
CITY OF KELOWNA

MEMORANDUM

Date: January 19, 2004

File No.: DP03-0146

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. DP03-0146

OWNER: Georg-Michael Holzey Ltd.

AT: 350 Prince Edward Drive

APPLICANT: John Hertay

PURPOSE: THE APPLICANT IS SEEKING COUNCIL APPROVAL FOR THE CONSTRUCTION OF A SINGLE FAMILY DWELLING MEASURING 1591m² IN A NATURAL ENVIRONMENT/HAZARDOUS CONDITIONS DEVELOPMENT PERMIT AREA

EXISTING ZONE: A1 – AGRICULTURE 1

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP03-0146 for Remainder North-East Quarter, Section 7, Township 23, ODYD located on Prince Edward Drive, 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 complete a wildland fire assessment and mitigation plan with a covenant registered on title;
5. The applicant be required to protect all remaining land on the subject property with slopes greater than 30% with a no-disturb covenant;
6. The applicant be required to submit an environmental report that includes a mitigation plan (monitoring, tree and vegetation replacement);
7. The applicant be required to post with the City a Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the

estimated value of the habitat restoration and enhancement, as determined by an environmental report;

8. The applicant must either post with the City a Performance Security deposit in the form of a "Letter of Credit" in amount of 140% for the estimated costs of an on-site reservoir that will provide adequate fire flows to the proposed home or come to agreement and pay a yet to be determined share of a local upgrade to the water system in order to achieved a water pressure that will satisfy the required fire flows.
9. The applicant be required to extend the access easement on Lot N/W ¼, Township 23, Section 8 to cover the proposed alignment of the driveway.

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

2.0 SUMMARY

The applicant is seeking Council approval for the construction of a single family dwelling in a natural environment/hazardous condition Development Permit area.

3.0 BACKGROUND

3.1 The Proposal

House

The applicant is seeking Council approval for the construction of a single family dwelling in an environmental Development Permit area. The proposed single family dwelling will measure approximately 1591m² in size. The house will be 2.5 storey's in height and will be built to complement the natural topography of the existing hillside. The house itself will have two double garages, 6 bedrooms, a large central kitchen and living room, 6 bedrooms, a library and fitness area. The lower floor of the house will also sport two swimming pools as well as large play room, media room and spa area. The house will also include a small lofted area above the kitchen.

Environment/Landscaping and Fire Protection

Upon the recommendation of a Registered Forester the applicant is proposing the following fuel modification measures on the subject property:

- Tree spacing around the proposed dwelling with removal of trees with branches overhanging eaves. Applicant has proposed a 30m buffer around the proposed house.
- Tree spacing over the entire property and removal of ladder fuels (3m spacing).
- Registration of Section 219 Restrictive Covenant requiring future fire proofing/maintenance on-site.

The applicant is also proposing to hydroseed all slopes that are disturbed during construction as well as provide a variety of soft and hard landscape features around the dwelling to buffer the impact. The proposed retaining wall at the rear of the dwelling originally exceeded the height requirements of Zoning Bylaw No.8000; however, the applicant has revised the plans in order to meet the bylaw. The revised wall now rises in 1.2m vertical increments while stepping back 1.2m in between.

The application meets the requirements of the A1 – Agriculture 1 zone as follows:

CRITERIA	PROPOSAL	A1 ZONE REQUIREMENTS
Lot Size (m ²)	28296m ²	
Lot Width (m)	375m	
Lot Depth (m)	110m	
House Size	1591m ²	
Storeys (#)	2.5	
Site Coverage	5.6%	10% (max.)
Setbacks		
Front Yard	7.6m	6.0m
Side Yard (n)	40m+	3.0m
Side Yard (s)	40m+	3.0m
Rear Yard	50m+	10.0m

