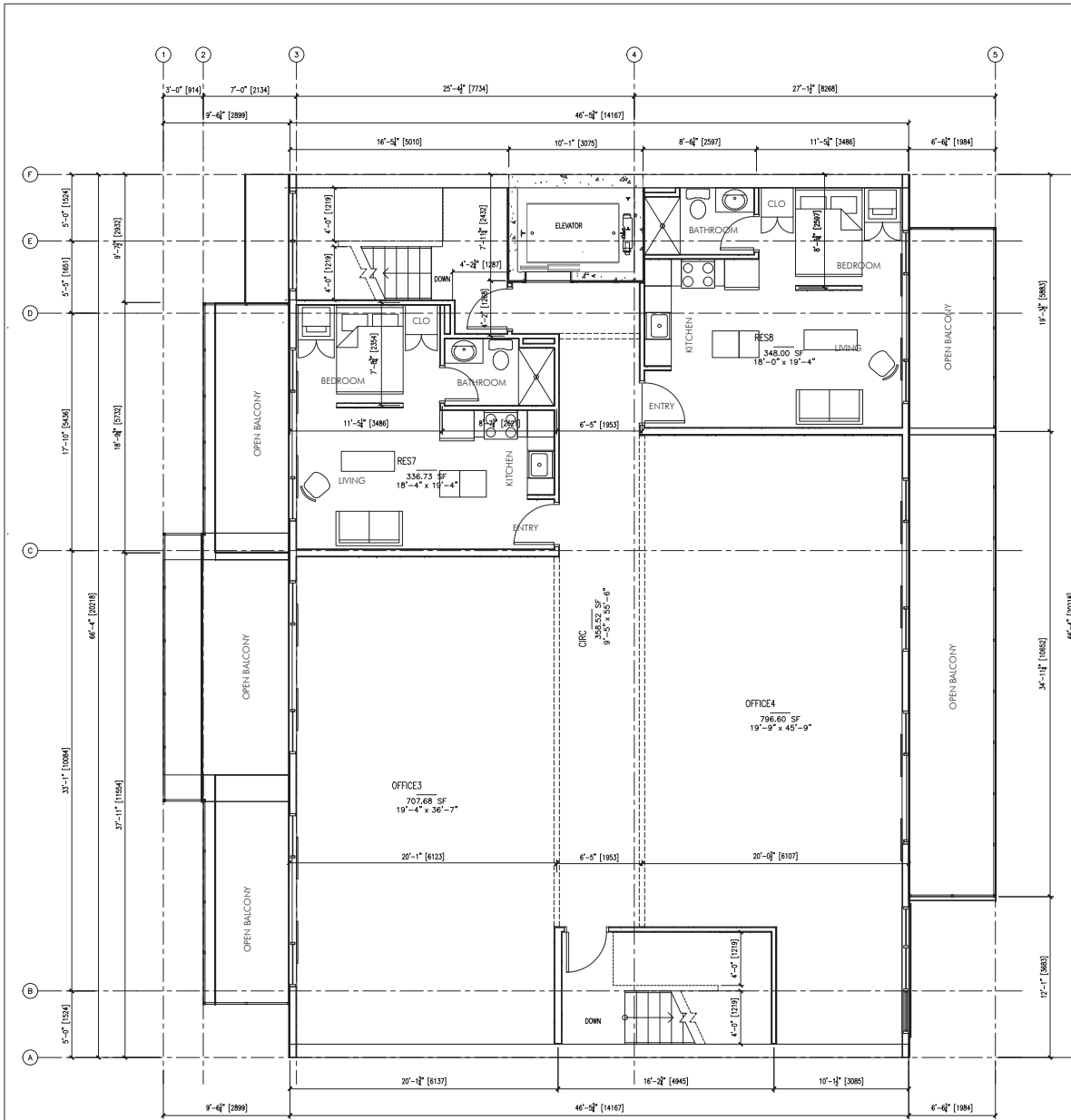
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1 SIXTH LEVEL
1/16" = 1'-0"

