
CITY OF KELOWNA

MEMORANDUM

Date: June 10, 2003
File No.: OCP03-0005, Z03-0019, DP03-0038, DVP03-0039

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. OCP03-0005, Z03-0019 OWNER: George Kasdorf

AT: 1038-1040 Cawston Avenue APPLICANT: George Kasdorf

PURPOSE: TO AMEND THE OFFICIAL COMMUNITY PLAN TO ALLOW A FUTURE LAND USE DESIGNATION OF MULTI-UNIT RESIDENTIAL (LOW DENSITY) WHERE THE EXISTING FUTURE LAND USED DESIGNATION IS SINGLE/TWO UNIT HOUSING.

TO REZONE THE PROPERTY FROM RU6 – TWO DWELLING HOUSING TO RM1- FOUR-PLEX HOUSING.

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW A LOT WIDTH OF 18.6M WHERE 20.0M IS REQUIRED.

TO OBTAIN A DEVELOPMENT PERMIT FOR A MULTI-FAMILY DEVELOPMENT.

EXISTING ZONE: RU6 – TWO DWELLING HOUSING

PROPOSED ZONE: RM1 – FOUR-PLEX HOUSING

REPORT PREPARED BY: KEIKO NITTEL

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP03-0005 to amend Map 19.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of Strata Lot 1, DL 138, ODYD, Strata Plan KAS2488 located on Cawston Avenue, Kelowna, B.C., from the Single/Two Unit Residential designation to the Multiple Unit Residential (Low Density) designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated June 9, 2003 **not** be considered by Council

AND THAT Rezoning Application No. Z03-0019 to amend City of Kelowna Bylaw No. 8000 by changing the zoning classification of Strata Lot 1, DL 138, ODYD, Strata Plan KAS2488, located

on Cawston Avenue Kelowna, B.C., from the RU6- Two Dwelling Housing zone to the RM1 – Fourplex Housing zone **not** be approved by Council;

AND THAT Council **not** authorize the issuance of Development Variance Permit No. DVP03-0039; (Strata Lot 1, DL 138, ODYD, Strata Plan KAS2488, located on Cawston Avenue, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 **not** be granted:

Section 13.7.4 – Four-plex Housing

A variance to allow a site width of 18.60 metres where 20.0 metres is the minimum site width permitted.

2.0 SUMMARY

The applicant has made application for an amendment to the Official Community Plan (OCP), a Rezoning, a Development Permit, and a Development Variance Permit in order to legalize an existing four-plex. There is currently a building permit approving the construction of a two storey semi-detached building (2 units). The applicant, however, has created two additional dwelling units on the main floor of the building thus creating a four-plex building.

3.0 ADVISORY PLANNING COMMISSION

The above noted application was reviewed the Advisory Planning Commission at the meeting of May 6, 2003 and the following recommendations were passed:

That the Advisory Planning Commission not support Official Community Plan Amendment No. ODP03-0005 and Rezoning Application No. 0019, 1038-1040 Cawston Avenue, Lot CP, Plan K2488, Sec. 30, Twp. 26, ODYD, George Kasdorf, to amend the Official Community Plan, Future Land Use from Single/Two Unit Residential to Multiple Unit Residential (Low Density), and to rezone from the RU6- Two Dwelling Housing zone to RM1- Four-plex Housing zone in order to allow for the construction of two additional dwelling units in the basement of an existing semi-detached housing.

4.0 BACKGROUND

4.1 The Proposal

The applicant is seeking to rezone the subject property from its current designation of RU6 - Two Dwelling Housing to RM1 – Four-plex Housing. The subject property is located mid-block in an area with a future land use designation of One/Two Unit Housing. The applicant therefore requires an OCP amendment to change the future land use designation to multi-unit residential (low density) in order to proceed with the rezoning application.

The subject property, however, does not meet the lot width requirements of the RM1 zone. The minimum lot width in the RM1 zoning is 20.0m. As the subject property has a lot width of only 18.6 metres, a Development Variance Permit is also required. The applicant also requires a Development Permit to address form and character of a multi-family development.

