

REPORT TO COUNCIL DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



Date: March 11, 2025
To: Council
From: City Manager
Address: 647 Clement Avenue
File No.: DP25-0010 & DVP25-0011
Zone: UC1 – Downtown Urban Centre

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP25-0010 and Development Variance Permit No. DVP25-0011 for Lot 1 District Lot 139 ODYD Plan EPP121801, located at 647 Clement 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 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 the Zoning Bylaw No. 12375 be granted as shown on Schedule "A":

Table 8.5.1 – Minimum Dimensions for Bicycle Parking, Wall Mounted Rack

To vary the minimum distance between bicycle racks (for racks that accommodate two or more bicycles) from 0.9 m permitted to 0.8 m proposed.

Section 8.5.6(c)i. – Off-Street Bicycle Parking, Long-Term Bicycle Parking Standards

To vary the minimum amount of ground-anchored long-term bicycle parking from 50% permitted to 38% proposed.

Section 14.11: UC1 – Commercial and Urban Centre Zone Development Regulations

To vary the required minimum building setback from 3.0 m permitted to 0.0 m proposed.

Section 14.11 – Commercial and Urban Centre Zone Development Regulations

To vary the minimum common amenity space from 264 m² permitted to 217 m² proposed.

Section 14.11 Footnote .2: UC1 – Commercial and Urban Centre Zone Development Regulations

To vary the required minimum upper floor setback for a portion of the building above 16.0 m abutting the east property line from 4.0 m permitted to 0.0 m proposed.

Section 14.11 Footnote .2: UC1 – Commercial and Urban Centre Zone Development Regulations

To vary the required minimum upper floor setback for a portion of the building above 16.0 m abutting the west property line from 4.0 m permitted to 3.0 m 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 (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 an apartment building and to issue a Development Variance Permit to vary the minimum upper floor setbacks, the building stepback, common amenity space, and long-term bicycle parking standards.

3.0 Development Planning

Staff support the proposed Development Permit and associated variances for the form and character of a 6-storey residential building. The proposed project generally aligns with the Official Community Plan (OCP) Form and Character Development Permit Area Design Guidelines for Low & Mid-Rise Residential Development. Key guidelines that are met include:

- Orienting the primary building façade and entry to the fronting street to create street edge definition;
- Accommodating off-street parking underground and "back-of-house" uses way from public view;
- Providing ground floor residential units which have direct, individual access to the street and a semi-private entry with an elevated front patio;
- Expressing a unified architectural concept that incorporates variation in façade treatments including articulating facades, providing patios and balconies, recessing balconies, stepping back upper storeys, and incorporating natural building materials such as brick; and
- Providing shared rooftop amenity spaces to be accessible to residents.

Exterior building materials include red brick veneer, charcoal metal panels, light grey horizontal lap siding, and cedar wood texture panels. Decorative shrub, perennial, and ornamental grass plantings are proposed along the townhouse patios to screen exposed concrete. A large amenity deck is provided on the roof of the structured parkade which includes seating, a firepit, landscape planters, an outdoor kitchen, and a dog run. Snowbird Hawthorn and Ivory Silk Lilac trees are proposed on the rooftop amenity deck.

Two levels of structured parking are provided and accessed from the rear lane. One level is below-grade, and one level is at-grade and screened by the townhome units. The applicant has signed a Car Share Agreement with Modo which requires them to provide the car share vehicle and designate the parking stall for the exclusive use of Modo.

The proposed project remains identical to the version approved by Council in 2022. However, new variances are required due to amendments in the Zoning Bylaw since the original approvals.

Building Setback Variances

The previous Development Permit had two variances which are to remain, to the upper floor setback (above 16.0 m) from 4.0 m permitted to 3.0 m proposed abutting the west property line and 0.0 m abutting the east property line. The setback only applies to the sixth storey of the building. The variance on the west side allows for balconies and a roof overhang, while the variance on the east side extends the patterned and textured firewall. Future development of the adjacent lots to the west are expected to eventually conceal the firewall.

Building Stepback Variance

The applicant is seeking to reduce the required minimum building stepback from 3.0 m permitted to 0.0 m proposed for a portion of front of the building. The building stepback requirement was adopted into the Zoning Bylaw in January 2024. The stepback is intended to reduce the overall mass of the building. The stepback variance allows for balconies and architectural distinction of the lobby façade. A visual break along the building frontage is provided by stepping back the walls for a portion of the sixth storey.

Common Amenity Space Variance

The applicant is requesting a variance to the common amenity space from 264 m² to 217 m². The regulation was amended in April 2023, to allocate 4.0 m² per dwelling unit to be used for common amenity space. The applicant has proposed a rooftop deck amenity that includes seating, a firepit, landscape planters, an outdoor kitchen, and a dog run. This variance is considered minor as the total private and common amenity space exceeds the required minimum.