Revision No., Date and Description
12.19.18 - FCS DVP
06.28.19 - DVP ADDENDUM #1

Plot Date: 28-Jun-19
Drawing No.: A-105
PROJECT: 540 LAWRENCE AVENUE
DRAWING TITLE: SIXTH LEVEL PLAN



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DP19-0019 DVP19-0020



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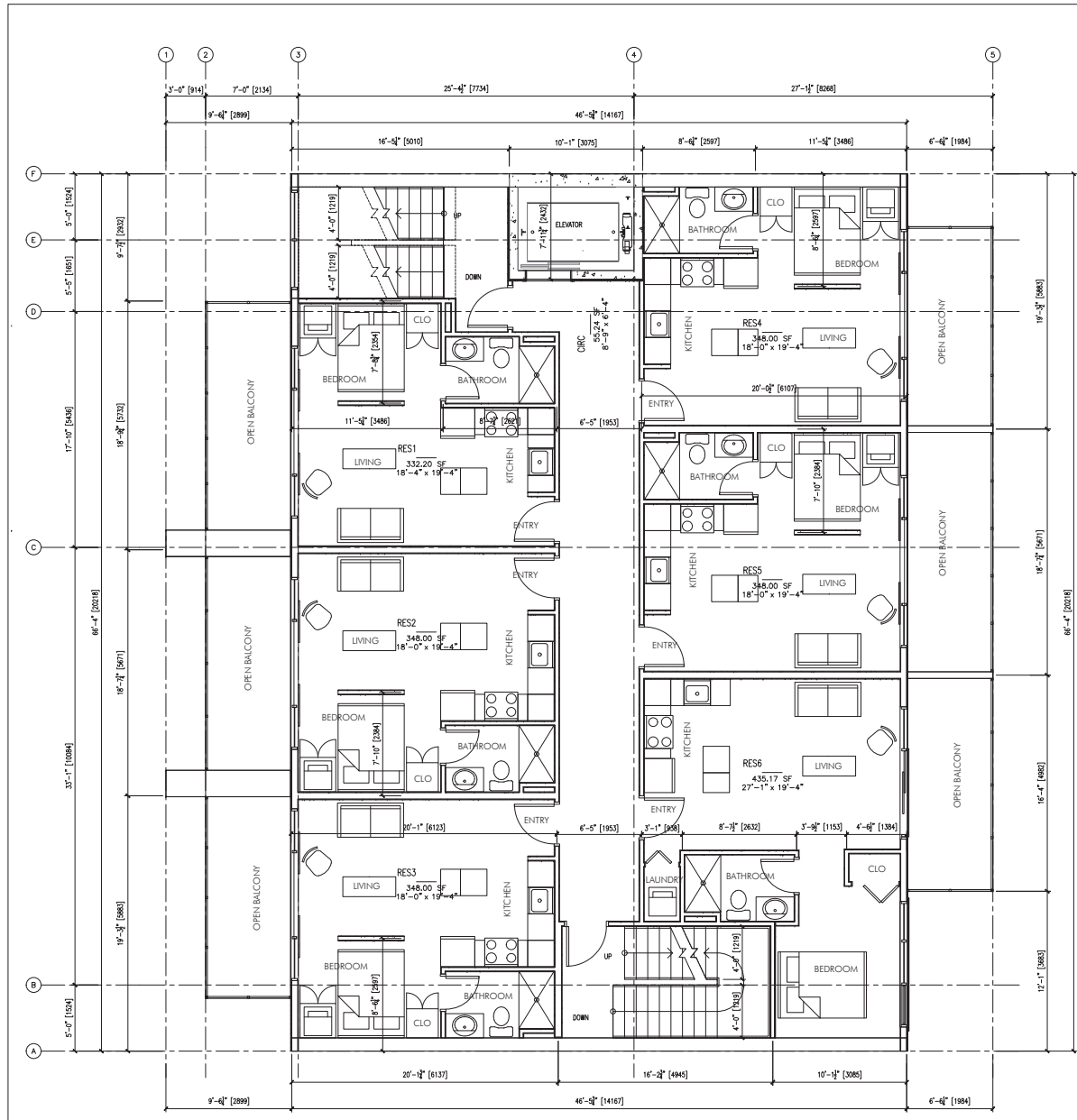
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Revision No., Date and Description
06.28.19 - DVP ADDENDUM #1

