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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** December 16, 2003  
**File No.:** DP03-0130/DVP03-0131

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO.** DP03-0130/  
DVP03-0131

**OWNER:** Kenneth Charles Dickson  
Gebhard Charles Wager  
Cynthia Louise Willison

**AT:** 1451 Bertram Street

**APPLICANT:** City Square Holdings  
(Ernie Rempel)

**PURPOSE:** TO CONSTRUCT A 4.5 STOREY, 25 UNIT CONGRGATE HOUSING BUILDING

TO VARY THE SIDE YARD SETBACKS FROM 7.5M REQUIRED TO 1.5M PROPOSED

TO VARY PRIVATE OPEN SPACE FROM 190M<sup>2</sup> REQUIRED TO 114M<sup>2</sup> PROPOSED

TO VARY THE LOT COVERATE FROM 60% PERMITTED FOR BUILDINGS AND PARKING TO 74.8% PROPOSED

TO VARY THE LOT COVERAGE FROM 50% PERMITTED FOR BUILDINGS TO 55.6% PROPOSED

VARY THE MAXIMUM HEIGHT FROM 4 STOREYS PERMITTED TO STOREYS PROPOSED

VARY THE SETBACK FOR PARKING IN A SIDE YARD FROM 1.5M TO 0.0M

VARY THE SETBACK FOR REFUSE/RECYCLING BINS FROM 3.0M REQUIRED TO 0.0M PROPOSED

**EXISTING ZONE:** RM5 – MEDIUM DENSITY MULTIPLE HOUSING

**REPORT PREPARED BY:** RYAN SMITH

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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## **1.0 RECOMMENDATION**

THAT Council not authorize the issuance of Development Permit No. DP03-0030 for Lot 3, Block E, District Lot 139, ODYD Plan 2345, located on Bertram Street, Kelowna, B.C;

AND THAT Council not authorize the issuance of Development Variance Permit No. DVP03-0131; Lot 3, Block E, District Lot 139, ODYD Plan 2345 , located on Bertram Street, Kelowna, B.C.

## **2.0 SUMMARY**

The applicant is proposing to construct a 24 unit congregate care building. The five storey building will take on an art-deco style and is intended to house senior citizens requiring semi-independent type of lifestyle.

The subject property is currently zoned RM5 – Medium Density Housing. The applicant is seeking a number of variances including variance to side yard setbacks, variance to private open space requirements, variance to lot coverage and variance to building height.

## **3.0 ADVISORY PLANNING COMMISSION**

At the regular meeting of November 4, 2003 it was resolved:

THAT the Advisory Planning Commission not support Development Variance Permit Application No. DP03-0131, 1451 Bertram Street, Lot 3, Plan 2345, Sec 24, Twp. 26, ODYD, by City Square Holdings (Ernie Rempel), to obtain a Development Variance Permit to vary the side yard setback from the 7.5 m required to the 1.5 m proposed for both sides; to vary private open space from the 190 m<sup>2</sup> required to the 114 m<sup>2</sup> proposed; to vary the lot coverage from the 60% permitted for building and parking, to the 74.8% proposed; to vary the lot coverage from the 50% permitted for buildings, to the 55.6% proposed; and to vary the setback for parking in a side yard from the 1.5 m permitted to the 0.0 m proposed.

As the Development Variance Permit was not supported there is no recommendation for Development Permit Application No. DP03-0130. The APC did note that they are prepared to reconsider the Development Variance Permit application should revised plans be provided reducing the number or extent of the variances being requested.

\* Note: The applicant has considered the feedback offered by the Advisory Planning Commission and has elected not to revise the proposal.

## **4.0 BACKGROUND**

### **4.1 The Proposal**

The subject property is currently zoned RM5 – Medium Density Housing. The applicant is proposing to construct a 24 unit congregate care building. The five storey building is intended to house senior citizens requiring a semi-independent type of lifestyle.

The proposed art-deco style building rises four storeys from Bertram Street before stepping back for the fifth storey. The applicant is proposing to create rooftop patio areas on the fifth storey. The applicant is proposing to finish the exterior of the building in two tones of beige stucco with a terracotta trim around the windows. Each unit will have a small patio with sliding door. Patios will appear on the east, west and south facing elevations.

