

REPORT TO COUNCIL DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



Date: November 5, 2024
To: Council
From: City Manager
Address: 346 Lawrence Ave & 1551 Water St
File No.: DP23-0088 & DVP23-0089
Zone: UC1 – Downtown Urban Centre

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP23-0088 for the subject properties:

- Lot A District Lot 139 ODYD Plan 26819, located at 346 Lawrence Ave, Kelowna, BC;
- The South ½ Lot 6 Block 14 DL 139 ODYD Plan 462, located at 1551 Water St, Kelowna, BC;
- The North ½ Lot 6 Block 14 DL 139 ODYD Plan 462, located at 1551 Water St, Kelowna, BC;
- The South ½ Lot 5 Block 14 DL 139 ODYD Plan 462, located at 1551 Water St, Kelowna, BC;
- The North ½ Lot 5 Block 14 DL 139 ODYD Plan 462, located at 1551 Water St, 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 amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;
5. The applicant be required to make a payment into the Public Amenity & Streetscape Capital Reserve Fund as established by Bylaw No. 12386 in accordance with Table 6.8.a. in Zoning Bylaw No. 12375;
6. The applicant be required to register a Section 219 Restrictive Covenant restricting the individual stratification and sale of 89 dwelling units on Levels 6 to 12;
7. The applicant be required to complete a technical subdivision to consolidate the five subject lots, provide a 6.0 m corner rounding, and register a Statutory-Right-of-Way 0.8 m wide along the north lane;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP23-0089 for the subject properties;

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted as shown on Schedule "A":

Section 8: Parking and Loading – Table 8.3 Required Residential Off-Street Parking Requirements

To vary the total minimum parking requirements from 283 required to 266 proposed;

Section 8: Parking and Loading – Table 8.5.1 Minimum Dimensions for Bicycle Parking

To vary the minimum distance between wall mounted bicycle racks from 0.45 m required to 0.375 m proposed;

Section 9: Specific Use Regulations – Table 9.11 Tall Building Regulations

To vary the maximum floor plate above the sixth storey from 750.0 m² GFA required to 862.7 m² GFA proposed for Levels 6 to 12;

Section 9: Specific Use Regulations – Table 9.11 Tall Building Regulations

To vary the minimum stepback above podium (including balconies) on the north lane side from 3.0 m required to 2.5 m proposed on Levels 7 to 13 and from 3.0 m required to 2.0 m proposed on Levels 14 to 32;

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 and Development Variance Permit for the form and character of a high-rise mixed-use building with variances to vehicle parking, bicycle parking, floor plates, and tower stepbacks.

3.0 Development Planning

Staff recommend support for the proposed Development Permit and Development Variance Permit to facilitate the development of a 33-storey high-rise mixed-use building with a combination of 173 market condominiums and 89 long-term rental units. The form and character of the proposed tower is consistent with Official Community Plan (OCP) [Policy 4.4.3. Taller Downtown Buildings](#) and meets the majority of the OCP [Chapter 18 Design Guidelines](#) for high-rise mixed-use buildings (Attachment B). The inclusion of long-term rental units meets OCP [Policy 4.12.3](#) to encourage diverse housing tenures and responds to the Housing Needs Assessment (2023).

OCP Policy 4.4.3. Taller Downtown Buildings states to consider support for development that is higher than the heights outlined in OCP [Map 4.1](#) (26 storeys for the subject properties) where the proposal contains significant benefit to Kelowna citizens, including some or a combination of the following:

Policy Requirement	Proposal	Evaluation
An affordable, supportive and/or rental housing component that further advances Urban Centre Housing objectives.	<i>The proposed tower includes 89 units of long-term rental tenure secured through a restrictive covenant.</i>	✓
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.	<i>The proposed tower includes a pedestrian plaza at the grand entrance at the corner of the building that includes public art and seating, and small pedestrian spaces near each residential entrance with covered short term bicycle parking.</i>	✓