Plot Date: 28-Jun-19
Drawing No.: A-105

PROJECT: 540 LAWRENCE AVENUE
DRAWING TITLE: FIFTH LEVEL PLAN



1 FIFTH LEVEL
1/16" = 1'-0"

DVP - ADDENDUM NO.1

SCHEDULE B

This forms part of application
DP19-0019 DVP19-0020



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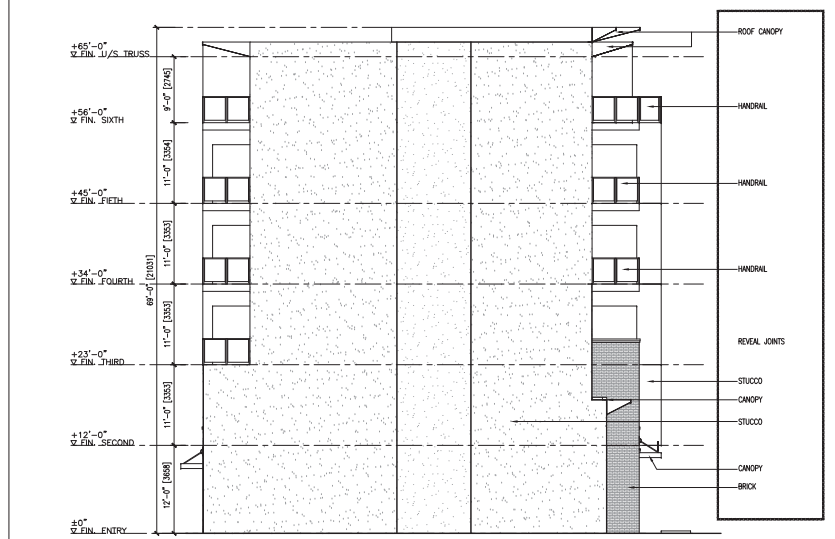
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All trades are to coordinate the work in accordance with the current applicable building bylaws and requirements of other local jurisdiction building regulations as well as the current British Columbia Building Code (most recent edition) including all published revisions and amendments. All trades shall ensure full responsibility for the location and protection of all other and above ground utilities, pipes and cables, conduits, ducting, etc. shall be verified by utility, sewer, gas, hydro and telephone.



4 FRONT ELEVATION
1/8"=1'-0"



1 LEFT ELEVATION
1/8"=1'-0"



- MATERIAL LEGEND:**
1. BRICK - MUTUAL MATERIAL (LIMESTONE, SMOOTH)
 2. ACRYLIC STUCCO (MATCH SHERWIN WILLIAMS, SNOWBOUND, SW-7004)
 3. ACRYLIC STUCCO (MATCH SHERWIN WILLIAMS, SNOWBOUND, SW-7004)
 4. ACRYLIC STUCCO (MATCH SHERWIN WILLIAMS, SNOWBOUND, SW-7004)
 5. ANODIZED ALUMINUM WINDOWS AND SLIDING DOORS (CLEAR ANODIZED)
 6. METAL CLAD SHOP FRONTS (CLEAR ANODIZED)
 7. PRE-FIN. METAL CAP FLASHING
 8. ALUMINUM/GLASS RAILING SYSTEM
 9. METAL CANOPIES WITH SIGNAGE (BLACK)
 10. METAL CANOPIES WITH STUCCO SOFFIT (SHERWIN WILLIAMS, WHITE BIRCH, SW-3503)



Revision No., Date and Description
12.19.19 - F02 DVP
06.29.19 - DVP-ADDENDUM #1

Plot Date: 29-Jun-19 Drawing No.: A-200
PROJECT: 540 LAWRENCE AVENUE
DRAWING TITLE: ELEVATIONS



