

# REPORT TO COUNCIL



**Date:** July 26, 2022  
**To:** Council  
**From:** City Manager  
**Department:** Development Planning  
**Application:** DP21-0136 DVP21-0137      **Owner:** City of Kelowna  
**Address:** 350 Doyle Ave      **Applicant:** Zeidler Architecture  
**Subject:** Development Permit and Development Variance Permit Application  
**Existing OCP Designation:** UC – Urban Centre  
**Existing Zone:** C7r – Central Business Commercial (Residential Rental Tenure Only)

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## 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 12286 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP21-0136 for Lot C District Lot 139 Osoyoos Division Yale District Plan EPP95954, located at 350 Doyle Ave, 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 Council authorizes the issuance of Development Variance Permit No. DVP21-0137 for Lot C District Lot 139 Osoyoos Division Yale District Plan EPP95954, located at 350 Doyle Ave, Kelowna, BC;

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

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

To vary the maximum allowable height from 40.0 m / 13 storeys permitted to 81.9 m / 25 storeys proposed.

**Section 14.7.6(h): C7 – Central Business Commercial Civic Precinct Development Regulations**

To vary the minimum separation distance where adjacent buildings are above 22.0 m in height on the same block from 25.0 m required to 13.9 m proposed.

**Section 14.7.6(i): C7 – Central Business Commercial Civic Precinct Development Regulations**

To vary the maximum tower floor plate situated above 9.0 m in height but below 22.0 m in height from 1,221.0 m<sup>2</sup> permitted to 2,105 m<sup>2</sup> proposed.

**Section 14.7.6(j): C7 – Central Business Commercial Civic Precinct Development Regulations**

To vary the maximum tower floor plate above 22.0 m in height from 676.0 m<sup>2</sup> permitted to 803 m<sup>2</sup> proposed.

**Table 8.5: Section 8 – Parking and Loading - Off-Street Bicycle Parking**

To vary the minimum short-term bicycle parking from 72 required to 10 stalls 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 Applications 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 issue a Development Permit for the form and character of a mixed-use development and to issue a Development Variance Permit for associated variances.

**3.0 Development Planning**

The subject property was identified as a strategic redevelopment site in the Civic Precinct Plan (2016) in order to bring more diversity of land uses to the largely institutional nature of the area specifically through housing and retail offerings. These different types of land uses were intended to bring vibrancy to the area and complement the existing buildings and facilities. Through a competitive bidding process in 2020, Appelt Properties was selected as the winning proponent to deliver the mixed-use building. The proponent's plans for the building have evolved from the original submission, to at first be a large mid-rise building form within the 13-storey height restriction; and then based on neighbourhood consultation to a podium and tower form extending to 25 storeys in height. The proposal features the following elements:

- 259 units of purpose built rental housing;
- Extension of the Artwalk to Doyle Avenue;
- Provision of a 557 m<sup>2</sup> (6,000 ft<sup>2</sup>) community space, known as the 'Creative Hub'; and
- 1,384 m<sup>2</sup> of retail space and 1,305 m<sup>2</sup> of office space

The proposed design of the building generally meets the Official Community Plan (OCP) Urban Design Guidelines, including:

- Emphasis on the quality of the ground level commercial spaces and its interaction with the public realm (e.g. Doyle Ave streetscape, ArtWalk and Plaza spaces);
- Placement of tower away from streets, parks and open space and neighbouring properties to reduce visual and physical impacts; and
- Provision of private outdoor amenity spaces on-site, such as balconies and rooftop amenity areas.

The building design requires several variances to zoning regulations that are discussed in greater detail in Section 4.0. The most significant of the variances is the request for 25 storeys in height. The 13-storey height maximum was determined as part of the Civic Precinct Plan process and committed to by the developer as part of the RFP process through the registration of a restrictive covenant on-title. While the variance represents a departure from this original premise, the podium and tower form provides an alternative way of arranging the desired density and massing on-site and comes as a result of the developer's planning and public consultation process over the past two years. The location of the tower away from Doyle Avenue and towards the rear of the property provides a degree of favourable spacing to neighbouring properties such as the Innovation Centre and the Madison as well as provides less shadowing impact to the ArtWalk on the western side. The taller building form will result in the building being visible from many spots in the Downtown and will create greater prominence and profile. The taller building will also differentiate itself from the lower mid-rise building forms of neighbouring properties providing variation and contrast.

Staff are recommending support for the Development Permit and associated variances. While the building height is a departure from the original plan, the mixed-use project does deliver key housing objectives, quality retail spaces, the extension of the ArtWalk, a new cultural community space and a quality architectural design.

