

REPORT TO COUNCIL DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



Date: August 26, 2025
To: Council
From: City Manager
Address: 1021 Lawson Ave
File No.: DP24-0116 DVP24-0117
Zone: MF3r – Apartment Housing Rental Only

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP24-0116 and Development Variance Permit No. DVP24-0117 for Lot A District Lot 138 ODYD Plan EPP121306, located at 1021 Lawson 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 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:

Table 7.2 –Tree & Landscaping Planting Requirements

To vary the minimum ratio between tree sizes from 50% large trees required to 25% large trees proposed.

Table 7.2 –Tree & Landscaping Planting Requirements

To vary the minimum soft landscaping area from 75% required to 61% proposed.

Section 13: Multi-Dwelling Zones – Section 13.5 - Development Regulations

To vary the minimum side yard setback from 3.0 m permitted to 0.1 m proposed.

Section 13: Multi-Dwelling Zones – Section 13.5 - Development Regulations (footnote .4)

To vary the minimum rear yard setback for a parkade with lane access from 1.5 m permitted to 0.1 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 and Development Variance Permit for the form and character of apartment housing with variances to minimum side yard setback, minimum rear yard setback, minimum ratio between tree sizes, and minimum soft landscaping area.

3.0 Development Planning

Staff support the proposed Development Permit for the form and character of an apartment building. The proposal conforms with several objectives within the Official Community Plan (OCP) Form and Character Design Guidelines for Low & Mid-Rise Residential Development. Key guidelines that are met include:

- Locate off-street parking and other 'back-of-house' uses (such as loading, garbage collection, utilities, and parking access) away from public view;
- Design attractive, engaging, and functional on-site open spaces with high quality, durable, and contemporary materials, colors, lighting, furniture, and signage; and
- Incorporate a range of architectural features and details into building facades to create visual interest, especially when approached by pedestrians.

Vehicle access is provided from a laneway which runs parallel to the subject property. Parking is primarily provided through a partially sunken parkade and a single Modo car share stall at grade. Materials for the project are predominantly metal panelling and stucco. Common amenity space has been provided in an indoor amenity room on the first level connected with an outdoor space. A second outdoor amenity area is provided on the 6th floor.

A Development Permit and Development Variance Permit, containing six variances, came before council in October of 2023. The Development Permit was defeated with Council and the public raising concerns about the number of variances, the number of units, and parking. The applicant has redesigned the building and reduced the number of units from 22 to 20 as well as reducing the number of variances from six to four.

East Side Yard Setback Variance

A variance is proposed for a portion of the east side of the building to 0.1 m from the adjacent lot (1056 Bernard Avenue). The residential portion of the building complies with the 3.0m setback requirement, however, the proposed setback reduction would allow the portion of the parkade above the finished grade to be constructed closer to the property line

Rear Yard Setback Variance

A setback variance is proposed to reduce the minimum setback requirement for a partially underground parkade from 1.5 m to 0.1 m. The proposed variance will be adjacent to an existing concrete retaining wall of similar height on the adjacent property which supports an outdoor patio area. Therefore, the reduced setback is unlikely to lead to any adverse impact on the neighbouring property.

Landscaping Variances

Due to the limited size of the site, underground parkade, and other on-site infrastructure, the area available for landscape plantings is constrained. As the required landscape buffers contain hard surfaced pathways, an electrical transformer, and portions of the parkade, a variance to the minimum soil-based landscaping is requested.

The applicant is required to plant two large trees based on the size of landscape areas. The applicant has worked to add double the required number of trees elsewhere on site to make up for the two proposed landscape variances.

4.0 Subject Property & Background

4.1 Subject Property Map



The subject property is located on Lawson Avenue between Gordon Drive, Graham Street, and Bernard Avenue. Gordon Drive and Bernard Avenue are both designated as Transit Supportive Corridors and have transit stops within 200 metres of the subject property. Commercial and mixed-use buildings, including Centuria Urban Village are located within a 400 metres distance along Gordon Drive. Martin Park and Knowles Heritage Park are located within 400 metres to the west.

4.2 Background

A Development Permit and Development Variance Permit was considered on October 17, 2023 which was defeated by council.

5.0 Zoning Bylaw Regulations Summary

AREA & UNIT STATISTICS	
Gross Lot Area	762 m ²
Total Number of Units	20
Studio	7
1-bed	5
2-bed	8

DEVELOPMENT REGULATIONS		
CRITERIA	MF3r ZONE	PROPOSAL
Total Maximum Floor Area Ratio	2.1	1.77
Base FAR	1.8	
Bonus FAR (Rental Only)	0.3	
Max. Site Coverage (buildings)	65 %	64 %
Max. Site Coverage (buildings, parking, driveways)	85 %	84 %
Max. Height	6 Storeys / 22.0 m	6 Storeys / 21.2 m
Base Height	4 Storeys / 18.0 m	
Bonus Height	2 Storeys / 4.0 m	
Setbacks		
Min. Front Yard (North)	3.0 m	4.7 m
Min. Side Yard (East)	3.0 m	0.1 m ❶
Min. Side Yard (West)	3.0 m	3.0 m
Min. Rear Yard (South)	1.5 m	0.1 m ❷
Step backs		
Min. Fronting Street (North)	3.0 m	3.0 m
Amenity Space		
Total Required Amenity Space	212 m²	280 m²
Common	80 m ²	155 m ²
Private		125 m ²
Landscaping		
Min. Number of Trees	4 trees	8 trees
Min. Large Trees	2 trees	1 trees ❸
Min. Growing Medium Area	75 %	61 % ❹
❶ Indicates a requested variance to the minimum side yard setback from 3.0 m required to 0.1 m proposed. ❷ Indicates a requested variance to the minimum rear yard setback from 1.5 m required to 0.1 m proposed. ❸ Indicates a requested variance to the minimum number of large trees from 2 required to 1 proposed. ❹ Indicates a requested variance to the minimum growing medium area from 75 % to 61%.		

PARKING REGULATIONS		
CRITERIA	MF3r ZONE REQUIREMENTS	PROPOSAL
Total Required Vehicle Parking	15 stalls	15 stalls
Residential	24.2	
Visitor	2.8	
"r" Subzone Reduction	-2.7	
Car Share	-4	
Bonus Long-Term Bicycle Parking	-5	
Ratio of Regular to Small Stalls	Min. 50% Regular Max. 50% Small	86 % Regular 14% Small
Bicycle Stalls Short-Term	6 stalls	6 stalls
Bicycle Stalls Long-Term	27 stalls	32 stalls
Bonus Stalls Provided for Parking Reduction	y	
Bike Wash & Repair	y	y

6.o Application Chronology

Application Accepted: June 18, 2024
 Neighbour Notification Received: June 4, 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, Climate Action & Development Services

Attachments:

Attachment A: Draft Development Permit DP24-0116 & DVP24-0117
 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: Renderings
 Attachment E: Carshare Agreement
 Attachment F: Summary of Public Information Session

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