Bicycle Parking Variances

A variance is proposed to reduce the minimum required ground-anchored long-term bicycle parking from 50% to 38%. To meet the bonus long-term bicycle parking requirement, the applicant has proposed double stacked bicycle racks. This system is ergonomically designed with a lift assist that enables anyone to store bicycles in upper trays and has a sliding mechanism for the bottom tray. To accommodate this system, a variance is required to reduce the distance between bicycle racks from 0.9 m to 0.8 m. These variances are considered minor, as the overall bicycle parking has been met, and the stalls are located at-grade and easily accessible to users.

4.0 Subject Property & Background

4.1 Subject Property Map



The subject property is located on the south side of Clement Avenue between St Paul Street and Richter Street. The surrounding neighbourhood is in the process of transitioning from single family dwellings to multi-dwelling housing. The Kelowna Police Services Building is directly across Clement Avenue. The surrounding area to the west, east, and south is designated Urban Centre and zoned UC1 – Downtown Urban Centre.

4.2 Background

In April 2022, Council reviewed a rezoning application (Z21-0066) to rezone the property to C7 – Central Business Commercial. However, with the adoption of Zoning Bylaw No. 12375, the property was rezoned to UC1 – Downtown Urban Centre.

On September 26, 2022, Council approved a road closure bylaw for a portion of the lane adjacent to Clement Avenue, which was consolidated into the development site.

Subsequently, Council approved a Development Permit (DP21-0150) and a Development Variance Permit (DVP22-0042) for the project on November 29, 2022. These permits remained valid for two years but lapsed on November 29, 2024, as construction had not commenced.

Under the Development Application Procedures Bylaw No.12310, a new application is required for lapsed permits. The applicant has submitted a new Development Permit and Development Variance Permit application for the same project proposal.

5.0 Zoning Bylaw Regulations Summary

AREA & UNIT STATISTICS	
Gross Lot Area	1,668 m ²
Total Number of Units	66
Bachelor	20
1-bed	29
2-bed	17
3-bed	0

DEVELOPMENT REGULATIONS		
CRITERIA	MF ₃ ZONE	PROPOSAL
Total Maximum Floor Area Ratio	3.3	2.7
Max. Site Coverage (buildings)	100 %	84 %
Max. Site Coverage (buildings, parking, driveways)	100 %	100 %
Max. Height	12 storeys / 44 m	6 storeys / 20.8 m
Setbacks		
Min. Front Yard (North)	0.0 m	3.48 m
Min. Side Yard (East)	0.0 m	0.2 m
Min. Side Yard (West)	0.0 m	0.3 m
Min. Rear Yard (South)	0.0 m	0.0 m
Min. Upper Floor Setback (above 16.0 m or 4 storeys)	3.0 m (abutting street) 4.0 m (abutting adjacent property)	3.96 m (abutting street) 0.0 m (abutting east property) ❶ 3.0 m (abutting west property) ❷
Stepbacks		
Min. Fronting Street	3.0 m	0.0 m ❸
Amenity Space		
Total Required Amenity Space	665 m²	821 m²
Common	264 m ²	217 m ² ❹
Landscaping		
Min. Number of Trees	0 trees	10 trees
❶ Indicates a requested variance to the upper floor setback on the east side of the building from 4.0 m to 0.0 m. ❷ Indicates a requested variance to the upper floor setback on the west side of the building from 4.0 m to 3.0 m. ❸ Indicates a requested variance to the building stepback from front yard on the north side of the building from 3.0 m to 0.0 m. ❹ Indicates a requested variance to the common area within the total common and private amenity space from 264 m ² to 217 m ² .		

PARKING REGULATIONS		
CRITERIA	MF ₃ ZONE REQUIREMENTS	PROPOSAL
Total Required Vehicle Parking	59 stalls	59 stalls
Residential	59	
Visitor	10	
Other Reduction	-5 car share	
Other Reduction	- 5 long-term bicycle parking	
Ratio of Regular to Small Stalls	Min. 50% Regular Max. 50% Small	54% Regular 45% Small
Bicycle Stalls Short-Term	6 stalls	6 stalls
Bicycle Stalls Long-Term	87 stalls	88 stalls
Ground-Anchored Long-Term Bicycle Racks	50%	38% ⁵
Minimum Distance Between Bicycle Racks (for racks that accommodate two or more bicycles)	0.9 m	0.8 m ⁶
Bonus Stalls Provided for Parking Reduction	Y	Y
Bike Wash & Repair	Y	Y
<p>⁵ Indicates a requested variance to reduce the minimum required ground-anchored long-term bicycle parking from 50% to 38%</p> <p>⁶ To vary the minimum distance between bicycle racks (for racks that accommodate two or more bicycles) from 0.9 m to 0.8 m.</p>		

6.0 Application Chronology

Application Accepted: January 8, 2025
 Neighbour Notification Received: February 10, 2025

Report prepared by: Sara Skabowski, Planner I
Reviewed by: Adam Cseke, Development Planning Manager
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 DP25-0010 & Development Variance Permit DVP25-0011
 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: Summary of Neighbourhood Notification

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