SCHEDULE B

This forms part of application

DP19-0019 DVP19-0020



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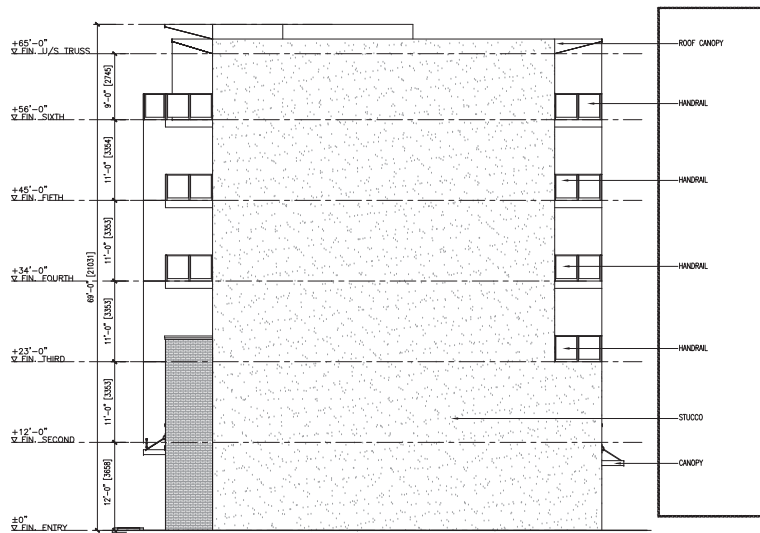
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2 REAR ELEVATION
1/8"=1'-0"



3 RIGHT ELEVATION
1/8"=1'-0"



Planner Initials TA

MATERIAL LEGEND:

1. BRICK - MUTUAL MATERIAL (LIMESTONE, SMOOTH)
2. ACRYLIC STUCCO (MATCH SHERWIN WILLIAMS, SNOWBOUND, SW-7004)
3. ACRYLIC STUCCO (MATCH SHERWIN WILLIAMS, SNOWBOUND, SW-7004)
4. ACRYLIC STUCCO (MATCH SHERWIN WILLIAMS, SNOWBOUND, SW-7004)
5. ANODIZED ALUMINUM WINDOWS AND SLIDING DOORS (CLEAR ANODIZED)
6. METAL CLAD SHOP FRONTS (CLEAR ANODIZED)
7. PRE-FIN. METAL CAP FLASHING
8. ALUMINUM/GLASS RAILING SYSTEM
9. METAL CANOPIES WITH SIGNAGE (BLACK)
10. METAL CANOPIES WITH STUCCO SOFFIT (SHERWIN WILLIAMS, WHITE BIRCH, SW-3503)



Revision No., Date and Description
12.19.19 - FOR DVP

Plot Date 29-Jun-19 Drawing No. A-201

PROJECT 540 LAWRENCE AVENUE
DRAWING TITLE ELEVATIONS



DVP - ADDENDUM NO.1

SCHEDULE B

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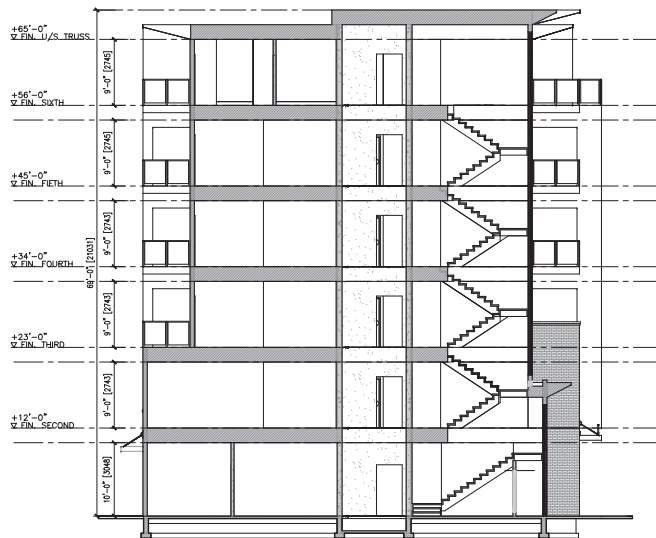
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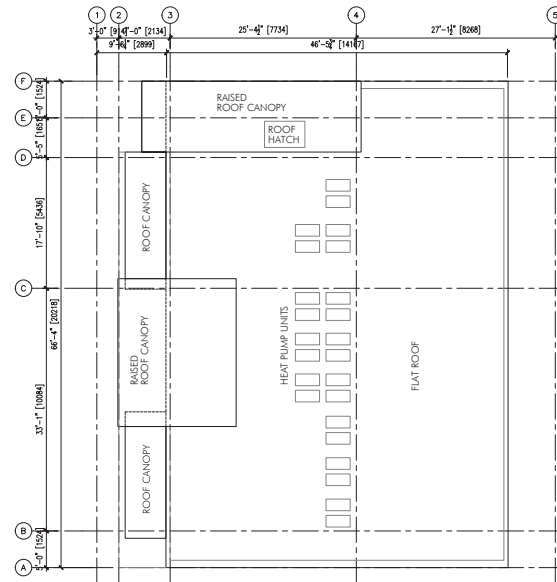
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1 SECTION 1
1/8" = 1'-0"



