
CITY OF KELOWNA
MEMORANDUM

Date: August 7, 2001
File No.: (3360-20) DP01-10,044/DVP01-10,045
To: City Manager
From: Planning & Development Services Department
Subject:

APPLICATION NO. DP01-10,044, OWNER: FARNHOLTZ
DVP01-10,045 ENTERPRISES LTD.

AT: 1720 ETHEL STREET APPLICANT: SCUKA ENTERPRISES

PURPOSE: TO BUILD A 4 STOREY APARTMENT BUILDING WITH A
VARIANCE TO THE REAR YARD SETBACK AND PARKING

EXISTING ZONE: RM5 – MEDIUM DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: BARB WATSON

1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Permit No. 01-10,044, Dan Scuka; Lot A, Plan KAP52605, DL 138, ODYD, located on Ethel Street, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;
5. The applicant register a Housing Agreement in favor of the City of Kelowna to the effect that the project is reserved for affordable housing.

THAT Municipal Council authorize the issuance of Development Variance Permit No. 01-10,045, Dan Scuka; Lot A, Plan KAP52605, DL 138, ODYD, located on Ethel Street, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Table 8.1 – Parking Schedule, Apartment Housing: a 15 stall variance in the required parking from the minimum 26 stalls to the 11 stalls as proposed.

Section 13.11.5(f) Development Regulations, Rear Yard Setback: a 1.55 m variance to the required rear yard setback of 9.0 m to 7.45 m as proposed for the existing principal dwelling.

2.0 ADISORY PLANNING COMMISSION

That the Advisory Planning Commission supports Development Permit Application No. DP01-10,044 by Scuka Enterprise Ltd. to construct a 4 storey multi-family building.

And That the Advisory Planning Commission supports Development Variance Permit Application No. DVP01-10,045 by Scuka Enterprise Ltd. to vary the rear yard setback from the minimum 9 m required to the 7.45 m as proposed and to vary the parking from the 26 stalls required to the 11 stalls proposed.

3.0 SUMMARY

The subject property is located at the southwest corner of Ethel Street and Harvey Avenue. The applicant is proposing to build a four storey apartment unit on the site and has requested variances for a reduction in the rear yard setback from the 9 metres required to the 7.45 metres proposed as well as a reduction in the parking from the 26 stalls required to the 11 stalls proposed. The variance to the parking is proposed as the building is to be occupied by non-working, entry level working or low income residents who traditionally can not afford vehicles. The applicant has agreed to enter into a housing agreement to restrict the tenancy of the building.

4.0 BACKGROUND

4.1 The Proposal

The subject property is located in the southwest corner of the intersection of Ethel Street and Harvey Avenue. The property was rezoned under application Z92-1080 from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone which was given final reading on June 7, 1994 under Bylaw 7475. At that time, a Development Permit, DVP92-10,083, was issued and extended in 1996 under DP96-10,045 for a multi-family complex. The previous 1996 Development Permit has expired and the applicant is proposing a new building to meet the specific needs of the proposed tenants of the building, BC Housing, and the new regulations of Zoning Bylaw 8000. The project is proposed to receive funding from BC Housing in order to provide housing for a specific needs group.

The proposal is for a four storey building in the centre of the property and utilizes the lane on the south property line for access and parking. Items which are related to the site layout include: the garbage located in the southwest corner of the property off the lane, the parking located along the lane, the pathways to the building, one to the rear door and one to the front door. The main door of the building is sited along the Ethel Street frontage and the rear door faces the parking along the lane. Two pathways, one to the front door and one to the rear door, offer convenience for both the residents and visitors to the site.

The proposal also includes landscaping that utilizes existing vegetation, a variety of new plantings and fencing. The applicant has been able to retain four of the existing trees as shown on the landscape plan. Two deciduous trees are located at the corner of Harvey Avenue and Ethel Street, as well as a third deciduous tree along the Harvey Avenue frontage. A fourth coniferous tree will remain along the Ethel Street frontage. For the overall design, the applicant has retained a landscape architect who incorporates the noted existing vegetation with a variety of new deciduous trees, coniferous shrubs, deciduous shrubs, ornamental grasses as well as climbing vines. Overall, 275 plants are included in the landscape plan made up of nineteen species along with the four existing trees. At the corner of Harvey Avenue and Ethel Street, there will be a play area for the exclusive use of the in-house day care. The play area will be fenced and separated from the other outside areas of the site.

