# Development Permit \& Development Variance Permit DP23-0042 DVP23-0043 

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

## 1021 Lawson Ave

and legally known as

## Lot A District Lot 138 ODYD Plan EPP121306

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

## Apartment Housing

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

Date of Council Approval:
Development Permit Area:
Existing Zone:
Future Land Use Designation:

October 17, 2023
Form \& Character
MF3r - Apartment Housing with Rental Only
C-NHD - Core Area Neighbourhood

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

## 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:
Applicant:

1288384 BC Ltd., Inc. No. BC1288384
BlueGreen Architecture Inc.

## 1. SCOPE OF APPROVAL



This Development Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, 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

THAT Council authorizes the issuance of Development Permit No. DP23-0042 and Development Variance Permit No. DVP23-0043 for Lot A District Lot 138 ODYD Plan EPP 121306 located at 1021 Lawson Ave, Kelowna, BC, subject to the following:
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";
d) The applicant be required to post with the City a Landscape Performance Security deposit in the amount of $125 \%$ of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted:

## Table 7.2 - Tree \& Landscaping Planting Requirements

To vary the minimum ratio between tree size from minimum $50 \%$ large trees and maximum $25 \% \mathrm{small}$ trees permitted to $0 \%$ large trees and 100\% small trees proposed.

## Table 7.2 - Tree \& Landscaping Planting Requirements

To vary the minimum growing medium area from $75 \%$ soil based landscaping permitted to $35 \%$ soil based landscaping proposed

## Section 13.5 - Multi-Dwelling Zones Development Regulations

To vary the minimum side yard setback (west) from 3.0 m permitted to 0.0 m proposed.

## Section 13.5-Multi-Dwelling Zones Development Regulations

To vary the minimum side yard setback (east) from 3.0 m permitted to 0.0 m proposed.

## Section 13.5-Multi-Dwelling Zones Development Regulations

To vary the minimum rear yard setback for parkade with lane access which does not project more than 2.3 m above finished grade from 1.5 m permitted to 0.3 m proposed.

## Section 13.5-Multi-Dwelling Zones Development Regulations

To vary the minimum building stepback from the front yard from 3.0 m permitted to 2.2 m proposed.
AND THAT the applicant be required to contribute $\$ 15,000$ to the City of Kelowna Tree Planting Fund prior to issuance of the Development Permit;

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Manager 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 owner of the day. Should the Developer carry out the development as
per the conditions of this permit, the security shall be returned to the Developer or his or her designate following proof of Substantial Compliance as defined in Bylaw No. 12310. There is filed accordingly:
a) An Irrevocable Letter of Credit OR certified cheque OR a Surety Bond in the amount of \$55,902.50

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. 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 Landscape Agreement or their designates.



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CONCEPTUAL LANDSCAPE PLAN


NOTES






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## FORM \& CHARACTER - DEVELOPMENT PERMIT GUIDELINES

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Chapter 2-The Design Foundations: apply to all projects and provide the overarching principles for supporting
    creativity, innovation and design excellence in Kelowna.
    - Facilitate Active Mobility
    - Use Placemaking to Strengthen Neighbourhood Identity
    - Create Lively and Attractive Streets & Public Spaces
    - Design Buildings to the Human Scale
    - Strive for Design Excellence
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The General Residential and Mixed Use Guidelines : provide the key guidelines that all residential and mixed use projects should strive to achieve to support the Design Foundations.

- The General Guidelines are supplement by typology-specific guidelines (e.g., Townhouses \& Infill on page 18-19, High-Rise Residential and Mixed-Use on page 18-42), which provide additional guidance about form and character.

