

# REPORT TO COUNCIL DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



**Date:** May 13, 2025  
**To:** Council  
**From:** City Manager  
**Address:** 350 Doyle Ave  
**File No.:** DP24-0218 DVP24-0219  
**Zone:** UC1r – Downtown Urban Centre Rental Only

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP24-0218 and Development Variance Permit No. DVP24-0219 for Lot C District Lot 139 ODYD 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 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;

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

**Section 8: Parking and Loading – Table 8.5 Minimum Bicycle Parking Required**

To vary the minimum number of short-term bicycle stalls for both residential and commercial uses from 62 required to 10 proposed.

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

To vary the maximum podium height from 16.0 m permitted to 18.4 m proposed.

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

To vary the maximum height above grade parking is permitted from 16.0 m permitted to 18.4 m proposed.

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

To vary the number of parking spaces that do not have an overhead roof for weather protection from 0 permitted to 12 proposed.

**Section 14.11 : Core Areas and Other Zones – Commercial and Urban Centre Zone Development Regulations (footnote 2)**

To vary the minimum setback above 16.0 m from 3.0 m required to 0.0 m proposed.

**Section 14.14: Core Areas and Other Zones - Density and Height**

To vary the required maximum height from 15 storeys / 56.0 m permitted to 25 storeys / 77.4 m proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

AND THAT the existing Section 219 Covenant (CA8766188) be modified to allow a building height of 25 storeys 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 bicycle parking, podium requirements, vehicle parking requirements, tower setback, and height.

**3.0 Development Planning**

Staff recommend support for the proposed Development Permit to facilitate the development of a 25-storey high-rise building with 259 residential units. The proposed rental tower contains a variety of unit sizes and commercial space. The proposed building meets a majority of the OCP Chapter 18 Design Guidelines for high-rise mixed-use buildings.

**3.1 Development Permit - Podium**

The proposal contains a single tower above a tiered five-storey podium on a large downtown site. The podium occupies a majority of the site with ground level commercial units facing both Doyle Avenue and the future public art walk extension. The site is deep, which has allowed the tower to be located farther from Doyle Avenue, allowing podium floors three to five to be setback significantly from the first two floors. Further, the tiering wraps around the western portion of the building along the public art walk extension.



The applicant is seeking to increase the height of the podium to maximize the first level to be activated with commercial retail units and the second level to be predominantly office space. Limited vehicular parking begins on the second level and carries to level five. The applicant has designed the over height podium with

the tiering effect after the second level along Doyle Avenue and the art walk to help mitigate the overall massing from the public realm.

Above the second level, the podium includes a stepback that permits the placement of nine trees which is intended to add greenery and softening to the building. The soil volumes and planter sizes are below the City's standard for small trees. The sixth level of the podium includes a publicly available amenity space which contains a garden planting area, pet area, and a recreational seating area. Floors three, four, and five will screen the parkade with grey metal perforated panels broken up with vertical terracotta colour panel pilasters.

Four variances are requested to the podium for the height and roof covering. The overall design, podium step back, proposed landscaping, publicly available amenity space, and activation of the second floor help mitigate the additional massing of the podium.

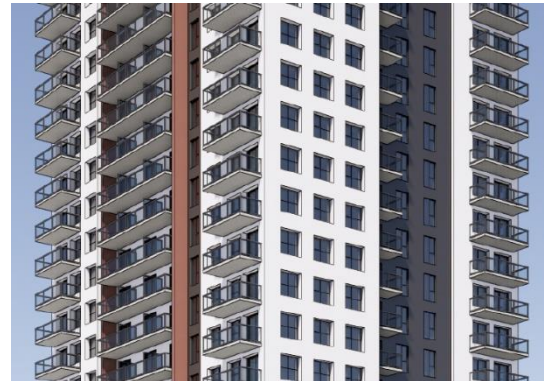


#### Middle Tower:

The tower displays a simple design that will contribute positively to Kelowna's skyline. The building's design encompasses a predominantly neutral colour tone with dark grey and white cladding. Banding has been incorporated into sections of the tower in complementary tones to the podium to create a seamless transition between the podium and the tower while enhancing the building's overall aesthetic.

