

REPORT TO COUNCIL DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



Date: May 13, 2025
To: Council
From: City Manager
Address: 1070 Ellis St
File No.: DP25-0086 DVP25-0087
Zone: UC1 – Downtown Urban Centre

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP25-0086 and Development Variance Permit No. DVP25-0087 for Lot 2 District Lot 139 ODYD Plan KAP86331, located at 1070 Ellis Street, 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 buildings to be constructed on the land be in accordance with Schedule "B";
3. Landscaping to be provided on the land 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 Housing Opportunities Reserve Fund as established by Bylaw No. 8593 in accordance with Table 6.8.b in Zoning Bylaw No. 12375;

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

Section 9.11.1 Table 9.11 – Tall Building Regulations:

To vary the minimum building separation from 30.0 m permitted to 27.0 m proposed.

Section 9.11.1 Table 9.11 – Tall Building Regulations:

To vary the maximum floor plate above the sixth storey from 750 m² permitted to 817 m² proposed for Tower 1, 765 m² proposed for Tower 2, 849 m² proposed for Tower 3, and 890 m² proposed for Tower 4, for the seventh storey only.

Section 9.11.1 Table 9.11 – Tall Building Regulations:

To vary the minimum stepback above the podium from 3.0 m permitted to 0.0 m proposed for Towers 2, 3, and 4.

Section 9.11.1 Table 9.11 – Tall Building Regulations:

To vary the maximum podium height from 16.0 m permitted to 16.94 m proposed.

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

To vary the minimum setback above 16.0 m in height from a lot line abutting another property from 4.0 m permitted to 0.0 m proposed.

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 apartment housing and a Development Variance Permit to vary the minimum building separation, maximum floor plate above the sixth storey, minimum stepback, maximum podium height, and minimum setback above 16.0 m in height.

3.0 Development Planning

Staff support the proposed Development Permit for the form and character of apartment housing and associated variances. The proposed development is substantially similar to the previous proposal which was approved by Council in 2023, with minor design refinements including:

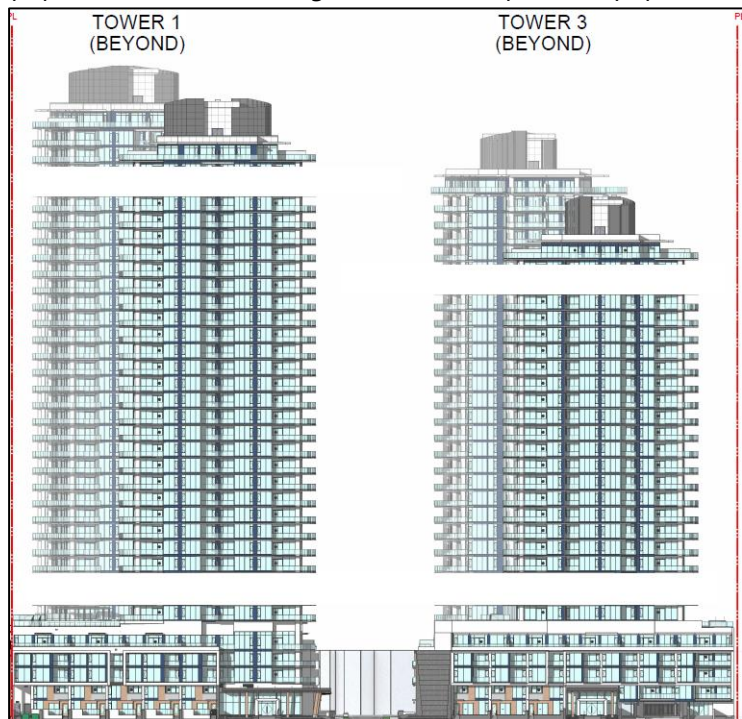
- Modifications to the vehicle stall and bicycle parking layout;
- Addition of electric vehicle charging to parking stalls to reflect new Zoning Bylaw requirements;
- Additional amenity space on the 7th storey;
- Minor layout updates to parkades and unit floorplans due to changes in proposed foundation walls, structural columns, storm water retention system, and mechanical systems.