Chapter 2-Design Foundations
Apply To All Projects
Page 18-8

Section 2.1-General Residential and Mixed Use Design Guidelines
Page 18-9
Section 2.2 - Achieving High Performance
Page 18-17


Chapter 4
Low \& Mid-Rise
Residential \&
Mixed Use
Page 18-34

Chapter 5
High-Rise
Residential \&
Mixed Use
Page 18-42
*Note: Refer to the Design Foundations and the Guidelines associated with the specific building typology.

| ATTACHMENT |  |  | B |
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| This forms part of application \# DP23-0042 DVP23-0043 |  |  |  |
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Consideration has been given to the following guidelines as identified in Chapter 18 of the City of Kelowna 2040 Official Community Plan:

## SECTION 2.0: GENERAL RESIDENTIAL AND MIXED USE

| RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE ( 1 is least complying \& 5 is highly complying) | N/A | 1 | 2 | 3 | 4 | 5 |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 2.1 General residential \& mixed use guidelines |  |  |  |  |  |  |
| 2.1.1 Relationship to the Street | N/A | 1 | 2 | 3 | 4 | 5 |
| a. Orient primary building facades and entries to the fronting street or open space to create street edge definition and activity. |  |  |  |  |  | $\checkmark$ |
| b. On corner sites, orient building facades and entries to both fronting streets. | $\checkmark$ |  |  |  |  |  |
| c. Minimize the distance between the building and the sidewalk to create street definition and a sense of enclosure. |  |  |  |  | $\checkmark$ |  |
| d. Locate and design windows, balconies, and street-level uses to create active frontages and 'eyes on the street', with additional glazing and articulation on primary building facades. |  |  |  |  |  | $\checkmark$ |
| e. Ensure main building entries are clearly visible with direct sight lines from the fronting street. |  |  |  |  |  | $\checkmark$ |
| f. Avoid blank, windowless walls along streets or other public open spaces. |  |  |  |  |  | $\checkmark$ |
| g. Avoid the use of roll down panels and/or window bars on retail and commercial frontages that face streets or other public open spaces. | $\checkmark$ |  |  |  |  |  |
| h. In general, establish a street wall along public street frontages to create a building height to street width ration of 1:2, with a minimum ration of 1.1:3 and a maximum ration of 1:1.75. <br> - Wider streets (e.g. transit corridors) can support greater streetwall heights compared to narrower streets (e.g. local streets); <br> - The street wall does not include upper storeys that are setback from the primary frontage; and <br> - A 1:1 building height to street width ration is appropriate for a lane of mid-block connection condition provided the street wall height is no greater than 3 storeys. |  |  |  |  |  | $\checkmark$ |
| 2.1.2 Scale and Massing | N/A | 1 | 2 | 3 | 4 | 5 |
| a. Provide a transition in building height from taller to shorter buildings both within and adjacent to the site with consideration for future land use direction. |  |  |  |  |  | $\checkmark$ |
| b. Break up the perceived mass of large buildings by incorporating visual breaks in facades. |  |  |  |  |  | $\checkmark$ |
| c. Step back the upper storeys of buildings and arrange the massing and siting of buildings to: <br> - Minimize the shadowing on adjacent buildings as well as public and open spaces such as sidewalks, plazas, and courtyards; and <br> - Allow for sunlight onto outdoor spaces of the majority of ground floor units during the winter solstice. |  |  |  |  | $\checkmark$ |  |