#### Tower Top:

The top of the tower will have some visual interest as the design includes varied parapet heights. The mechanical equipment is in the centre of the roof requiring minimal screening.



#### Art Walk

The project's requirements include the extension of the Art Walk to Doyle Avenue and the development of a Civic Plaza. While the applicant's landscape plan (Attachment C) provides a general conceptual framework for landscaping, the specifics will require finalization with City departments.

#### Cultural (Art Hub)

This project includes a cultural venue that covers an area of 557 m<sup>2</sup>. It is positioned on the ground floor on the northern side, next to Smith Avenue. Access to the venue is primarily intended from Smith Avenue, in proximity to the existing Kelowna Library Plaza Parkade. The facade, which features brick accents, will connect the retail section to the Kelowna Arts Hub, creating a continuous exterior design that complements the overall development. This facade will also feature eight designated "mural bays" that surround the structure. The applicant aims to work with local artists to design murals or installations for the facade of the Kelowna Arts Hub.

## Variances

To facilitate the proposed development permit, several variances have been requested. Among these, four variances relate to the proposed podium, which were outlined earlier in the report and include various design elements intended to alleviate some massing concerns.

A variance is being sought for the number of short-term bicycle stalls. As part of the art walk extension, 24 additional short-term bicycle stalls will be provided, but a variance is triggered because they are located off-site. The applicant designed the commercial retail units to be small scale, which increased the short-term bicycle space requirement significantly, as the provision is based on entrances, and not floor area.

The applicant is requesting a height variance to increase the proposal from 15 storeys to 25 storeys. Should Council support the height variance, the current section 219 restrictive covenant limiting any future structure to 13 storeys would have to be discharged. The Official Community Plan provides guidance to consider tower height variances through policy 4.4.3. This policy states a building height variance could be considered where the proposal contains significant benefit to Kelowna citizens including **some OR a combination of the following**:

- An affordable, supportive and/or rental housing component that further advances Urban Centre housing objectives;
- 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;
- Offsite considerations, including enhanced streetscapes, provision of Active Transportation Corridors, tree canopy protection and enhancement, or green infrastructure within the road right of way;
- Smaller tower floorplates to mitigate the impact on views and shadowing; and/or
- Outstanding and extraordinary architectural design.

The project is proposing significant offsite public amenity improvements with the ArtWalk extension and includes rental housing. The proposed tower is relatively slender minimizing shadow impacts, and the stepped podium design creates an interesting architectural design.



## Subject Property & Background

### 3.1 Subject Property Map



The subject property is in the Downtown Urban Centre, midblock between Water Street and Ellis Street. The property abuts a laneway on the east side which connects to the Library Parkade. To the west is the future Art Walk extension which would link the current Art Walk to Doyle Avenue. The subject property is adjacent to the Kelowna Community Theatre, Okanagan Regional Library, and an office building. One block to the south is the Queensway Bus Exchange.

#### Background

On July 22, 2022 Council approved a Development Permit (DP21-0136) and a Development Variance Permit (DVP21-0137) for this project. On August 14, 2023 the Development Permit was rescinded by Council when the following resolution was adopted:

*THAT Council receive, for information, the Report of the City Clerk dated August 14, 2023 regarding Rescindment of the Development and Development Variance Permits for 350 Doyle;*

*AND THAT Council rescind the authorization for issuance of Development Permit No. DP21-0136 and Development Variance Permit No. DVP21-0137 authorized for issuance by Council July 26, 2022;*

*AND THAT Appelt Properties be invited to submit a development permit for Lot C District Lot 139 Osoyoos Division Yale District Plan EP95954, located at 350 Doyle Ave, Kelowna, consistent with the legal agreements and Zoning Bylaw No. 12375;*

*AND THAT Council rescind Council resolution Ro614/22/07/26 that authorized staff to amend any legal agreements associated with the long-term lease of 350 Doyle Avenue;*

*AND THAT the Lease Agreement deadlines for starting construction at 350 Doyle Ave be amended to January 20, 2025, with substantial completion by January 20, 2029.*

#### 4.0 Zoning Bylaw Regulations Summary

AREA & UNIT STATISTICS	
Gross Lot Area	3,561 m <sup>2</sup>
<b>Total Number of Units</b>	<b>259</b>
Bachelor	100
1-bed	99
2-bed	60
Net Commercial Floor Area	2,689 m <sup>2</sup>
Cultural (Art Hub)	557.4 m <sup>2</sup>