A building permit approved the construction of a two storey, two unit building consistent with the regulations of the existing RU6 zone. The applicant, however, proceeded to create an additional two dwelling units by developing a kitchen and living room on each side in the area on the main floor shown as unfinished on the building permit plans. A four-plex building was thus created. Each of the additional ground level dwelling unit consists of living/dining room, kitchen, bathroom, and two bedrooms. In addition, each unit has a ground level patio or balcony

providing private open space to the tenants of the building. At the rear of the property, accessed from the lane, sufficient parking is provided with space for 6 vehicles.

The exterior of the building is finished with beige vinyl siding. The trim and window frames are white and the roofing consists of a brown asphalt shingles. Chain linked fencing is provided at the front and side of the property. Landscaping consists of juniper shrubs and two evergreen trees planted amongst a gravel front yard with cedars planted along the front property line. The rear yard is grassed with plantings of cedars and an additional two evergreen trees.

The application meets the requirements of the proposed RM1- Four-plex Housing Zone as follows:

CRITERIA	PROPOSAL	RM1 ZONE REQUIREMENTS
Site Area (m ²)	790m ²	700m ²
Site Width (m)	18.6m ^❶	20.0m
Site Depth (m)	42.5m	30.0m
Site Coverage (%)	27.9% / 45%	40% (50% including buildings, driveways and parking)
F.A.R.		0.60
Height (m)	6.5m	9.5m
Storeys (#)	2	2.5
Setbacks (m)		
- Front (south)	4.57m	4.5m
- Rear (north)	14.17m	7.5m 1.5m to parking
- Side (east)	2.57m	2.5m to flanking street 3.0m to parking
- Side (west)	2.57m	2.5m 1.5m to parking
Private Open Space	263.5m ²	25.0m ² per dwelling with more than 1 bedroom (100.0m ²)
Parking Stalls (#)	6 stalls (parking cannot be located within 1.5.m of sideyards)	6 stalls (1.5 m per 2 bedroom dwelling unit)

❶ A variance is required to allow a site width of 18.6m where 20.0m is required.