#### City of Kelowna 2040 Official Community Plan and Civic Precinct Plan

The project advances many of the objectives for Kelowna's Urban Centres in the 2040 Official Community Plan. The extension of the Artwalk and new Creative Hub are consistent with strengthening Urban Centres as hubs of activity (Objective 4.1). It also advances objectives to foster the Cultural District as an arts and culture destination and focusing cultural infrastructure investment in Urban Centres (Objectives 4.21 and 4.22). The ArtWalk and Creative Hub are also consistent with the Civic Street Character outlined in Map 4.2.

In addition, the rental housing component is consistent with increasing housing and tenure diversity in Urban Centres (Objective 4.12).

The revised project proposes heights that are significantly greater than the 12 storeys and those in the Civic Precinct Plan signaled in the OCP (Policy 4.4.2 and Map 4.1 – Included as Attachment E). While Policy 4.4.3 outlines considerations for buildings taller than these heights, it also outlines that the detailed and targeted directions in the Civic Precinct Plan should be given due consideration in building height discussion.

### **Variances**

#### **4.0 Variances**

Council approval of several variances is required to facilitate this proposal under the current C7r - Central Business Commercial (Residential Rental Tenure Only) zoning. The variances are primarily to Development Regulations within the Zoning Bylaw specific to properties within the Civic Precinct (Section 14.7.6), as well as to sections of the Parking and Loading Regulations (Section 9) relating to bicycle parking.

#### Height

The City of Kelowna Official Community Plan, Civic Precinct Plan and Zoning Bylaw limit height on the property to 40.0 m or 13 storeys. This application requests an increase in height to 77.4 m or 25 storeys (81.9 m including the mechanical penthouse). A Shadow Study has been submitted by the applicant, and included in Attachment B.

A Section 219 restricting covenant has been registered on title of the property, limiting the height of any structure to 13 storeys. Should Council support the Development Permit and Development Variance Permit applications, this covenant would need to be amended by Council.

### Floorplates

The applicant's original submission met the height restrictions but required a floorplate variance of three times the maximum allowable size. The applicant has reduced the scale of that variance by adding additional height. The Zoning Bylaw (Civic Precinct Development Regulations) regulates maximum tower floor plate for portions of building between 9.0 m and 22.0 m in height, as well as the maximum tower floor plate above 22.0 m in height. This application requests variances to both regulations. The maximum tower floor plate for portions of building between 9.0 m and 22.0 m in height is proposed to be 2,105 m<sup>2</sup> (1,221.0 m<sup>2</sup> permitted), and the maximum tower floor plate above 22.0 m is proposed to be 803 m<sup>2</sup> (676 m<sup>2</sup> permitted). The floor plate is reduced slightly for levels 7-25 to 750 m<sup>2</sup>, however still requires a variance to Civic Precinct Development Regulations, as 676 m<sup>2</sup> is permitted.

### Short-term Bicycle Parking

Zoning Bylaw requires 72 short-term bicycle parking stalls be provided on site and this application proposes 10 on-site short-term bicycle stalls. Additional stalls are located nearby on Smith Ave and the Art Walk.

The proposal complies with long-term bicycle parking requirements, and the long-term bicycle storage room is located below the Creative Hub and is accessed by a ramp.

### Tower Separation

The Civic Precinct Development Regulations require a minimum separation distance of 25.0 m shall be provided where adjacent buildings are above 22.0m on the same block. The Innovation Centre, which was completed in 2017 and is located on the same block, is greater than 22.0m in height, which triggers the separation variance. At the 22.0m elevation mark, the two buildings are separated by 13.9 m.

### Car Share

One car share stall is proposed as part of this application, in accordance with provisions under Car-Share Incentives (Section 8.2.11). This allows the development to reduce their required number of parking stalls by 5 stalls. This car-share stall will be located at-grade and publicly accessible, and directly accessed from the lane. A copy of the Car Share Agreement is included as Attachment F.

## **5.0 Proposal**

### **5.1 Background**

The subject property was formerly occupied by the Royal Canadian Mounted Police Detachment. This building was demolished in late 2018 and has been vacant since. In 2020, as part of a lease agreement, Appelt Properties was selected to lease the property for a 13-storey mixed-use development.

### **5.2 Project Description**

The proposal includes one 20-storey tower atop a five-storey, two-tiered podium, with above-ground parking. This includes 1,303 m<sup>2</sup> commercial office space and 1,384 m<sup>2</sup> retail space, and 259 residential rental apartments. The unit breakdown includes 100 studios, 99 one-bedroom units and 60 two-bedroom units.

Doyle Avenue and the extension of the Kelowna Art Walk will be fronted by commercial retail uses at grade. Additional Commercial space (offices) is proposed on the second floor of the podium oriented out to the Art Walk and Doyle Avenue. Commercial retail tenants will have several storefront options that allow flexibility for connecting the street with the building. All glazing at grade will be clear to allow for transparency into these spaces contributing to a varied and diverse street experience along the length of the Art Walk. Architectural materials of the podium include brick masonry veneer, masonry details (including soldier

courses, cornices, sills, pilasters and pilaster bases), and gridded 'warehouse-feel' windows and trellised canopies, with c-channel and tie-back detailing. Tower cladding is proposed to be prefinished panel systems, with charcoal and white colours.