The proposal generally aligns with the Official Community Plan (OCP) Form and Character Design Guidelines for High-Rise Residential and Mixed-Use Buildings. Key guidelines that are met include:

- Orienting primary building facades and entries to the fronting street and incorporating ground-oriented residential uses at-grade;
- Incorporating screened off-street parking within a structured parking podium;
- Providing high-quality outdoor amenity spaces on-site, including shared roof-top amenity spaces;
- Integrating public art on-site at key pedestrian spaces; and
- Expressing a unified architectural concept that provides a range of architectural features and details.

Podium

The podium is divided into two halves by an internal strata road which connects the previously developed Phase 1 with the proposed Phase 2. The full height of the podium is activated by residential uses along the street, which screens the structured parking behind, including along the internal road. This is superior design compared to other building podiums which rely on architectural screening for upper levels of parking above the ground floor. A public art and water feature is proposed at the main entrance to the site. Natural building



materials are incorporated at building entrances by using timber elements for canopies framing the building entrances.

The height of the podium matches the height of One Water Street. Landscape terraces are provided on the upper levels of each podium to provide a gradual transition between the properties to the west and south. 64 trees are proposed to be located at-grade and on the upper podium levels.

Generous amenity spaces are located on the rooftop of the podium. Outdoor spaces include a variety of outdoor seating areas, putting greens, bocce court, lawn bowling, pools, playgrounds, pet area, and sports courts. Indoor amenities include lounge space, gyms, common kitchen, games area, and other multi-use spaces.

Towers

The towers incorporate horizontal and vertical articulation, with varied orientation, and asymmetric balconies. Tower tops have stepped back upper storeys and mechanical equipment is screened with perforated metal screening.

Tower heights were strategically determined to provide a transition from the tallest building at One Water Street and to transition downwards to the north. Towers 1 & 2 are 36 storeys and 34 storeys respectively, while Towers 3 & 4 on the northern portion of the lot are 32 storeys and 28 storeys.

Variances

A tower separation variance is requested to reduce the required separation between Towers 1 & 2 and between Towers 3 & 4 from 30.0 m to 27.0 m. This variance is limited only to the separation between the new proposed buildings, and no variance is requested to any tower on an adjacent lot. The variance largely allows an articulated building envelope and balconies to be slightly closer to each other than otherwise would be permitted.

Variances for upper floor setbacks allow a landscaped amenity deck to be provided for residents. The reduced setbacks allow this area to accommodate a larger array of outdoor amenities. The proposed reduced setback is only for a small portion of the building that projects 0.94 m above the 16.0 m podium height. Similarly, the podium height variance is minor in nature and is primarily caused by a minor grade change that happens across the site.

Building stepback variances are proposed for Towers 2, 3, and 4. Along the front (east) façade of the building, the reduced stepbacks facilitate architectural design that allow the towers to come to grade flush with the front of the podium. This purposeful design consideration helps to emphasize the residential lobbies. The requested stepback variance for the rear (west) façade, accommodates articulation and asymmetrical balcony design.

A tower floorplate variance is required for each tower to accommodate additional indoor amenity space. Floorplate variances are limited to the 7th storey of the building only, and all higher storeys of each tower



meet the maximum floorplate sizes. All the additional floorspace accommodated by the variance is oriented towards the interior portion of each podium to limit any impact on adjacent parcels or public space.

4.0 Subject Property & Background

4.1 Subject Property Map



The subject property is located on Ellis Street at the intersection with Gaston Avenue within the Downtown Urban Centre. Transit stops are located on Ellis Street immediately adjacent to the site. The surrounding neighbourhood includes a mix of high-density residential, mixed-use, commercial, and industrial properties.

4.2 Background

The subject property was initially approved for a two-phase Development Permit in 2007. Phase 1 was constructed in 2009 and Phase 2 did not proceed. There are currently 53 parking stalls in a parking structure on the Phase 2 property that are allocated to Phase 1 which will be reinstated in the parkade podium as part of Phase 2, with no net loss of stalls to Phase 1.

A Development Permit (DP21-0277) and Development Variance Permit (DVP21-0278) was previously approved by Council for the site on July 11, 2023. The current proposal is substantially the same as the previous development, with minor design refinements. As construction has not commenced, the existing Development Permit will expire on July 11, 2025.