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| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 2.1.3 Site Planning | N/A | 1 | 2 | 3 | 4 | 5 |
| a. Site and design buildings to respond to unique site conditions and opportunities, such as oddly shaped lots, location at prominent intersections, framing of important open spaces, corner lots, sites with buildings that terminate a street end view, and views of natural features. |  |  |  | $\checkmark$ |  |  |
| b. Use Crime Prevention through Environmental Design (CPTED) principles to better ensure public safety through the use of appropriate lighting, visible entrances, opportunities for natural surveillance, and clear sight lines for pedestrians. |  |  |  |  |  | $\checkmark$ |
| c. Limit the maximum grades on development sites to $30 \%$ (3:1) |  |  |  |  |  | $\checkmark$ |
| d. Design buildings for 'up-slope' and 'down-slope' conditions relative to the street by using strategies such as: <br> - Stepping buildings along the slope, and locating building entrances at each step and away from parking access where possible; <br> - Incorporating terracing to create usable open spaces around the building <br> - Using the slope for under-building parking and to screen service and utility areas; <br> - Design buildings to access key views; and <br> - Minimizing large retaining walls (retaining walls higher than 1 m should be stepped and landscaped). | $\checkmark$ |  |  |  |  |  |
| e. Design internal circulation patterns (street, sidewalks, pathways) to be integrated with and connected to the existing and planed future public street, bicycle, and/or pedestrian network. |  |  |  |  |  | $\checkmark$ |
| f. Incorporate easy-to-maintain traffic calming features, such as onstreet parking bays and curb extensions, textured materials, and crosswalks. | $\checkmark$ |  |  |  |  |  |
| g. Apply universal accessibility principles to primary building entries, sidewalks, plazas, mid-block connections, lanes, and courtyards through appropriate selection of materials, stairs, and ramps as necessary, and the provision of wayfinding and lighting elements. |  |  |  |  |  | $\checkmark$ |
| 2.1.4 Site Servicing, Access, and Parking | N/A | 1 | 2 | 3 | 4 | 5 |
| a. Locate off-street parking and other 'back-of-house' uses (such as loading, garbage collection, utilities, and parking access) away from public view. |  |  |  |  | $\checkmark$ |  |
| b. Ensure utility areas are clearly identified at the development permit stage and are located to not unnecessarily impact public or common open spaces. |  |  |  |  |  | $\checkmark$ |
| c. Avoid locating off-street parking between the front façade of a building and the fronting public street. |  |  |  |  |  | $\checkmark$ |
| d. In general, accommodate off-street parking in one of the following ways, in order of preference: <br> - Underground (where the high water table allows) <br> - Parking in a half-storey (where it is able to be accommodated to not negatively impact the street frontage); |  |  |  |  |  | $\checkmark$ |



- Garages or at-grade parking integrated into the building (located at the rear of the building); and
- Surface parking at the rear, with access from the lane or secondary street wherever possible.
e. Design parking areas to maximize rainwater infiltration through the use of permeable materials such as paving blocks, permeable concrete, or driveway planting strips.
f. In cases where publicly visible parking is unavoidable, screen using strategies such as:
- Landscaping;
- Trellises;
- Grillwork with climbing vines; or
- Other attractive screening with some visual permeability.
g. Provide bicycle parking at accessible locations on site, including:
- Covered short-term parking in highly visible locations, such as near primary building entrances; and
- Secure long-term parking within the building or vehicular parking area.
h. Provide clear lines of site at access points to parking, site servicing, and utility areas to enable casual surveillance and safety.
i. Consolidate driveway and laneway access points to minimize curb cuts and impacts on the pedestrian realm or common open spaces.
j. Minimize negative impacts of parking ramps and entrances through treatments such as enclosure, screening, high quality finishes, sensitive lighting and landscaping.
2.1.5 Streetscapes, Landscapes, and Public Realm Design
a. Site buildings to protect mature trees, significant vegetation, and ecological features.
b. Locate underground parkades, infrastructure, and other services to maximize soil volumes for in-ground plantings.
c. Site trees, shrubs, and other landscaping appropriately to maintain sight lines and circulation.
d. Design attractive, engaging, and functional on-site open spaces with high quality, durable, and contemporary materials, colors, lighting, furniture, and signage.
e. Ensure site planning and design achieves favourable microclimate outcomes through strategies such as:
- Locating outdoor spaces where they will receive ample sunlight throughout the year;
- Using materials and colors that minimize heat absorption;
- Planting both evergreen and deciduous trees to provide a balance of shading in the summer and solar access in the winter; and
- Using building mass, trees and planting to buffer wind.
f. Use landscaping materials that soften development and enhance the public realm.