The architect has provided a façade for the building that combines functional material and traditional features. The proposed building is a four storey with a façade treatment of vinyl siding. The siding will include three colours and be placed on the walls in two directions. The colours of the vinyl include rustic red, clay and linen. The windows will be white vinyl and the decks will be covered with a bronze dec tec material. In reviewing the façade elements it should be noted that the suites within the building are oriented in a north - south direction with the east and west elevations being the sides of the suites.

The Ethel Street façade has the main entrance to the building. The entrance is defined with the use of an entrance canopy with a gable element that matches those gable elements on the roofline of the south and north faces. The entrance canopy provides a focal point to the east façade. The architect has utilized the rustic red colour to create a vertical element. Also adding to the vertical massing is the repetition of the windows above the entrance canopy. These windows create visual interest to the façade as well as providing light to the interior hallways. This face of the building façade also has the single storey day care facility with windows facing the play area.

The Harvey Avenue elevation uses the clay coloured siding on the main floor to provide a centre focal point for the building face. This is balanced by the use of the rustic red at each end of the building that creates a vertical element. The east corner of the facade is a one storey with a dark coloured roof, this is balanced by the use of the rustic red and clay colours on the second floor at the west end of the building face. The one storey section is located at the corner of Harvey Avenue and Ethel Street. Other features of the façade incorporate a repetition of balconies and windows for the units. The windows again have a strong presence due to the use of the wide trim feature.

The south face of the building faces the lane and the parking. This face incorporates a horizontal band of the rustic red along the second storey. The red band is further accentuated by a hip line roof. The windows and balconies provide a balance and rhythm to this face of the building. The roofline is accentuated by two dormers with design features.

The west face of the building faces residential that has a future land use designation of multiple family residential – medium density. This face of the building has a strong vertical rustic red element a hip line roof to break up the massing of the wall as well the use of balconies and a centre row of windows to create some visual interest.

The interior of the building includes an elevator and two sets of stairs access the upper floors, a mechanical room, meeting room, storage and janitor room, machine room, a care centre facility, laundry, a one bedroom suite, and two bedroom suites. Each suite has a laundry facility within the units and the laundry locate on the main floor is for the use of the care centre, office and meeting rooms. The three upper floors are all identical with two, two bedroom units and four, one bedroom units on each floor. The total number of units is twenty-one. The Building Department has identified a few changes for the location of the entrances to the mechanical room and the exit on the west face of the building. These items will be addressed in the Building Permit process.

The building has been designed to facilitate access for residents with physical disabilities with the elevator, the disabled parking, located appropriately close to an entrance, and two units that are designed for wheelchair accessibility. The provision of child care on the site is a very positive feature for the convenience of the residents and to help ensure a positive environment for the children.

The proposal as it compares to the RM5 – Medium Density Multiple housing is as follows:

CRITERIA	PROPOSAL	RM5 ZONE REQUIREMENTS
Site Area (m2)	1624 m2	1400 m2
Site Width (m)	33.84 m	30 m
Site Depth (m)	41.17 m	35 m
Site Coverage (%)	37 %	40 % and 50% including driveways and parking areas
Total Floor Area (m2)	1335.4 m2	
Net Floor Area (m2)		
F.A.R.		1.1
Storeys (#)	4 storeys and 14.78 m to the ridge	The lesser of 16.5 m or 4 storeys
Setbacks (m)		
- Front	6.0 m	6.0 m
- Rear	7.45 m Note 1	9.0 m except 7.5 m along a lane
- north Side	7.5 m	4.5 up to 2 ½ storey and 7.5 for that portion in excess on 21/2 storey
- South Side	8.5 m	4.5 up to 2 ½ storey and 7.5 for that portion in excess on 21/2 storey
Parking Stalls (#) residential	Note 2	1.25 per 1 bedroom unit X 12 = 15 1.5 per 2 bedroom unit X 7 = 11 required 26
Bicycle Parking	Class 1:10 bicycle parking stalls Class 2: 2 bicycle parking stalls Note 3	0.5 per dwelling unit Class1 0.1 per dwelling unit class 2
Landscaping		
- Front along Ethel	6.0 m of landscaping	Level 3 a minimum 3.0 metre landscape buffer required to separate uses from accent properties and will consist of a vegetative buffer or a continuous opaque barrier.
- Rear	7.45 m of landscaping	Level 3: 3.0 m minimum
- North Side along Harvey	7.5 m of landscaping	Level 3: 3.0 m minimum
- South Side along lane	4.0 m of landscaping from parking stall to building	Level 3: 3.0 m minimum
Private Open Space means a usable open area exclusive of required building setbacks (common or individual which is developed for the recreational use of the residents and may include balconies indoor common amenity space terraces, decks and level landscaped recreation areas.	Balconies: 94. m2 Common amenities: 39 m2 Landscape areas outside setbacks: 167 m2 Child and Day-care area :75 m2 Total:375 m2	15.0 m2 per one bedroom X 12= 180 m2 25.0 m2 per 2 bedroom X 7= 175 m2 Total:355 m2