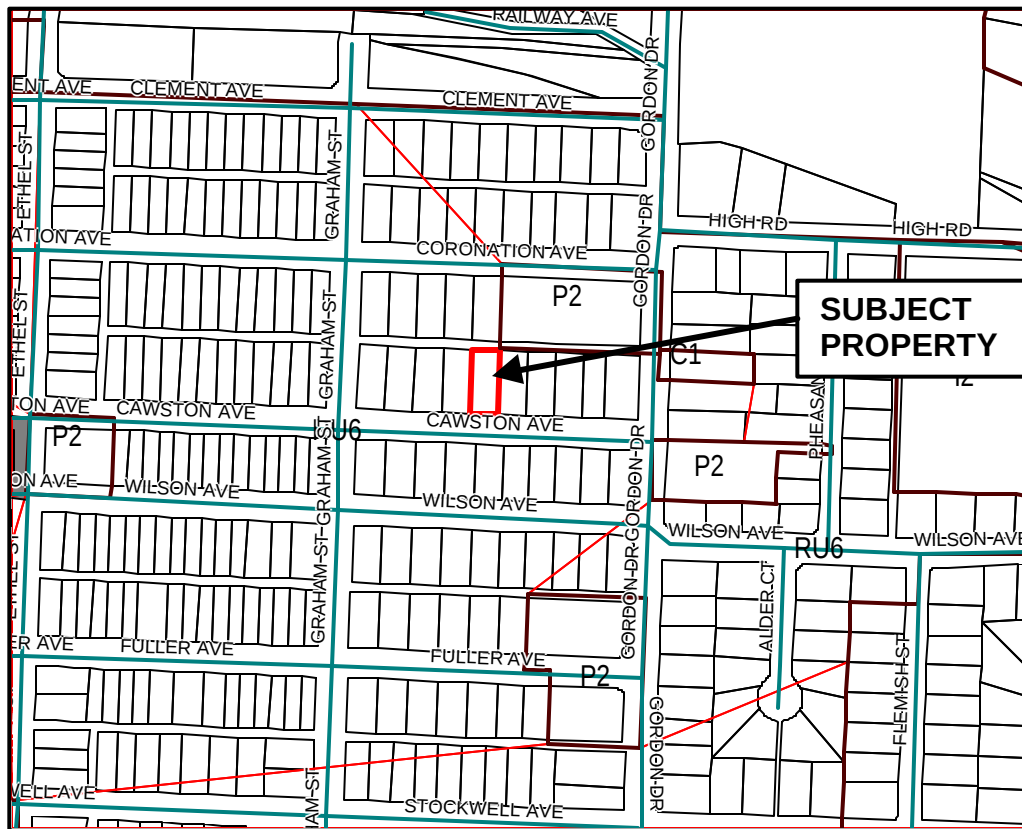
4.2 Site Context

The subject property is located is RU6 – Two Dwelling Housing zoning. The purpose of the RU6 zone is to provide for development of a maximum of two dwelling units in the form of single detached, duplex, or semi-detached housing or single detached housing with secondary suites.

Adjacent zones and uses are:

- North - RU6 – Two Dwelling Housing - Single detached house
- East - RU6 – Two Dwelling Housing – Single detached house
- South - RU6 – Two Dwelling Housing – Single detached house
- West - RM5 – Medium Density Multiple Housing - Apartments

Site Location Map



4.3 Existing Development Potential

The purpose of RU6 – Two dwelling housing zone is to provide for development of a maximum of two dwelling units in the form of single detached, duplex, or semi-detached housing or single detached housing with secondary suites. Principal uses include duplex housing, semi-detached housing and single detached housing. Secondary uses include bed and breakfast homes, boarding or lodging houses (RU6b only), care centres (major), home based businesses (major & minor), and secondary suites.

4.4 Current Development Policy

4.4.1 Kelowna Official Community Plan

The proposal is not consistent with the designation of Single/Two Unit Residential in the Official Community Plan future land use designation. The Single/Two Family Residential designation covers single detached homes for occupancy by one family, single detached homes with a secondary suite, semi-detached buildings used for two dwelling units, and complementary uses (OCP, Chapter 15). The subject property is located mid-block within an area with a future land use designation of Single/Two unit residential.

In addition, the OCP offers the following guidelines for Multi-Dwelling development:

Relationship to the Street

- First storey units should ideally provide ground-level access and outdoor amenity space
- The principle front entranceway should be clearly identified and in scale with the development.

Building Massing

- Developments with multiple, separate buildings should be designed in such a manner that individual buildings contain different, but compatible shapes, masses, and/or exterior finishes.
- Developments should be sensitive to and compatible with the massing and rhythm of the established streetscape.
- Sub-roofs, dormers, balconies, and bay windows should be encouraged.

Walls

- End walls visible from a public street or residential lot should be finished to provide an attractive appearance. Blank or solid walls (without glazing) should not be longer than 5 m. Walls longer than 5 m should incorporate wall detailing that will provide visual interest.

Crime Prevention

- Guidelines for Crime Prevention Through Environmental Design Guidelines (CPTED) should be followed.

Amenities

- Appropriate high quality public spaces, which provide links to surrounding areas and open space relief within the development should be encouraged.

Parking

- Underground parking is encouraged.

4.4.2 City of Kelowna Strategic Plan (1992)

The City of Kelowna Strategic Plan encourages the development of a more compact urban form by increasing densities through infill and redevelopment within existing urban areas and to provide for increased densities within future urban areas. Also redeveloping transitional area to increase densities for more efficient use of existing land. Also recommended is that the City will emphasize a density of development higher than presently occurring to allow for more efficient use of the land.