Off-site considerations, including enhanced streetscapes.	<i>An enhanced streetscape is proposed including wider sidewalks, curb bulb outs, tree plantings, and stamped concrete.</i>	✓
Smaller tower floorplates to mitigate the impact on views and shadowing.	<i>The proposed tower floor plates on Levels 13 to 32 are 706 m² which is smaller than the bylaw maximum of 750 m²; however, floor plates on Levels 6 to 12 are 862.7 m² which is larger than the bylaw maximum.</i>	✓ ✗
Outstanding and extraordinary architectural design.	<i>The architects proposed several outstanding design details including curved glazing to create a grand entrance at the corner of Water St and Lawrence Ave; integrating brick materials to relate to the historical buildings nearby on Water St and Bernard Ave; and proposing an asymmetrical tower to create visual interest.</i>	✓

Podium:

The design of the podium responds to the surrounding context through uses and materiality. The first storey of the podium features three commercial units facing both Water St and Lawrence Ave that will activate the pedestrian realm through transparent glazing with consistent signage integrated into the architectural design. One residential entrance is proposed on each street with covered short term bicycle stalls, and a grand commercial entrance is designed at the corner of Water St and Lawrence Ave that features curved glazing, cantilevered weather protection, and public art. The intentional use of brick materials up to the second storey is a nod to the historic two-storey brick buildings along Water St and Bernard Ave, and the use of perforated metal on the upper levels of the podium will create opportunities for light permeability at night. The podium materials wrap around to the lane side to avoid blank walls and create visual interest.

Middle Tower:

The middle of the tower from Levels 6 to 12 contains 89 long-term rental units in a variety of studio, one, and two-bedrooms, and features larger floor plates which make it distinct from both the podium and the upper tower. Strong horizontal lines are created through connected balconies, and simple materials of glass and steel are proposed. Over 600 m² of amenity space is provided for the rental units on Level 6, with an indoor lounge and co-working space, and a landscaped outdoor space with community garden plots and seating areas.



Upper Tower:

Levels 13 to 32 contain 173 market condos in a variety of studio, one, two, and three-bedroom units, with mechanical equipment on Level 33 that is screened using metal cladding and fencing. The condo levels of the tower feature narrower floorplates which help to mitigate views and shadowing on the public realm, while ensuring each unit has ample access to windows and light. The condo balconies are designed with a glass enclosure system to create a visual lightness of a fully glazed tower and provide greater livability for the residents. Common amenity space for the condo residents is provided on Level 13 and features an outdoor pool and an indoor sauna, lounge, and fitness area.

Variances:

1. A variance is requested to increase the maximum floor plates of the rental portion of the tower (Levels 6 to 12) from 750 m² required to 862.7 m² proposed. This increases the number of rental units provided per floor, improves the efficiency of the building, and will assist the City in addressing the core housing need identified in the Housing Needs Assessment (2023). The shadow study provided (Attachment C) indicates this will have negligible impact on the historic blocks of Bernard Ave to the north.
2. A reduction in the total number of vehicle parking stalls is requested from 283 required to 266 proposed. This reflects parking reduction of 20% for both residential and visitor requirements for the 89 long-term rental units only. This is consistent with incentives in the "r" rental subzone for an Urban Centre, which could not be applied in this case as only a portion of the tower will be long-term rental only. Instead, the long-term rental tenure will be secured through a Section 219 restrictive covenant preventing the individual sale of these units in exchange for the parking reduction. There are no other parking variances proposed for the rental, condo, or commercial units.
3. A third variance proposed is to reduce the spacing between wall mounted bicycle racks from 0.45 m required to 0.375 m proposed by staggering the racks vertically to conserve space. This applicant owns and operates rental buildings that feature staggered wall racks and there have been no operational or functional issues identified as a result of the reduced spacing. There are no other variances proposed to bicycle parking.
4. The final variance is to reduce the tower stepback above the podium on the north lane side, for the balconies only. On Levels 7 to 13 the requested variance is to reduce the stepback from 3.0 m required to 2.5 m proposed, and on Levels 14 to 32 from 3.0 m required to 2.0 m proposed. The intent of the stepback is to ensure adequate sunlight reaches public streets and to reduce the looming impact of a tower on the pedestrian experience of the public realm. As this variance is on the north lane side, it will have minimal impact on shadowing or public streets and will improve the livability of the units facing north through the provision of larger private balconies.

