

To: Mayor and Council
From: Paul Gipps, CAO

Meeting Date: June 3, 2025
Meeting Type: Regular Council Meeting

Prepared by: Trevor Empey, Senior Planner

Department: Planning and Development

Title: Development Permit with Variance Application | DP001059 | 11437 Bottom Wood Lake Road
Description: Commercial and Multiple Unit Development Permit with variance for a 6-storey mixed-use development

RECOMMENDATION

THAT Development Permit with Variance DP001059 (Attachment A in the Report to Council dated June 3, 2025) for the property at 11437 Bottom Wood Lake Road (PID 032-357-842), be approved.

EXECUTIVE SUMMARY

An application has been submitted for a six-storey mixed-use development that proposes commercial use at grade with 100 residential rental apartments above. Staff evaluated the Multiple Unit and Commercial Development Permit Area guidelines under the Official Community Plan (OCP) and concluded that this application would be consistent with the applicable Development Permit Area guidelines.

The application requests a variance to the Daylighting Standards within the Zoning Bylaw for the rear and side lot lines. The Zoning Bylaw requires a 65° angular plane be provided for a building 10.0 metres or more to ensure that adjacent parcels have access to adequate daylight. As the application is unable to meet the angular plane minimums, a variance is requested to the southern (side) and eastern (rear) angle of the proposed mixed-use building. Staff note minimal impact would occur to the southern and eastern adjacent parcels.

Staff are supportive of this application.

BACKGROUND

Application Information			
Application Type	Development Permit with Variance	Application Date:	Applied: December 14, 2023 Complete application received: May 2025
Applicant:	Novation Architecture	Owner:	0945725 BC LTD
Application Description	Commercial and Multi Unit Development Permits for a proposed 6 storey mixed use development		
Variations	🔊 Daylighting Standards		

Property Information: General	
Folio/Roll #:	11591.003
Legal Description:	LOT B DISTRICT LOT 169 OSOYOOS DIVISION YALE DISTRICT PLAN EPP139349
PID:	032-357-842
Civic Address:	11437 Bottom Wood Lake Rd.
Property Information: Land Use	
OCP Designation:	Mixed Use Commercial
Zoning Designation:	CD15 – Comprehensive Development
Land Use Contract	n/a
ALR:	n/a

Parcel Size:	0.5 ha /1.24 ac	
Development Permit Areas:	Agricultural, Commercial, Multiple Unit	
Adjacent Land Summary:	Zoning:	Use:
<i>North:</i>	CD15 – Comprehensive Development	Commercial
<i>East:</i>	A1 - Agricultural	SFD with agricultural use
<i>South:</i>	RM4 – Low Density Multiple Housing	Multi Unit Strata
<i>West:</i>	P2 – Admin., Public Service and Assembly	Long-Term Care facility

Property Information: Infrastructure and Development Engineering	
Road Network	Minor Connector
Driveway Access	Permit will be required (reviewed at Building Permit stage)
Water Supply:	Municipal (source: Beaver Lake/Okanagan Lake)
Sewer:	Municipal
Drainage / Stormwater	BWL Rd E Catchment
Comments:	Driveway access shown on the site plan should be considered conceptual. Driveway access locations will be reviewed in detail during the Access Permit/Building Permit process and may require modification to ensure bylaw compliance.

ANALYSIS

A Multiple Unit and Commercial Development Permit to allow a 6-storey mixed use building on the property located at 11437 Bottom Wood Lake Road (Attachments B and C) has been submitted for Council’s consideration. The application proposes 100 residential units (intended as rental units) and 2,543m² (27,380sqft) of commercial retail space. Staff reviewed the Multiple Unit and Commercial Development Permit Area (DPA) guidelines under the Official Community Plan 2018-2038 (OCP) and concluded that this application would be consistent with the applicable DP guidelines.

Commercial and Multiple Unit DPA Guidelines

The Commercial DPA focuses on guidelines to ensure consistent high-quality architectural standards for commercial buildings while the Multiple Unit DPA provides guidelines for multiple unit residential developments in the DLC. Both DPAs are similar in nature and as such have been reviewed collectively.