| f.Provide weather protection such as awnings and canopies at <br> primary building entries. |  |  |  |  | $\checkmark$ |  |
| :--- | :--- | :--- | :--- | :--- | :--- | :--- |
| g. Place weather protection to reflect the building's architecture. |  |  |  |  |  | $\checkmark$ |
| h. Limit signage in number, location, and size to reduce visual clutter |  |  |  |  |  |  |
| and make individual signs easier to see. |  |  |  |  |  |  |$\quad$|  |  |  |
| :--- | :--- | :--- |
| i. Provide visible signage identifying building addresses at all |  |  |
| entrances. |  |  |

## SECTION 4.0: LOW \& MID-RISE RESIDENTIAL MIXED USE

| RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE (1 is least complying \& 5 is highly complying) | N/A | 1 | 2 | 3 | 4 | 5 |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 4.1 Low \& mid-rise residential \& mixed use guidelines |  |  |  |  |  |  |
| 4.1.1 Relationship to the Street | N/A | 1 | 2 | 3 | 4 | 5 |
| i. Ensure lobbies and main building entries are clearly visible from the fronting street. |  |  |  |  |  | $\checkmark$ |
| j. Avoid blank walls at grade wherever possible by: <br> - Locating enclosed parking garages away from street frontages or public open spaces; <br> - Using ground-oriented units or glazing to avoid creating dead frontages; and <br> - When unavoidable, screen blank walls with landscaping or incorporate a patio café or special materials to make them more visually interesting. |  |  |  |  |  | $\checkmark$ |
| Residential \& Mixed Use Buildings |  |  |  |  |  |  |
| k. Set back residential buildings on the ground floor between 3-5 m from the property line to create a semi-private entry or transition zone to individual units and to allow for an elevated front entryway or raised patio. <br> - A maximum 1.2 m height (e.g. $5-6$ steps) is desired for front entryways. <br> - Exceptions can be made in cases where the water table requires this to be higher. In these cases, provide a larger patio and screen parking with ramps, stairs and landscaping. |  |  |  |  | $\checkmark$ |  |
| I. Incorporate individual entrances to ground floor units accessible from the fronting street or public open spaces. |  |  |  |  |  | $\checkmark$ |
| m . Site and orient buildings so that windows and balconies overlook public streets, parks, walkways, and shared amenity spaces while minimizing views into private residences. |  |  |  |  |  | $\checkmark$ |
| 4.1.2 Scale and Massing | N/A | 1 | 2 | 3 | 4 | 5 |
| a. Residential building facades should have a maximum length of 60 m . A length of 40 m is preferred. |  |  |  |  |  | $\checkmark$ |
| b. Residential buildings should have a maximum width of 24 m . |  |  |  |  |  | $\checkmark$ |
| c. Buildings over 40 m in length should incorporate a significant horizontal and vertical break in the façade. | $\checkmark$ |  |  |  |  |  |