Note1: The applicant has proposed a reduction in the rear yard setback of 1.55 m to permit the 7.45 m setback as proposed.

Note 2: The applicant has proposed a reduction in the parking requirement from the required 26 to 11 as proposed. The development is for special needs and low income residents and the reduction in parking has been supported by studies of previous developments with similar income levels. Parking for the care centre has not been included in the calculation as the facility is for the exclusive use of occupants of the building and is considered a common amenity.

Note 3: The bicycle parking stalls have been based on the 19 units. Two of the units are wheel chair units and will not provide a measurable impact on the requirement for bicycle parking. Therefore, they have been excluded for the bicycle parking calculation. The applicant will be installing 15 bicycle parking stalls on site with 3 racks of 5 bicycles.

4.2 Site Context



The subject property is located on Highway #97 at the intersection of Ethel. The adjacent zones and uses are, to the:

- North - RM5 – Medium Density Multiple Housing with an existing congregate complex and RU6 - Two family Residential with a future Land Use of Multi Family Residential High density. The north east corner is currently under application for a 12 storey apartment tower complex.
- East - RM5 – Medium Density Multiple Housing with an existing apartment complex
- South - RU6 – Two family Residential with a future Land use of Multi Family Medium Density
- West - RU6 – Two family Residential with a future Land use of Multi Family Medium Density

4.3 Existing Development Potential

The existing zone is RM5 – Medium Density Multiple Housing. The permitted uses within that zone are divided into two categories; principal uses and secondary uses. Within the category of principal uses, four uses are permitted; apartment housing, congregate housing, group homes – major, and stacked row housing. The secondary use category, which requires a principal use to be existing on site before a secondary use is permitted, are care centre – major, and home base business - minor. Definitions for these uses can be located within Section 2.3.3 of Zoning Bylaw 8000.

4.4 Current Development Policy

4.4.1 Kelowna Official Community Plan

The proposal is consistent with the Multi-Family Medium Density designation of the property in the Official Community Plan.

4.4.2 City of Kelowna Strategic Plan (1992)

The proposal is consistent with Primary Goal #9 and #10 of the Strategic Plan which states:

- Goal #9: “To support a pattern of integrated urban development which takes full advantage of the exiting social and physical infrastructure including roads, sewer systems, schools, parks and recreation facilities;”
- Goal #10 “To support a pattern of urban development which ensures there will be a full range of housing types, densities, sizes and prices/rents”.

5.0 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN GUIDELINES

The design has been reviewed by the RCMP to ensure that the project meets the crime prevention by design guidelines. The applicant has met these requirements. The exterior design includes such items as iron railings on the balconies, and windows on the south and north sides of the proposed building are consistent with CPTED principles. Also, the proposed iron rail fencing on the north and east property boundaries is an ideal treatment of the property edge, consistent with the same principles. It also provides the necessary separation for children residing on the property from traffic; a critical issue with the proximity of Highway 97 and the Ethel Street intersection. Within the CPTED guidelines the following points are related to care centres within multi-family residential developments:

- playgrounds should not be visible from the street in order to protect children from strangers and traffic;
- recreation areas, in particular, children's play areas, should be visible from a multitude of windows and doors.

A preferred location would be to switch the meeting room & storage area with the proposed day care and provide the play area to the south of the building. This option was presented to the applicant who explained they were aware of the guidelines and met with the local RCMP detachment who agreed that the location on the corner will assist the building in security as anyone on the street is immediately visible.

6.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

BC Gas

An existing 26 mm steel gas stub exists on site.

Fire Department

Access and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. A fire hydrant will be required within 45 m of the Fire Department siamese connection. As well, engineered fire flows will be required.