DEVELOPMENT REGULATIONS		
CRITERIA	UC1r ZONE	PROPOSAL
<b>Total Maximum Floor Area Ratio</b>	<b>5.05</b>	<b>4.4 FAR</b>
Base FAR	3.3	
Bonus (Streetscape Payment)	0.5	
Bonus (Rental or Affordable Housing)	0.05 Per Storey	
Max. Site Coverage (buildings)	100 %	89 %
<b>Max. Height</b>	<b>15 Storey / 56.0 m</b>	<b>25 Storeys / 77.4 m ❶</b>
Base Height	12 Storeys / 44.0 m	
Bonus Height	3 Storeys / 12.0 m	
Max. Podium Height	16.0 m	18.4 ❷
<b>Setbacks</b>		
Min. Front Yard (South)	0 m	0 m
Min. Side Yard (West)	0 m	0 m
Min. Side Yard (East)	0 m	0 m
Min. Rear Yard (North)	0 m	0 m
<b>Upper Floor Setbacks (Above 16.0 m )</b>		
Min. Front Yard (South)	3.0 m	13.3 m
Min. Side Yard (West)	4.0 m	4.0 m
Min. Side Yard (East)	3.0 m	0 m ❸
Min. Rear Yard (North)	4.0 m	17.8 m
<b>Minimum Stepback above podium (including balconies)</b>		
Min. Front Yard (South)	3.0 m	> 3.0 m
Min. Side Yard (West)	3.0 m	> 3.0 m
Min. Side Yard (East)	3.0 m	> 3.0 m
Min. Rear Yard (North)	3.0 m	> 3.0 m
<b>Amenity Space</b>		

<b>Total Required Amenity Space</b>	<b>2,490 m<sup>2</sup></b>	<b>2,998 m<sup>2</sup></b>
Common	1,036 m <sup>2</sup>	1,079 m <sup>2</sup>
Private		1,919 m <sup>2</sup>
<b>Landscaping</b>		
Min. Number of Trees	0 trees	16 trees
<b>①</b> Indicates a requested variance to maximum height from 15 storeys / 56.0 m to 25 storeys / 77.4 m <b>②</b> To vary the maximum podium height from 16.0 m permitted to 18.4 m proposed. <b>③</b> To vary the minimum setback above 16.0 m from 3.0 m required to 0 m proposed.		

<b>PARKING REGULATIONS</b>		
<b>CRITERIA</b>	<b>UC1r ZONE REQUIREMENTS</b>	<b>PROPOSAL</b>
<b>Total Required Vehicle Parking</b>	<b>213 stalls</b>	<b>214 stalls</b>
Residential	229.1	
Commercial / Residential	32.1	
Visitor		
Cultural (Arts Hub)	14	
"r" Subzone Reduction	- 52.2	
Bicycle Parking Incentive	-5	
Car Share Incentive	-5	
Ratio of Regular to Small Stalls	Min. 50% Regular Max. 50% Small	52 % Regular 48 % Small
Min. Loading Stalls	2 stalls	2 stalls
Bicycle Stalls Short-Term	62 stalls	10 stalls <b>④</b>
Bicycle Stalls Long-Term	339 stalls	339 stalls
Bonus Stalls Provided for Parking Reduction	y	y
End of Trip Facilities	y	y
Bike Wash & Repair	y	y
<b>④</b> Indicates a requested variance to number of short-term bicycle stalls from 62 to 10.		

## 5.0 Application Chronology

Application Accepted: November 15, 2024  
 Neighbour Notification Received: April 9, 2025

**Report prepared by:** Jason Issler, Planner II  
**Reviewed by:** Adam Cseke, Development Planning Manager  
**Reviewed by:** Nola Kilmartin, Development Planning Department Manager  
**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

### Attachments:

Attachment A: Draft Development Permit DP24-0218 & DVP24-0219

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 letter of rationale

Attachment D: Shadow Study

For additional information, please visit our Current Developments online at [www.kelowna.ca/currentdevelopments](http://www.kelowna.ca/currentdevelopments).