4.2 Site Context

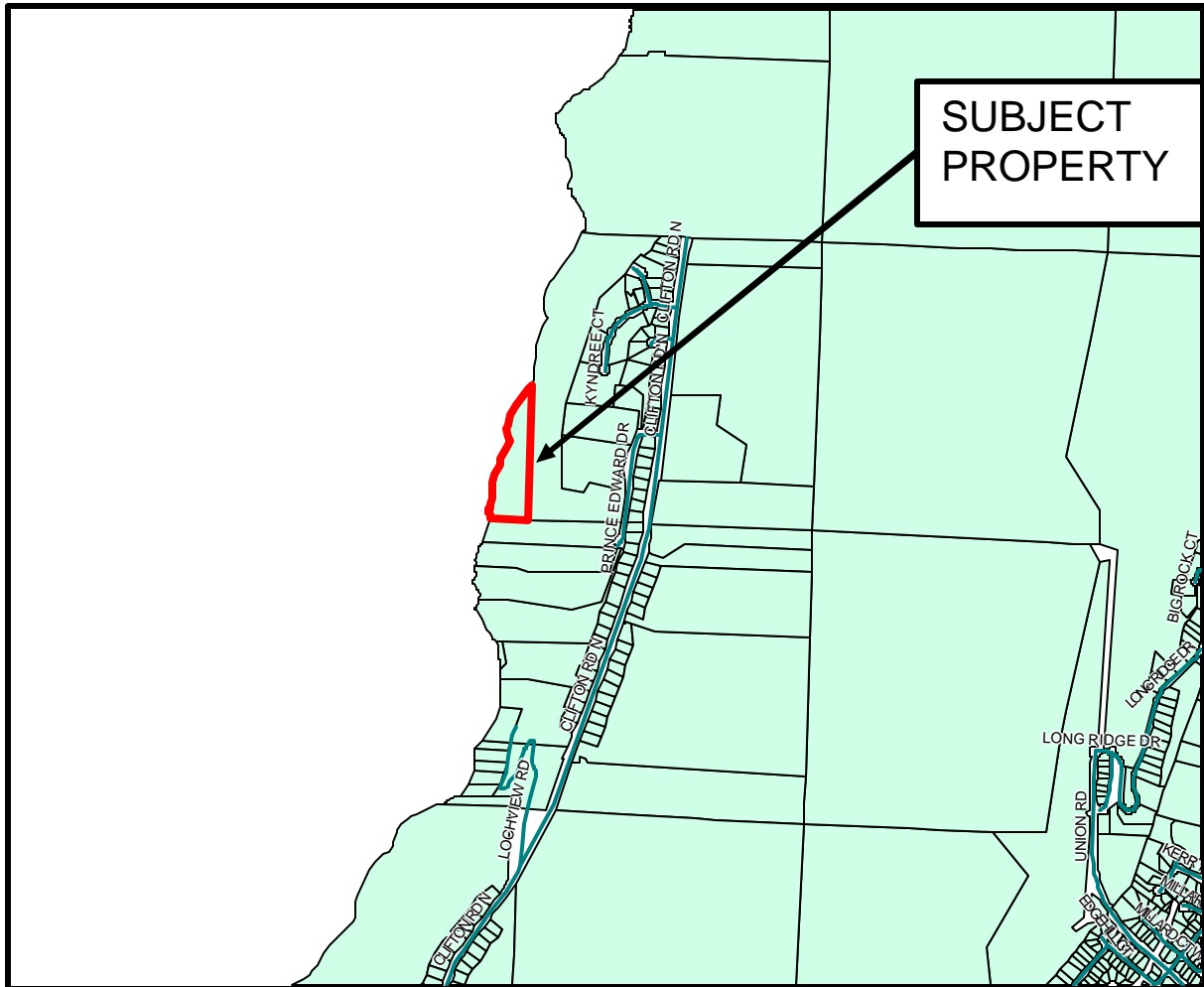
Subject property is located at the south end of Prince Edward Drive, however access provided via an access easement from the south (Lochview Road).

Adjacent zones and uses are:

- North - A1 – Agriculture 1
- East - RR3 – Rural Residential 3 – Single Family Dwelling
- South - A1 – Agriculture 1 – Single Family Dwelling
- West - Okanagan Lake

4.3 Site Location Map

Subject Property: 350 Prince Edward Drive



4.5 Current Development Policy

4.5.1 Kelowna Official Community Plan

a) Development Permit Guidelines for the Protection of the Natural Environment, its Ecosystems and Biological Diversity

Guidelines for Development

i) Preservation of Natural Areas

- Retain mature vegetation wherever possible and incorporate into the design of the project.

- Demonstrate that a diligent effort has been made in site design to preserve both the natural vegetation and tree cover.
- Require that where land and/or natural vegetation is disturbed or damaged that the area be restored and/or replanted with plan material indigenous to the area.

ii) Slopes

- Development will be directed to appropriate areas with slopes averaging less than 30%. Where it can be demonstrated that the proposed development will be sensitively integrated with the natural environment and will present no hazards to persons or property, development may be permitted on land with a natural slope that averages greater than 30%.
- The pattern of development in hillside areas should be responsive to the varied topography, taking advantage of views and the surrounding natural landscape by emphasizing cluster development.
- Limit building heights to the height of the existing tree cover.
- Maintain visibility to vegetative backdrop from off-site.
- Step back building on each floor to reflect the slope of the site.
- Minimize impervious paving surfaces to reduce storm runoff.

b) Development Permit Guidelines for the Protection of Development from Hazardous Conditions

Guidelines for Development

i) Wildland Fire

- Remove and dispose of all dead trees and continue to keep the land free of accumulation of and dead trees.
- Located building sites in the flattest areas and avoid gullies or draws that accumulate fuel and funnel winds.
- Remove and dispose of all tree limbs and shrubs that overhang roofs or grow under building eaves and maintain this condition.
- Establish a defensive space around all buildings by: spacing of all coniferous trees and maintaining and pruning of all remaining trees; remove and dispose of all needles, dead twigs and branches and maintain lands free of such accumulation; retaining or planting acceptable vegetation such as watered/mowed lawns, low shrubs, deciduous trees and pruned/spaced coniferous trees.
- Clean up and dispose of combustible material remaining from construction as soon as construction is complete.