4.4.5 Crime Prevention Through Environmental Design

The City of Kelowna Crime Prevention Through Environmental Design guidelines include the following suggestions for Multiple Unit Residential Developments;

Natural Surveillance

- building entrances and exterior doors should be clearly visible from the street or by neighbours;
- all four facades of a building should have windows;
- visitor parking should be designated;
- parking areas should be visible from windows and doors;
- parking areas and pedestrian walkways should be well-lit;
- dumpsters should not create blind spots or hiding areas;
- elevators and stairwells should be clearly visible from windows and doors;
- buildings should be sited so that the windows and doors of one unit are visible from another;

Territorial Reinforcement

- property lines should be defined by landscaping or fencing which does not create a visual barrier;
- building entrances should create a strong sense of identity and presence on the street with the use of architectural elements, lighting and /or landscaping;
- balconies should be large enough to provide a useable activity area for residents, thereby increasing influence over the adjacent neighbourhood;

Natural Access Control

- balcony railings should never be a solid opaque material;
- entrances into parking lots should be defined by landscaping, or architectural design;
- access to the building should be limited to no more than two points.

Target Hardening

- cylinder dead bolt locks should be installed on all exterior doors;

5.0 TECHNICAL COMMENTS

5.1 Aquila Networks Canada
No additional requirements.

5.2 Terasen Utility Corp.
No comment.

5.3 Canada Post
Will NOT require the installation of centralized mail delivery equipment.

5.4 Fire Department
No objections

5.5 Inspections Department
A permit was issued for a semi-detached dwelling with a partially finished basement. The area where the kitchen and living room were constructed

without permits was shown as unfinished. We have not issued a Occupancy Permit. The applicant constructed the building in anticipation of the suite being permitted and the life safety requirements of the Code have been met.

5.6 Ministry of Transportation
No objection

5.7 Public Health Inspector
No comment.

5.8 RCMP
No comment.

5.9 School District No. 23
No response.

5.10 Shaw Cable
No comment.

5.11 Telus
TELUS will provide aerial service.

5.12 Works & Utilities
The Works & Utilities Department has the following requirements associated with this application to rezone from RU6 to RM1.

1. Domestic Water and Fire Protection

The existing lot is serviced with two 19mm diameter water services. One larger service will likely be required for the RM1 zoning and can be provided by City forces at the owner's cost. Water service issues will be reviewed by Inspection Services when a Plumbing Permit application is obtained. Decommissioning and removal of any unused water service will be by City forces at the applicant's cost. When the new larger water service is installed, the applicant will be required to pay the City for a new water meter of appropriate size.

2. Sanitary Sewer

(a) The existing lot is serviced with a 100mm-diameter sanitary sewer service, which should be adequate for the proposed application. If the existing sanitary service is retained, an inspection chamber (IC) must be installed on the service at the owner's cost as required by the sewer-use bylaw.

3. Storm Drainage

(a) There are no existing Storm Drainage Systems on Cawston Avenue fronting this property. A storm drainage service will not be requested for the proposed development. A ground recharge will be needed for site drainage disposal.

4. Road Improvements

(a) Cawston Avenue must be upgraded to a full urban standard including curb and gutter, fillet pavement, monolithic sidewalk, piped storm drainage system landscaped boulevard, and adjustment and / or re-location of existing utility appurtenances if required to accommodate this construction. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be \$9,900.00, not including utility service costs

(b) The rear lane has been upgraded to a paved standard. No further upgrades are required.

5. Road Dedication

By registered plan to provide the following:

(a) Grant statutory rights-of-way if required for utility services.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building are installed in an underground duct system. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for new services and modifications to the existing services, which would be at the applicant's cost.

7. 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.

8. Development Permit and Site Related Issues

The requested Lot Width Variance does not compromise Works and Utilities servicing requirements. The on-site parking area must have a dust free surface. 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.

9. OCP Amendment

Works & Utilities have no concerns or requirements of the OCP amendment application

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning & Development Services Department has several concerns at this time. The subject property is in a mid-block location and in an area intended to be retained as low density single detached / duplex development. Staff feel there is no need to consider higher density in this neighbourhood when there are other areas more appropriately located that would support this type of conversion. The Department therefore does not feel this is an appropriate location for a low density multiple family housing development at this time.