2 ROOF LEVEL
1/8" = 1'-0"

Revision No., Date and Description
12.20.18 - FDS DVP
06.29.19 - DVP-ADDENDUM #1

Plot Date: 29-Jun-19
Drawing No.: A-300
PROJECT: 540 LAWRENCE AVENUE
DRAWING TITLE: SECTION & ROOF PLAN



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Revision No., Date and Description
12.19.19 - FGD DVP
06.28.19 - DVP-ADDENDUM #1

Plot Date: 28-Jun-19 Drawing No.: A-700

PROJECT
540 LAWRENCE AVENUE
DRAWING TITLE
RENDERING





SCHEDULE

B

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DP19-0019 DVP19-0020



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WORMAN HOMES | WORMAN COMMERCIAL

REIT
ILLUSTRATION / THE ARTS ALIVE

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ALUMINUM WINDOW FRAMES,
FLASHINGS & DECK RAILS:
"ANODIZED ALUMINUM"



METAL CANOPIES:
"BLACK"



STUCCO FINISH:
SHERWIN WILLIAMS
"SNOWBOUND" #SW-7004



BRICK:
MUTUAL MATERIALS
"LIMESTONE" SMOOTH



STUCCO SOFFITS:
SHERWIN WILLIAMS
"WHITE BIRCH" #SW-3503



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EXTERIOR FINISHES