| d. For commercial facades, incorporate a significant break at intervals of approximately 35 m . | $\checkmark$ |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 4.1.3 Site Servicing, Access, and Parking | N/A | 1 | 2 | 3 | 4 | 5 |
| a. On sloping sites, floor levels should step to follow natural grade and avoid the creation of blank walls. | $\checkmark$ |  |  |  |  |  |
| b. Site buildings to be parallel to the street and to have a distinct front-to-back orientation to public street and open spaces and to rear yards, parking, and/or interior court yards: <br> - Building sides that interface with streets, mid-block connections and other open spaces and should positively frame and activate streets and open spaces and support pedestrian activity; and <br> - Building sides that are located away from open spaces (building backs) should be designed for private/shared outdoor spaces and vehicle access. |  |  |  |  |  | $\checkmark$ |
| c. Break up large buildings with mid-block connections which should be publicly-accessible wherever possible. | $\checkmark$ |  |  |  |  |  |
| d. Ground floors adjacent to mid-block connections should have entrances and windows facing the mid-block connection. | $\checkmark$ |  |  |  |  |  |
| 4.1.4 Site Servicing, Access and Parking | N/A | 1 | 2 | 3 | 4 | 5 |
| a. Vehicular access should be from the lane. Where there is no lane, and where the re-introduction of a lane is difficult or not possible, access may be provided from the street, provided: <br> - Access is from a secondary street, where possible, or from the long face of the block; <br> - Impacts on pedestrians and the streetscape is minimised; and <br> - There is no more than one curb cut per property. |  |  |  |  |  | $\checkmark$ |
| b. Above grade structure parking should only be provided in instances where the site or high water table does not allow for other parking forms and should be screened from public view with active retail uses, active residential uses, architectural or landscaped screening elements. |  |  |  |  |  | $\checkmark$ |
| c. Buildings with ground floor residential may integrate half-storey underground parking to a maximum of 1.2 m above grade, with the following considerations: <br> - Semi-private spaces should be located above to soften the edge and be at a comfortable distance from street activity; and <br> - Where conditions such as the high water table do not allow for this condition, up to 2 m is permitted, provided that entryways, stairs, landscaped terraces, and patios are integrated and that blank walls and barriers to accessibility are minimized. |  |  |  |  |  | $\checkmark$ |
| 4.1.5 Publicly-Accessible and Private Open Spaces | N/A | 1 | 2 | 3 | 4 | 5 |
| a. Integrate publicly accessible private spaces (e.g. private courtyards accessible and available to the public) with public open areas to create seamless, contiguous spaces. | $\checkmark$ |  |  |  |  |  |

b. Locate semi-private open spaces to maximize sunlight penetration, minimize noise disruptions, and minimize 'overlook' from adjacent units.

## Rooftop Amenity Spaces

c. Design shared rooftop amenity spaces (such as outdoor recreation space and rooftop gardens on the top of a parkade) to be accessible to residents and to ensure a balance of amenity and privacy by:

- Limiting sight lines from overlooking residential units to outdoor amenity space areas through the use of pergolas or covered areas where privacy is desired; and
- Controlling sight lines from the outdoor amenity space into adjacent or nearby residential units by using fencing, landscaping, or architectural screening.
d. Reduce the heat island affect by including plants or designing a green roof, with the following considerations:
- Secure trees and tall shrubs to the roof deck; and
- Ensure soil depths and types are appropriate for proposed plants and ensure drainage is accommodated.
4.1.6 Building Articulation, Features, and Materials
a. Articulate building facades into intervals that are a maximum of 15 m wide for mixed-use buildings and 20 m wide for residential buildings. Strategies for articulating buildings should consider the potential impacts on energy performance and include:
- Façade Modulation - stepping back or extending forward a portion of the façade to create a series of intervals in the façade;
- Repeating window pattern intervals that correspond to extensions and step backs (articulation) in the building façade;
- Providing a porch, patio, deck, or covered entry for each interval;
- Providing a bay window or balcony for each interval, while balancing the significant potential for heat loss through thermal bridge connections which could impact energy performance;
- Changing the roof line by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval;
- Changing the materials with the change in building plane; and
- Provide a lighting fixture, trellis, tree or other landscape feature within each interval.
b. Break up the building mass by incorporating elements that define a building's base, middle and top.
c. Use an integrated, consistent range of materials and colors and provide variety, by for example, using accent colors.
d. Articulate the façade using design elements that are inherent to the buildings as opposed to being decorative. For example, create depth in building facades by recessing window frames or partially recessing balconies to allow shadows to add detail and variety as a byproduct of massing.

ATTACHMENT
This forms part of application \# DP23-0042 DVP23-0043

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e. Incorporate distinct architectural treatments for corner sites and highly visible buildings such as varying the roofline, articulating the façade, adding pedestrian space, increasing the number and size of windows, and adding awnings or canopies.
f. Provide weather protection (e.g. awnings, canopies, overhangs, etc.) along all commercial streets and plazas with particular attention to the following locations:

- Primary building entrances;,
- Adjacent to bus zones and street corners where people wait for traffic lights;
- Over store fronts and display windows; and
- Any other areas where significant waiting or browsing by people occurs.