Inspection Services

The machine room and care centre shall not open into the lobby. The west exist shall open to the exterior and be separated from the corridor.

Ministry of Transportation

The Ministry has no objections to the proposal subject to the following conditions:

1. No direct access to Highway #97 will be permitted. **Achieved**
2. No on street parking is permitted. The Ministry is concerned with the amount of parking being proposed for this multi family development.
3. All drainage to be retained on site. **Achieved**

Parks Manager

1. The following applies for all boulevard (BLVD) landscape and park and is standard information required on a landscape plan:

A. Planting plan to include a proper plant materials list:

- I. Latin name
- II. common name
- III. size at planting
- IV. plant symbol key
- V. indicate existing trees

B. Plant material specifications are as follows:

- I. Deciduous Tree - calliper @300mm above rootball (min. 60mm)
- II. Deciduous Shrub - spread (min. 450mm)
- III. Coniferous Tree - height (min. 2.5m)
- IV. Coniferous Shrub - spread (min. 450mm)
- V. Seed/Sod Mix according to location and proposed activity use.

C. Shrub beds require plastic edge beside all areas abutting a city sidewalk of city land to prevent migration of mulch.

D. Scale of plan and north arrow clearly indicated on plan.

E. All plant materials (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by Parks Division. All materials located in BLVD to meet city standard for size and method of installation.

2. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
3. BLVD maintenance (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.
4. All BLVD tree maintenance is responsibility of Parks Division.
5. Planting plan to include all u/g utility locations in BLVD.

Telus

Telus will provide underground facilities to this development. The developer will be required to supply and install as per Telus policy.

West Kootenay Power

WKP will provide underground electrical service on behalf of City of Kelowna Electric Utility.

Works and Utilities

The Works & Utilities Department have the following requirements associated with this development application. The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit or subdivision approval, but are outlined in this report for information only.

1. Domestic Water and Fire Protection

- (a) The proposed development has two existing domestic water services, they are 13mm and 19mm. If a larger service is required the existing services must be disconnected. The cost for this disconnection is \$1,000.00. Levies are in place for this.
- (b) A new water service must be installed at the developer's cost to provide fire protection and domestic supply. The developers consulting Engineer must provide to the City of Kelowna their fire flow calculations.
- (c) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.

2. Sanitary Sewer

- (a) The existing parcel has three existing sanitary services. They are two 150mm diameter and one 100mm diameter. The proposed development should use one of the 150mm diameter services. The unused services must be disconnected at the developers cost. The cost for this disconnection is \$1,200.00. A levy is in place for this.

3. Storm Drainage

- (a) The proposed development site does not have a storm drainage service. A Storm sewer service must be provided at the developers cost.

- (b) The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Storm Water Management Policy and Design Manual. The plan must accommodate the requirements to contain a 1 in 10-year storm event within pipes and identify overland drainage routes for a 100-year storm event with consideration for upstream water sources and downstream facility upgrading and/or provision of storm water retention facilities. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), storm water services for each lot created and/or on-site drainage containment and disposal systems. The on-site drainage system may be connected to the street drainage system with an overflow service at the developer's cost, with approval from the City drainage engineer.

4. Road Improvements

- (a) Ethel Street must be upgraded to a full urban standard including curb and gutter, removal of the existing sidewalk and construction of a monolithic sidewalk, piped storm drainage system including catch basins, manholes/drywells, pavement widening, landscaped boulevard complete with underground irrigation system, ornamental street lights as required and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction – Design to be done to meet Highways standards.
- (b) The existing Harvey Avenue curb return, interlocking brick boulevard and the traffic signal will require relocation to match the new curb and sidewalk alignment on Ethel Street.

5. Road Dedication and Subdivision Requirements

- (a) Grants Statutory rights-of-way if required by utility services.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building as well as the local distribution wiring must be installed in an underground duct system, and the building must be connected by underground services. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

7. Street Lighting

Ornamental street lighting including underground ducts must be installed on all roads fronting on the proposed development. The cost of this requirement is included in the roads upgrading item.

8. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked “issued for construction” by the City Engineer before construction may begin.

9. Development Cost Charge Reduction Consideration

The proposed construction on Road is eligible to receive a DCC credit for a portion of the pavement widening on Ethel Street. The amount of the DCC credit will be determined when the design engineer has submitted construction tender costs. DCC credit cannot exceed the actual DCC assessed by the City, nor shall it exceed the actual cost of construction as is substantiated by the actual construction cost.