540 LAWRENCE AVENUE

KELOWNA, BC

PROJECT No.
PROJECT#540LAWRENCE

DATE:
MAY 14, 2019

SCHEDULE C

This forms part of application
DP19-0019 DVP19-0020



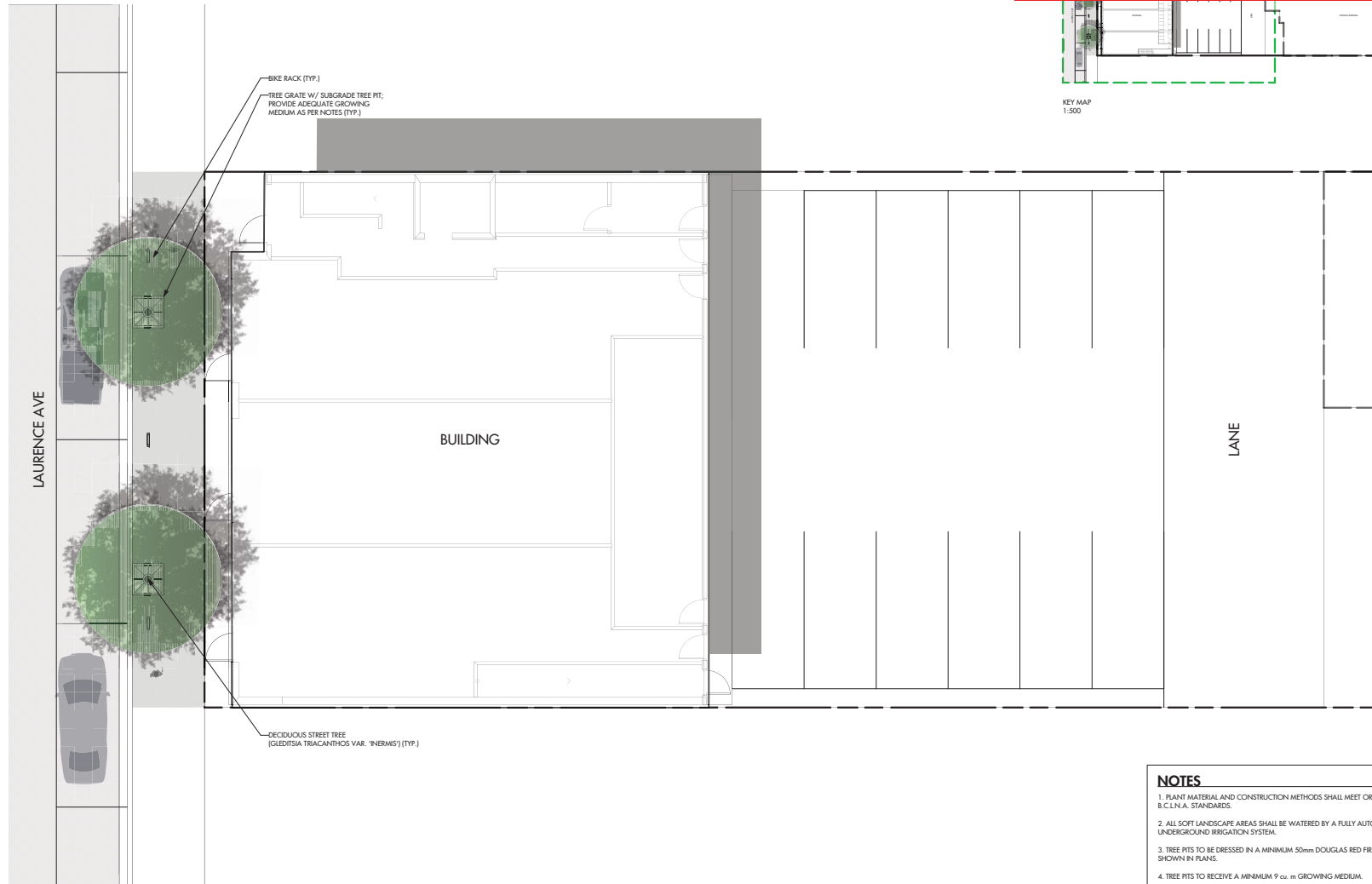
City of
Kelowna
COMMUNITY PLANNING

OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

206 - 1889 Spall Road
Kelowna, BC V1Y 4R2
T (250) 868-9270
www.outlanddesign.ca



KEY MAP
1:500



PROJECT TITLE
540 LAWRENCE AVENUE

Kelowna, BC

DRAWING TITLE
**CONCEPTUAL
LANDSCAPE PLAN**

ISSUED FOR / REVISION	
1	18.12.20 Review
2	
3	
4	

PROJECT NO: 17129
DESIGN BY: IWA
DRAWN BY: WVC
CHECKED BY: JTB
DATE: DEC. 20, 2018
SCALE: 1:75

SEAL



DRAWING NUMBER

L1/1

ISSUED FOR REVIEW ONLY
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- NOTES**
1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED B.C.L.N.A. STANDARDS.
 2. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.
 3. TREE PITS TO BE DRESSED IN A MINIMUM 50mm DOUGLAS RED FIR MULCH, AS SHOWN IN PLANS.
 4. TREE PITS TO RECEIVE A MINIMUM 9 cu. m GROWING MEDIUM.