Private open space requirements for residents are met through rooftop amenity space as well as balconies for residents. Long-term bicycle parking is located below the Creative Hub space, and end of trip facilities are provided on site, and accessible to both commercial and residential users.

Art Walk

The extension of the Art Walk to Doyle Ave, and the construction of a Civic Plaza is a requirement of this project. The applicant’s landscape plan (Attachment C) includes general conceptual landscaping; however, these details still need to be finalized.

Creative Hub

This development includes a 557 m<sup>2</sup> (6,000 ft<sup>2</sup>) cultural space, known as the Creative Hub. It’s located at ground-level on the north side, fronting on to Smith Ave, near the Library Parkade. At-grade primary access to the Creative Hub is proposed off Smith Avenue, near the existing Kelowna Library Plaza Parkade. The brick detailed facade will continue from the retail frontage to the Kelowna Arts Hub, integrating the exterior design of this facility into the overall development. Included in this facade detailing are eight “mural bays”, that wrap the facility. The applicant proposes to engage local artists in creating murals or installations on the Kelowna Arts Hub facade.

Details of interior tenant improvements, such as floor plans, would be determined later.

5.3 Site Context

The property is located on the north side of Doyle Avenue, between Water Street and Ellis Street. It is within an area known as the Civic Precinct, as well as in the Downtown Urban Centre. The Walk Score is 95, indicating that daily errands do not require a car. Specifically, adjacent land uses are as follows:

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<b>Orientation</b>	<b>Zoning</b>	<b>Land Use</b>
North	C7 – Central Business Commercial	Art Walk, Library Parkade
East	C7 – Central Business Commercial	Okanagan Regional Library
South	P1 – Major Institutional	Memorial Arena, City Hall, Kasugai Gardens, Memorial Parkade & Kelowna Museums
West	P1 – Major Institutional	Kelowna Community Theatre

Subject Property Map: 350 Doyle Ave



5.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C7r ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	9.0	4.4
Max. Height	40.0 m / 13 storeys	77.4 m (81.9m with mechanical penthouse) / 25 storeys ❶
Min. Front Yard (south)	0.0 m	0.0 m
Min. Side Yard (east - lane)	0.0 m	0.0 m
Min. Side Yard (west)	0.0 m	0.0 m
Min. Rear Yard (north)	0.0 m	0.0 m
Min. setback for any portion of a building above 9.0 m from any property line abutting a street	3.0 m	3.0 m
Min. setback for any portion of a building above 9.0 m from any property line abutting another property	4.0 m	4.0 m
Minimum separation distance where adjacent buildings are above 22.0 m on the same block	25.0 m	13.9 m ❷
Max. tower floor plate between 9.0 m in height and 22.0m in height	1,221.0 m <sup>2</sup>	2,105 m <sup>2</sup> ❸

Max. tower floor plate above 22.0 m in height	676.0 m <sup>2</sup>	803 m <sup>2</sup> (6 <sup>th</sup> storey) ④ 750 m <sup>2</sup> (7-25 storeys) ④
Max. continuous exterior horizontal dimension (portion of building above 12.0 m in height)	40.0 m	< 40.0 m
Max. continuous exterior horizontal dimension (portion of building above 22.0 m in height)	26.0 m	<26.0 m
<b>Other Regulations</b>		
Functional Commercial Space	90% of street frontages	Complies
Min. Parking Requirements	187 stalls	184 stalls ⑤
Ratio of Parking Space Sizes	Maximum 50% small size	48% small size
Min. Loading Requirements	2 stalls	2 stalls
Min. Loading Space	2 stalls	2 stalls
Min. Bicycle Parking	72 Short term stalls 289 Long term stalls (bonusing calculation)	10 Short term stalls ⑥ 289 Long term stalls
End of trip facilities	Required	Provided
Min. Private Open Space	2, 490 m <sup>2</sup>	2,878.8 m <sup>2</sup>
<p>① Indicates a requested variance to maximum height</p> <p>② Indicates a requested variance to minimum separation distance where adjacent buildings are above 22.0 m on the same block</p> <p>③ Indicates a requested variance to maximum tower floor plate between 9.0 m in height and 22.0m in height</p> <p>④ Indicates a requested variance to maximum tower floor plate above 22.0 m in height</p> <p>⑤ Indicates the proposal includes a reduction of five (5) parking spaces in accordance with Section 8.2.11 Car Share Incentives</p> <p>⑥ Indicates a requested variance to minimum short-term bicycle parking</p>		