10. Geotechnical Report

As a requirement of this application and/or prior to issue of subdivision preliminary layout review (PLR) by the Approving Officer, the applicant must provide a comprehensive Geotechnical report prepared by a Professional Engineer qualified in the field of hydro-Geotechnical survey to address the following:

- (a) Area ground water characteristics, including water sources on the site and overland surface drainage courses traversing across or influencing this property.
- (b) Site suitability for development; i.e. hillside, unstable soils, etc.
- (c) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.

- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

11. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

12. Bonding and Levy Summary

(a) Bonding

A performance bond is in place for Ethel Street and the lane improvements required.(\$38,000.00). If there is a new owner, they may be required to supply a new bond that will include 2001 cost estimates.

The owner must also enter into a servicing agreement in a form provided by the City prior to issuance of a building permit.

13. Development Permit and Site Related Issues

- (a) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures.

- (b) The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of drywells and perforated pipe bedded in drain rock.

(c) DVP01-10044:

The Works and Utilities Department do not support the reduction of parking requirements to 11 stalls and 2 handicap stalls. Sufficient parking is required as determined by the zoning bylaw.

Parking access from the lane requires an additional 1.2m in depth.

(d) Access and Manoeuvrability

The site plan should illustrate the ability of an SU-9 vehicle to manoeuvre onto and off-site without requiring a reverse movement onto public roadways.

14. Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as 3% of the total off-site construction costs, not including design. 7% GST will be added.

7.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

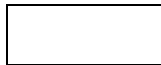
The Planning and Development Services Department have reviewed the proposal and have met with the applicant to discuss the project. Although concerns were addressed with the location of the day care area, the applicant has located it in that position after consulting with several special interest groups. Overall, the design of the building is enhanced by using the corner as a low, one storey focal area to the larger scale of the remainder of the building.

The variances are being supported partly as a result of the applicant's willingness to enter into a housing agreement on the site for special needs and low cost housing. The applicant has also supplied a parking study done on low income housing in that the residents do not have the same ratio of automobiles to number of residents as a traditional housing development. The housing agreement will be registered on title and the low cost housing nature of the site will be retained should the property be sold. Based on these restrictions, the parking variance can be supported by the Planning and Development Services Department. The variance for the rear yard is supported as this is a corner lot. The transition to the next lot fronting Highway #97 would have the rear of this site being their side yard. The variance requested is very close to a side yard in the RM5 – Medium Density Multi-Family zone.

In light of the above, the Planning and Development Services Department requests Council's favourable consideration for this application.

Andrew Bruce
Current Planning Manager

Approved for inclusion



R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning and Development Services

BW/hb
Attach.

FACT SHEET

1. **APPLICATION NO.:** DP01-10,044/DVP01-10,045
2. **APPLICATION TYPE:** Development Permit and a Development Variance Permit
3. **OWNER:** Farnholtz Enterprises Ltd.
 . **ADDRESS** #18-4857 37th Street
 . **CITY** Drayton Valley, Alberta
4. **APPLICANT/CONTACT PERSON:** Scuka Enterprises
 . **ADDRESS** 881 Highway 33 East
 . **CITY** Kelowna, BC
 . **POSTAL CODE** V1X 6V1
 . **TELEPHONE/FAX NO.:** 765-0136/765-7826
5. **APPLICATION PROGRESS:**
 Date of Application: June 19, 2001
 Date Application Complete: N/A
 Servicing Agreement Forwarded to Applicant: N/A
 Servicing Agreement Concluded: N/A
 Staff Report to Council: N/A
6. **LEGAL DESCRIPTION:** Lot A Plan KAP52605, DL 138, ODYD
7. **SITE LOCATION:** Ethel to south west corner of the intersection at Harvey
8. **CIVIC ADDRESS:** 1720 Ethel Street
9. **AREA OF SUBJECT PROPERTY:** 1624 m²
10. **EXISTING ZONE CATEGORY:** RM5 – Medium Density Multi Family
11. **PURPOSE OF THE APPLICATION:** A four Storey multi family apartment housing unit
12. **MIN. OF TRANS./HIGHWAYS FILES NO.:** For information only
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY
13. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** N/A

ATTACHMENTS
(missing from electronic version)

Subject Property Map
Site elevations
State of Title