The applicant consulted with City staff prior to the construction of the present building and was told that the use of a four-plex would not be supported. The applicant, however, proceed with the construction of the two additional units without the appropriate permits. He wanted to view the building as a duplex with suites, which cannot be accommodated in the RU6 zone. This type of use demonstrated its intrusiveness in low density neighbourhoods by the evidence of public hearings dealing with such buildings in the past. That is why the use is considered a four-plex and requires a multi-residential designation in the OCP. In addition, the subject property does not meet the lot width requirement for RM1 zoning thus requiring a development variance permit.

The applicant has also been required to apply for a development permit to address issues of form and character of the proposed multi-family development. As the applicant has recently completed the building, it is unlikely that there will be any significant changes to the exterior appearance of the building. Staff feels that the existing building lacks character and would require the addition of significant architectural detailing to visually enhance its appearance from Cawston Avenue. In addition, what little landscaping is provided on site is unremarkable. In particular, the gravel front yard does little to enhance the visual appearance of the proposed multi-family development.

ALTERNATE RECOMMENDATIONS

THAT OCP Bylaw Amendment No. OCP03-0005 to amend Map 19.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of Strata Lot 1, DL 138, ODYD, Strata Plan KAS2488 located on Cawston Avenue, Kelowna, B.C., from the Single/Two Unit Residential designation to the Multiple Unit Residential (Low Density) designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated June 9, 2003, be considered by Council

AND THAT Rezoning Application No. Z03-0019 to amend City of Kelowna Bylaw No. 8000 by changing the zoning classification of Strata Lot 1, DL 138, ODYD, Strata Plan KAS2488, located on Cawston Avenue, Kelowna, B.C., from the RU6- Two Dwelling Housing zone to the RM1 – Fourplex Housing zone be approved by Council;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Inspection Services Department being completed to their satisfaction;

AND THAT the OCP Bylaw Amendment No. OCP03-0005 and zone amending bylaw be forwarded to a Public Hearing for further consideration.

Andrew Bruce
Development Services Manager

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Corporate Services
Approved for inclusion ☐

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Attach.

FACT SHEET

1. **APPLICATION NO.:** OCF03-0005, Z03-0019, DP03-0038, DVP03-0039
2. **APPLICATION TYPE:** Official Community Plan Amendment, Rezoning, Development Permit, Development Variance Permit
3. **OWNER:** George Kasdorff
ADDRESS 384 Uplands Court
CITY Kelowna, BC
POSTAL CODE V1W 4J7
4. **APPLICANT/CONTACT PERSON:** George Kasdorff
ADDRESS 384 Uplands Court
CITY Kelowna, BC
POSTAL CODE V1W 4J7
TELEPHONE/FAX NO.: 764-2444
5. **APPLICATION PROGRESS:**
Date of Application: April 14, 2003
Date Application Complete: April 14, 2003
Servicing Agreement Forwarded to Applicant:
Servicing Agreement Concluded:
Staff Report to APC: April 29, 2003
Staff Report to Council: June 9, 2003
6. **LEGAL DESCRIPTION:** Strata Lot 1, DL 138, ODYD, Strata Plan KAS2488
7. **SITE LOCATION:** on Cawston Avenue between Gordon Drive and Ethel Street
8. **CIVIC ADDRESS:** 1038-1040 Cawston Avenue
9. **AREA OF SUBJECT PROPERTY:** 790m²
10. **AREA OF PROPOSED REZONING:** 790m²
11. **EXISTING ZONE CATEGORY:** RU6 – One/Two Unit Housing
12. **PROPOSED ZONE:** RM1 - Fourplex Housing

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| 13. PURPOSE OF THE APPLICATION: | <p>To amend the Official Community plan to allow multi-unit residential (low density) where the existing future land used designation is One/two Unit Residential.</p> <p>To obtain rezone the property from RU6 – Two Dwelling Housing to RM1-Four-plex Housing.</p> <p>To obtain a development variance to allow a lot width of 18.6m where 20.0m is required.</p> <p>To obtain a development permit for a multi-family development (four-plex).</p> |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY | n/a |
| 15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | Multi-Family Housing Development Permit |

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plans
- Floor plans
- Elevations
- Landscaping Plans
- Photographs