4.0 Subject Property & Background

4.1 Subject Property Map



The subject property is located in the Downtown Urban Centre on the northeast corner of Lawrence Ave and Water St, near the Chapman Parkade. It is one block away from the historic section of Bernard Ave with retail and restaurants, and a five minute walk to the Queensway Bus Exchange. Kelowna Central Secondary School is a five minute bicycle ride and the nearest dog park at the Sails is a four minute walk.

5.0 Zoning Bylaw Regulations Summary

AREA & UNIT STATISTICS	
Gross Lot Area	2,198.63 m ²
SRW on Lane	48.1 m ²
Net Lot Area	2,150.53 m ²
Total Number of Residential Units	262
Rental Units	89
Studio	15
1-bed	47
2-bed	27
Condo Units	173
Studio	1
1-bed	75
2-bed	77
3-bed	20
Net Commercial Floor Area	587.0 m ²

DEVELOPMENT REGULATIONS		
CRITERIA	UC ₁ ZONE	PROPOSAL
Total Maximum Floor Area Ratio	8.7	7.83
Base FAR	7.2	-
Bonus FAR (Streetscape Payment)	1.5	-
Max. Site Coverage (buildings)	100 %	95%
Max. Height	40 storeys / 147.0 m	33 storeys / 108.8 m
Base Height	26 storeys / 95.0 m	-
Bonus Height	14 storeys / 52.0 m	-
Max. Podium Height	16.0 m	16.0 m
Tower Stepbacks from Podium		
Min. Fronting Street (Water St)	3.0 m	5.4 m
Min. Flanking Street (Lawrence Ave)	3.0 m	5.7 m
Min. Interior Lot Line (east)	4.0 m	19.4 m
Min. North Lane:		
Levels 7 – 13	3.0	2.5 m ^①
Levels 14 – 32	3.0	2.0 m ^①
Tower Floor Plates		
Max. Floor Plate Levels 6 - 12	750.0 m ²	862.7 m ² ^②
Max. Floor Plate Levels 13-33	750.0 m ²	620.5 m ² – 705.9 m ²
Urban Centre Regulations		
Minimum Commercial Frontage on Water St and Lawrence Ave	90%	90%
Triangle Corner Cut	4.5 m	4.5 m
Amenity Space		
Total Required Amenity Space	3,176.0 m²	4,594.7 m²
Common	1,048 m ²	1,053.2 m ²
^① A variance to the minimum stepback above podium including balconies on the north lane side from 3.0 m required to 2.5 m proposed on Levels 7 to 13 and from 3.0 m required to 2.0 m proposed on Levels 14 to 32 ^② A variance to maximum floor plate from 750.0 m ² required to 862.7 m ² proposed.		

PARKING REGULATIONS		
CRITERIA	UC ₁ ZONE REQUIREMENTS	PROPOSAL
Vehicle Parking	283 stalls	266 stalls ^③
Rental Residential	81	65
Rental Visitor/Commercial	13	10
Condo Residential	165	166
Condo Visitor	24	24
Ratio of Regular to Small Stalls	Min. 50% Regular Max. 50% Small	51 % Regular 49 % Small
Bicycle Stalls Short-Term	24 stalls	24 stalls
Bicycle Stalls Long-Term	203 stalls	204 stalls
Minimum distance between vertical racks	0.45 m	0.375 m ^④
Bike Wash & Repair	Y	Y
^③ Indicates a requested variance to the total minimum parking requirements from 283 required to 266 proposed which reflects a 20% reduction in residential and visitor parking requirements for the rental-only units. ^④ Indicates a requested variance for minimum distance between wall mounted long-term bicycle racks from 0.45 m required to 0.375 m proposed.		

6.0 Application Chronology

Application Accepted: April 27, 2023
Summary of Notification Received: October 8, 2024

Report prepared by: Trisa Atwood, Development Planning Manager - Central
Reviewed by: Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning, Climate Action & Development Services

Attachments:

Attachment A: Draft Development Permit DP23-0088 DVP23-0089
Schedule A: Site Plan & Floor Plans
Schedule B: Elevations & Sections
Schedule C: Landscape Plan
Attachment B: OCP Form and Character Development Permit Guidelines
Attachment C: Applicant's Design Rationale & Shadow Studies
Attachment D: Summary of Neighbour Notification

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.