Site and Building and Structure Guidelines

The proposed site plan and building elevations (Attachment A – Schedules A and B) achieves the objectives of the building and structure guidelines of the DPAs where architectural features reduce the impact of long facades by colour schemes and design materials. Proposed building materials would integrate with the existing neighbourhood and would be consistent with permitted materials of the Commercial and Multiple Unit DPAs. Exterior finishes proposed are white cement, grey brick, wood textured composites and finished and painted concrete. Delineation of the pedestrian realm has been included with painted line markings within the parking lot. The applicant has proposed downcast lighting to ensure no impact to adjacent properties, garbage disposal areas have been provided within the underground parkade, and HVAC would be screened appropriately.

The scale of the proposed building fits well into an area that is transitioning from single-family dwellings to mixed-use and higher-density developments. The building includes a variety of residential unit types (e.g., bachelor to 3 bedroom), thereby providing necessary unit types identified in the District’s Housing Needs Assessment. The proposed parking meets the parking regulations of Zoning Bylaw 561, 2007 with a mix of below-grade and surface vehicular and bicycle parking. As the proposed commercial use would require large delivery vehicles, the applicant provided analysis of delivery navigation. Loading bays would be situated to the rear of subject property and delivery vehicles would not impact public sidewalks or right of ways as delivery would occur on the subject property only.

Landscaping

The provided landscape (Attachment A – Schedule C) meets zoning bylaw landscaping requirements and, in accordance with the CD15 zone, no landscaping is required along the side or rear property line. In addition, due to

the limited number of surface parking spaces, the zoning bylaw does not require landscaped areas between the building and parking areas. While the submitted landscape plan meets the DP area objectives and the zoning bylaw, staff would encourage that the developer consider enhancing the site aesthetics and visitor experience through the addition of shade trees around the commercial entrance and bicycle parking area.

Agricultural DPA

The adjacent parcel is zoned A1 – Agricultural and located in the Agricultural Land Reserve (ALR), therefore the eastern portion of the subject property is located with the Agricultural DPA. It is also important to note that the future land use designation of the adjacent parcel is Parkland Conservation.

The intent of the DPA guidelines is to protect local farmland and reduce potential land use conflicts; these objectives are typically achieved through buffering (vegetation or fencing) and separation. In order to meet the objective of reducing potential land use conflicts and to utilize developable land most efficiently, the developer has sited the building in accordance with the 1.2m rear yard setback requirement of the CD15 zone. The proposed building siting, along with the first storey (6.4m/21ft high) concrete wall thereby effectively removes the potential for land use conflicts between the development site and the ALR land. To further reduce potential conflicts, the residential units on floors 2-6 have been further setback from the property line.

Given that the building design reduces potential land use conflicts, and that the OCP future land use designation supports parkland in the future, there is limited rationale to require a vegetated buffer between the properties.

Zoning Bylaw Analysis

The applicant has submitted a proposal that meets zoning bylaw requirements with respect to setbacks, parking, development regulations and landscaping per the CD15 zone as demonstrated in the tables below. The application proposes a total height of 22.0m which is permitted subject to density bonus provisions being provided; the applicant is aware of these bonusing requirements.

The proposal does not meet the Daylighting Standards of the Zoning Bylaw, and therefore two variances are requested as outlined below.

Variance to Daylighting Standards

Section 7.1.2 of the Zoning Bylaw outlines a 65° angular plane requirement which aims to reduce the impact of buildings that are 10.0m/two storeys or more and provide access to daylight for adjacent parcels and public right of ways. As the proposed building is over 10.0m in total height, the daylighting standards of the Zoning Bylaw apply. Staff note that the proposed building does meet the daylighting standards for the north (side) and west (front) building elevations. However, the proposed building would not meet daylighting standards for the south (side) and east (rear) portions of the proposed mixed-use building. As such, this application requests to vary Sections 7.1.2(b) and 7.1.2(c) as noted below and identified in the proposed elevation renderings drawings DPA3.00 to 3.03 located in Attachment A (Schedule B). A visual diagram of the angular plane requirements under s.7.1.2 of the Zoning Bylaw are provided in Attachment D for reference.

Staff are supportive of the requested variance as there would be minimal impact to the southern adjacent parcel as there is an access lane and green space buffer between existing residences and the subject property (Attachment E). Minimal impact would occur to the eastern adjacent parcel.