5.0 Zoning Bylaw Regulations Summary

AREA & UNIT STATISTICS	
Gross Lot Area	14,281.9 m ²
Total Number of Units	1141
1-bed	398
2-bed	714
3-bed	29

DEVELOPMENT REGULATIONS		
CRITERIA	UC1 ZONE	PROPOSAL
Total Maximum Floor Area Ratio	9.0	5.38
Base FAR	7.2	
Bonus FAR	1.8	
Max. Site Coverage (buildings)	100%	81%
Max. Site Coverage (buildings, parking, driveways)	100%	100%
Max. Height	147.0 m & 40 storeys	Tower 1: 114.5 m & 36 storeys Tower 2: 102.5 m & 34 storeys Tower 3: 99.6 m & 32 storeys Tower 4: 84.8 m & 28 storeys
Base Height	95.0 m & 26 storeys	
Bonus Height	52.0 m & 14 storeys	
Max. Podium Height	16.0 m	16.94 m ^①
Setbacks		
Min. Front Yard (east)	0.0 m	4.2 m
Min. Side Yard (north)	0.0 m	0.0 m
Min. Side Yard (south)	0.0 m	0.0 m
Min. Rear Yard (west)	0.0 m	0.0 m
Setbacks above 16.0 m		
Min. Front Yard (east)	3.0 m	0.0 m
Min. Side Yard (north)	4.0 m	0.0 m ^②
Min. Side Yard (south)	4.0 m	>4.0 m
Min. Rear Yard (west)	4.0 m	0.8 m ^②
Stepack Above Podium		
Min. Front Yard (east)	3.0 m	0.0 m ^③
Min. Side Yard (north)	3.0 m	>3.0 m
Min. Side Yard (south)	3.0 m	>3.0 m
Min. Rear Yard (west)	3.0 m	0.0 m ^③
Tower Floorplates Above the 6 th Storey		
Maximum Floorplate	750 m ²	Tower 1: 750 m ² 817 m ² (7 th storey only) ^④
		Tower 2: 750 m ² 765 m ² (7 th storey only) ^④
		Tower 3: 686 m ² 849 m ² (7 th storey only) ^④
		Tower 4: 750 m ² 890 m ² (7 th storey only) ^④
Tower Separation		
Adjacent properties	30.0 m	>30.0 m

Internal	30.0 m	27.0 m ^⑤
Amenity Space		
Total Required Amenity Space	15,125 m²	27,950.25 m²
Common	4564 m ²	7596.12 m ²
Landscaping		
Min. Number of Trees	0 trees	64 trees
Min. Large Trees	0 trees	2 trees
<p>① Indicates a requested variance to the maximum podium height from 16.0 m to 16.94 m..</p> <p>② Indicates a requested variance to the setback above 16.0 m from 4.0 m to 0.0 m on the side yard (north) and 0.8 m on the rear yard (west).</p> <p>③ Indicates a variance to the stepback above the podium from 3.0 m to 0.0 m from the front yard (east) and rear yard (west).</p> <p>④ Indicates a variance to the maximum floorplate at the 7th storey from 750 m² to 817 m² for Tower 1, 765 m² for Tower 2, 849 m² for Tower 3, and 890 m² for Tower 4.</p> <p>⑤ Indicates a variance to the required tower separation from 30.0 m to 27.0 m.</p>		

PARKING REGULATIONS		
CRITERIA	UC1 ZONE REQUIREMENTS	PROPOSAL
Total Required Vehicle Parking	1314 stalls	1366 stalls
Residential	1101.2	1153
Visitor	159.74	160
Phase 1 Replacement stalls	53	53
Accessible Parking	26	26
Ratio of Regular to Small Stalls	Min. 50% Regular Max. 50% Small	51.9% Regular 48.1% Small
Bicycle Stalls Short-Term	24 stalls	30 stalls
Bicycle Stalls Long-Term	863 stalls	1142 stalls
Bonus Stalls Provided for Parking Reduction	n	n
Bike Wash & Repair	y	y

6.0 Application Chronology

Application Accepted: April 15, 2025
 Neighbour Notification Received: April 16, 2025

Report prepared by: Mark Tanner, Planner Specialist
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 DP25-0086 and Development Variance Permit DP25-0087
 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 Rationale Package
 Attachment D: Shadow Study

Attachment E: Summary of Neighbourhood Consultation

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