**6.0 Current Development Policies**

**6.1 Kelowna Official Community Plan (OCP)**

<b>Objective 4.4 Reinforce Downtown as the Urban Centre with the greatest diversity and intensity of uses in the City</b>		
Policy 4.4.2 Downtown Skyline	Support development Downtown that is generally consistent with Map 4.1 to accomplish the following: <ul style="list-style-type: none"> <li>• Tapering of heights from taller buildings in the centre of Downtown to lower buildings towards Okanagan Lake and adjacent Core Area Neighbourhoods;</li> <li>• Preservation of the existing form and character of historic Bernard Avenue and other heritage sites;</li> <li>• Consistency with the objectives of the Civic Precinct Plan; and</li> <li>• The development of taller buildings that incorporate distinct architectural features in strategic locations near Okanagan Lake.</li> </ul>	
	<i>This proposal is not consistent with Map 4.1 – Downtown Building Heights, and a height variance is included as part of this application. This policy has been included as a reference for Policy 4.4.3 Taller Downtown Buildings, included below.</i>	
<b>Objective 4.4 Reinforce Downtown as the Urban Centre with the greatest diversity and intensity of uses in the City</b>		
	With due consideration of the objectives of Policy 4.4.2, consider support for development that is higher than the heights outlined in Map 4.1 where the	

<p>Policy 4.4.3. Taller Downtown Buildings.</p>	<p>proposal contains significant benefit to Kelowna citizens, including some or a combination of the following:</p> <ul style="list-style-type: none"> <li>• An affordable, supportive and/or rental housing component that further advances Urban Centre housing objectives;</li> <li>• A significant public amenity that supports the fostering of more inclusive and socially connected Urban Centres, such as parks, public spaces, schools, post-secondary institutions or childcare facilities;</li> <li>• Offsite considerations, including enhanced streetscapes, provision of Active Transportation Corridors, tree canopy protection and enhancement, or green infrastructure within the road right of way;</li> <li>• Smaller tower floorplates to mitigate the impact on views and shadowing; and/or</li> <li>• Outstanding and extraordinary architectural design.</li> </ul> <p><i>The residential component of this development is rental and contains 259 units (100 studio, 99 one-bedroom, and 60 two-bedroom).</i></p>
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6.2 Civic Precinct Plan

**A copy of "Civic Precinct Plan, 3.2 Specific Development Sites, 3.2.1 Former RCMP Site on Doyle Ave" has been included as Attachment D.**

Appendix A Design Guidelines

2.0 General Design Guidelines

2.1.2 Building Heights, Articulation and Design Quality

Building Heights

- Taller buildings should generally be located towards the east part of the Civic Precinct, with building heights stepping down towards the west part of the Civic Precinct facing the lake, in order to integrate with the surrounding lower urban scale along the lakefront, and to optimize views towards the lake from all east-west street ends and from taller buildings further to the east.
- Maximum building heights shall be consistent with the Building Heights Plan (pg. 38 of Civic Precinct Plan)

Materials

- Finish buildings with exterior building materials that are natural, indigenous, durable and appropriate to the character of the development. Recommended building materials include brick, stone, wood and heavy timber, clear glass, metal, composite cement board, and finished in-situ concrete and modular concrete.

7.0 **Technical Comments**

7.1 Development Engineering Department

All works and services requirements related to this development are addressed in the Development Engineering memo for rezoning under file Z21-0061.



## 8.o Application Chronology

Date of Application Accepted:	June 4, 2021
Dates of Public Information Session:	July 10-18, 2021
Date Neighbour Notification Completed:	June 25, 2021
Date of Rezoning First Reading:	October 18, 2021
Date of Rezoning Public Hearing:	November 16, 2021
Date Revised Drawings Received:	June 21, 2022
Date Neighbour Notification Completed for DP/DVP:	June 24, 2022

<b>Report prepared by:</b>	Kimberly Brunet, Planner II
<b>Reviewed by:</b>	Lydia Korolchuk, Urban Planning Manager
<b>Reviewed by:</b>	Terry Barton, Development Planning Department Manager
<b>Approved for Inclusion:</b>	Ryan Smith, Divisional Director, Planning & Development Services

### Attachments:

Attachment A: Draft Development Permit and Development Variance Permit DP21-0136 DVP21-0137

Schedule A – Site Plan

Schedule B – Elevations, Floorplans, Cross-Sections, Materials and Colour Board

Schedule C – Landscape Plan

Attachment B: Applicant's Letter of Rationale and Shadow Studies

Attachment C: OCP Design Guidelines Checklist

Attachment D: Civic Precinct Plan, 3.2 Specific Development Sites, 3.2.1 Former RCMP Site on Doyle Ave

Attachment E: 2040 OCP – Map 4.1 Downtown Building Heights

Attachment F: Car Share Agreement