Variance Request:

Zoning Bylaw s.7.1.2(b):

- **From:** all points along the centre line of the rear lane or the rear boundary line of the lot where there is no lane and inclined at an angle of 65° to the horizontal;
- **To:** all points along the centre line of the rear lane or the rear boundary line of the lot where there is no lane and inclined at an angle of 85° to the horizontal;

Zoning Bylaw s.7.1.2(c):

- **From:** all points along the side lot line and inclined at an angle of 65° to the horizontal
- **To:** all points along the side lot line and inclined at an angle of 82° to the horizontal

DEVELOPMENT REGULATIONS		
CRITERIA	CD15 Zone	Proposal
Site Coverage	100%	46%
Site Coverage (Building, Driveways, Parking)	100%	84%
Height	12.4 m or 22.0m with density bonus	22.0m
Density (FAR)	3.0	1.76
Min. Front Yard (West)	2.0m	28.0m
Min. Side Yard (North)	0.0m	1.2m
Min. Side Yard (South)	1.2m	1.2m
Min. Rear Yard (East)	1.2m	1.2m
Private Open Space	1080 sq.m	1545 sq.m
Drive Aisle	6.0m	12.0m
Daylighting Standards	① 65° angular plane	① 85° angular plane for east elevation ① 82° angular plane for south elevation
Landscaping	CD15	PROPOSAL
Front	2.0m	2.0m
Side Interior	Equal to the side yard OR as determined through Development Permit	0.0 – reviewed through DP
Side Exterior	2.0m	0.0
Rear	Equal to the rear yard OR minimum as determined through Development Permit	0.0m – reviewed through DP
① Variance to Daylighting Standards (s.7.1.2) – for angular plane of east and south elevation		

PARKING REGULATIONS		
CRITERIA	CD15 REQUIREMENTS	PROPOSAL
Total Required Vehicle Parking	153	153
Visitor Parking	15	15
Commercial	51	51
Residential	100	100
Commercial Loading	2	2
Bicycle Stall Class I Bicycle Stall Class II	82	90

FINANCIAL IMPLICATIONS

- None
 Budget Previously Approved
 Other (see below)

COMMUNICATION

- Application referred to internal departments
- This application is a development permit and does not require statutory notification

ALTERNATE RECOMMENDATION(S)

1. THAT Development Permit DP001059 (Attachment A to the Report to Council dated June 3, 2025) for the property at 11437 Bottom Wood Lake Road (PID: 032-357-842) to allow for a six storey mixed use development with variance not be approved.
2. THAT Development Permit DP001059 (Attachment A to the Report to Council dated June 3, 2025) for the property at 11437 Bottom Wood Lake Road (PID: 032-357-842) to allow for a six storey mixed use development with variance be deferred pending receipt of additional information as identified by Council.

Respectfully Submitted,

Trevor Empey, Senior Planner

RPP,MCIP

Report Approval Details

Document Title:	DP001059 - 11437 Bottom Wood Lake Road.docx
Attachments:	<ul style="list-style-type: none"> - Attachment A - DP001059 - Draft Permit.pdf - Attachment B - DP001059 - Location Map.pdf - Attachment C - DP001059 - Ortho Map.pdf - Attachment D - DP001059 - Context Photo of Adjacent Parcels.pdf - Attachment E - DP001059 - Angular Plane Diagram.pdf
Final Approval Date:	May 28, 2025

This report and all of its attachments were approved and signed as outlined below:

Carie Liefke, Manager of Current Planning - May 26, 2025 - 10:48 AM

Steven Gubbels, Development Engineering Manager - May 26, 2025 - 4:12 PM

Matthew Salmon, Infrastructure & Development Engineering Director - May 27, 2025 - 8:15 AM

Jeremy Frick, Director of Development Approvals - May 27, 2025 - 12:26 PM

Reyna Seabrook, Director of Corporate Services - May 27, 2025 - 2:32 PM

Paul Gipps, Chief Administrative Officer - May 28, 2025 - 6:57 AM

Makayla Ablitt, Legislative & FOI Coordinator - May 28, 2025 - 8:28 AM