PLANT LIST

BOTANICAL NAME	COMMON NAME	QTY	SIZE/SPACING & REMARKS
TREES GLEDTISIA TRIACANTHOS VAR 'INERMIS'	THORNLESS HONEY LOCUST	2	6cm CAL



Please
Initials

TA

DP19-0019 & DVP19-0020

Revitalization Development Permit Area

Consideration has been given to the following guidelines as identified in Official Community Plan relating to Revitalization Development Permit Areas:

REVITALIZATION DEVELOPMENT PERMIT AREA	YES	NO	N/A
Relationship to the Neighbourhood and Street			
Does the proposal maintain the established or envisioned architectural character of the neighbourhood?	✓		
Do developments adjacent to non-revitalization areas create an appropriate transition?			✓
Are spaces for pedestrian friendly amenities, such as street furniture, included on site?		✓	
Is the ratio of streetwall height to street width less than 0.75:1?	✓		
Does the building frontage occupy the entire length of the street, without drive aisles or other dead zones?	✓		
Building Design			
Are architectural elements aligned from one building to the next?			✓
Are the effects of shadowing on public areas mitigated?	✓		
Are doors or windows incorporated into at least 75% of street frontage?	✓		
Do proposed buildings have an identifiable base, middle and top?	✓		
Are windows, entrances, balconies and other building elements oriented towards surrounding points of interest and activity?	✓		
Are architectural elements such as atriums, grand entries and large ground-level windows used to reveal active interior spaces?	✓		
Are buildings designed with individual entrances leading to streets and pathways rather than with mall style entrances and internal connections?	✓		
For multiple unit residential projects, is ground level access for first storey units provided?			✓
Are buildings finished with materials that are natural, local, durable and appropriate to the character of the development?	✓		
Are prohibited materials such as vinyl siding, reflective or non-vision glass, plastic, unpainted or unstained wood, and concrete block not used in the design?	✓		
Are stucco and stucco-like finishes omitted as a principal exterior wall material?		✓	
Are vents, mechanical rooms/equipment and elevator penthouses integrated with the roof or screened with finishes compatible with the building's design?	✓		
View Corridors			
Are existing views preserved and enhanced?			✓
Vehicular Access and Parking			
Are at-grade and above-grade parking levels concealed with façade treatments?			✓
Are garage doors integrated into the overall building design?			✓



DP19-0019 & DVP19-0020

REVITALIZATION DEVELOPMENT PERMIT AREA	YES	NO	City of Kelowna
Are pedestrian entrances more prominent features than garage doors and vehicle entrances? <small>planner Initials TA</small>	✓		N/A
Is surface parking located to the rear of the building or interior of the block?	✓		
Are truck loading zones and waste storage areas screened from public view?			✓
Do parking lots have one shade tree per four parking stalls?			✓
Are pedestrian connections provided within and between parking lots?		✓	
Are driving, parking, pedestrian and cycling areas distinguished through changes in colour or pattern of paving materials?		✓	
Signage			
Is signage design consistent with the appearance and scale of the building?	✓		
Are corporate logos on signs complimentary to the overall building character?	✓		
Is signage lighting minimized?	✓		
Public Art			
Is public art incorporated into the project?		✓	



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ATTACHMENT C

This forms part of application

DP19-0019 DVP19-0020



City of
Kelowna
COMMUNITY PLANNING

Planner
Initials

TA

Dec. 18, 2018

Re: 540 Lawrence Avenue
Development and Variance Rationale Letter

Dear City Staff and Council,

The attached application for 540 Lawrence Avenue is a 6-storey mixed use development. The development consists of 3 commercial retail units at grade, office space on levels 2 and 6, as well as 20 residential rental units on floors 3 to 6. Parking is provided at grade, entered from the rear lane. Each unit has a private storage/bike locker located on the main floor.

Our proposal meets all the requirements under the C4 zone, except for the setback requirements above 16 meters in height. Due to the small size of our structure, the most effective design was to have the elevator and stairway located on one side of the building with the other stairwell located at the other side. This means that in order to get to the 6th floor we cannot jog back to achieve the required sideyard setback. This lack of setback on the sides is also a result of the very small footprint of our building. If we adhered to this setback, it would not make the 5th and 6th floors large enough to bother building. Our opinion is that the benefit of adding the extra density to our proposal outweighs the minor variance required.

Our application maintains our design philosophy of creative solutions for density on small lots. We hope you will see this as an asset to the downtown core and look forward to the application's approval.

Sincerely,

Shane Worman
Worman Homes/ Worman Commercial

P. 250.762.0040

F. 250.762.0550