5.0 TECHNICAL COMMENTS

This application was circulated to various departments and agencies and the following comments were received:

5.1 Works and Utilities Department

- 5.1.1 The existing water system on Prince Edward Road is not able to supply adequate Fire Flows for this residence. The City Water Division will need to review the system capabilities once the fire flow requirements are determined. The applicant's Engineer will need to determine and provide Fire Underwriter Survey calculations for Fire Flow requirements. Upgrades to the existing system are anticipated and the applicant will need to install and/or pay for these works.
- 5.1.2 For the onsite watermain, the applicant's Engineer will need to confirm that it is capable of supplying the fire flows required. Depending on the fire flows required, additional hydrants may be needed.
- 5.1.3 The applicant provided a design for a private watermain extension through an adjacent lot to the proposed house. A private easement agreement should be obtained from the adjacent owner. As this is a private water line, the design drawings should not use City of Kelowna standard title blocks as this implies City ownership which it is not. The Building and Plumbing code regulations apply to construction.
- 5.1.4 The City Environmental Section should review the watermain alignment and the affects on the lands.
- 5.1.5 Hydrant locations and access should be reviewed by the Fire Department.
- 5.1.6 Backflow prevention is required but will be reviewed by the Cross Connection Control Program Coordinator (Cam Moody 862-5510 242) at time of building permit.
- 5.1.7 A new service connection/service stub will be required and the existing 19mm (3/4") service must be removed. This will be done by the City at the cost of the owner at the time of Building Permit.

5.2 Inspection Services

- Fire truck access not to exceed 12% slope.
- Driveway easement to be extended.

- Professionals are required for design and inspection in the following disciplines: structural/architectural/mechanical/plumbing/electrical.
- An alarm system is required because there are sleeping accommodations for in excess of 10 persons.
- Fire flows FUS calculations are required.

5.3 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law. This building appears to fall under part 3 of the BCBC as it is over 600m². Engineered fire flows will be required and should determine hydrant requirements. As this is a recognized wild fire hazard area, an interface hazard assessment is required by a recognized professional. Access road to be a minimum of 6m at a maximum of 12% grade. Adequate turnaround facilities to be provided.

3.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has no concerns with the proposed development permit. The applicant has gone to great lengths in order to design a residence which complements the existing topography in the area. The Planning and Corporate Services Department has made the applicant aware that there are issues regarding water pressure in this area to overcome in order for the proposed development to meet the required fire flows. The applicant is currently exploring both site specific and neighborhood solutions to improve water pressure in this area. The applicant must resolve these issues prior to the issuance of a building permit.

Andrew Bruce
Development Services Manager

Approved for inclusion

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

RM/AB/rs

FACT SHEET

1. **APPLICATION NO.:** DP03-0127
2. **APPLICATION TYPE:** Development Permit (Natural Environment)
3. **OWNER:** Georg Michael Holzey Ltd.
· **ADDRESS** #102-260 Harvey Avenue
· **CITY** Kelowna, BC
· **POSTAL CODE** V1Y 7S5
4. **APPLICANT/CONTACT PERSON:** As Above. (John Hertay)
· **ADDRESS**
· **CITY**
· **POSTAL CODE**
· **TELEPHONE/FAX NO.:** 763-8848
5. **APPLICATION PROGRESS:**
 Date of Application: November 4, 2003
 Date Application Complete: November 4, 2003
 Servicing Agreement Forwarded to Applicant: N/A
 Servicing Agreement Concluded: N/A
 Staff Report to APC: N/A
 Staff Report to Council: January 16, 2003
6. **LEGAL DESCRIPTION:** Remainder North-East Quarter, Section 7, Towns 23, ODYD
7. **SITE LOCATION:** Subject property is located at the south end of Pri Edward Drive, however access provided via an acc easement from the south (Lochview Road).
8. **CIVIC ADDRESS:** 350 Prince Edward Drive
9. **AREA OF SUBJECT PROPERTY:** 28296m²
10. **AREA OF PROPOSED REZONING:** N/A
11. **EXISTING ZONE CATEGORY:** A1 – Agriculture 1
12. **PROPOSED ZONE:** N/A
13. **PURPOSE OF THE APPLICATION:** THE APPLICANT IS SEEKING COUNCIL APPROV FOR THE CONSTRUCTION OF A SINGLE FAM DWELLING MEASURING 1591m² IN A NATUF ENVIRONMENT/HAZARDOUS CONDITIC DEVELOPMENT PERMIT AREA
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** N/A
 NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY

**15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS**

- Environmental DP area.
- Natural Environment Hazardous Conditions DP area

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Photographs
- Contour map showing area of excavation and fill
- Rendering