Twelve parking stalls will be provided on-site. Nine stalls will be located under a portion of the building and the remaining three will be located at the rear of the subject property. The three stalls at the rear of the property infringe on the required 1.5m setback and will require a variance. On grade at the front of the building is located a kitchen and common room. The common room opens onto an outdoor garden-style patio. Above the main floor are located 21 units spread over three floors and 3 units located on the fifth storey. Units vary between 48m<sup>2</sup> and 68m<sup>2</sup> and will only accommodate a hotplate and bar fridge to fit the congregate care definition.

The applicant is seeking a number of variances for the proposed development including variance to side yard setbacks, variance to private open space requirements, variance to lot coverage and variance to building height.

The application meets the requirements of the RM5 – Medium Density Multiple Housing zone as follows:

CRITERIA	PROPOSAL	RM5 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	967m <sup>2</sup> (existing)	1400m <sup>2</sup>
Lot Width (m)	15.54 (existing)	30.0m
Lot Depth (m)	62.42	35.0m
Building Coverage (%)	55.6%❶	50%
Total Site Coverage (%)	74.8%❷	60%
Total Floor Area (m <sup>2</sup> )	1257.1m <sup>2</sup>	N/A
Floor Area Ratio (FAR)	1.3	1.3 (Parking Under Building Provided)
Parking Spaces	12	10 (1 per 3 beds + 1 for each staff)
Bicycle Parking Class 1 (0.5 Per Unit)	1	1
Bicycle Parking Class 2 (0.1 Per Unit)	5	5
Storeys (#)	5❸	4
Private Open Space	114m <sup>2</sup> ❹	190m <sup>2</sup>
Setbacks (m)		
- Front	6.0m	6.0m
- Rear	12.0m	7.m
- Side (n)	1.5m❺	7.5m
- Side (s)	1.5m❻	7.5m
Refuse/Recycling Bin Setbacks	0.0m❼	3.0m (from abutting residential \zones)

❶Note: Applicant seeking to vary the maximum site coverage for buildings.

❷Note: Applicant seeking to vary the maximum site coverage for buildings and parking.

❸Note: Applicant seeking to vary maximum height.

❹Note: Applicant seeking to vary private open space.

❺Note: Applicant seeking to vary side yard setback (n).

❻Note: Applicant seeking to vary side yard setback (s).

❼Note: Applicant seeking to vary refuse/recycling bin setback.

#### 4.2 Site Context

The subject property is located on the east side of Bertram Street between Bernard Avenue and Doyle Avenue.

Adjacent zones and uses are:

North - RM5 – Medium Density Multiple Housing  
 East - RU6 – Two Dwelling Housing  
 West - RM5 – Medium Density Multiple Housing  
 South - RM5 – Medium Density Multiple Housing

**Apartment and Townhouses:** Encourage development to contribute to the City's goal of, over the 1994-2013 timeframe, having 67% of new

residential units be in the form of apartments, townhouses (and cluster housing), or other multiple unit buildings.

**Housing Variety:** Encourage the development of a variety of housing forms to ensure that the housing supply meets the needs of Kelowna's diverse population and satisfies a range of life cycle and lifestyle choices.

**Affordable and Special Needs Housing:** Encourage the private sector to provide housing that is innovative and affordable and that is targeted to groups identified in the Housing Study, a Housing Reserve Fund Bylaw, or in a list published by the City.

### **Objectives for Multiple Unit Residential Development**

- All development within Urban Centers and Village Centers should contribute to the creation of pedestrian-oriented streets and public spaces.
- All development should contribute to a sense of community and sense of place.

## **5.0 TECHNICAL COMMENTS**

### **5.1 Works and Utilities Department**

The Works & utilities Department has the following comments and requirements associated with this application for the proposed 4 storey Congregate Care Housing Complex. The existing parcel is zoned RM-5. The road and utility upgrading requirements outlined in this report are provided for information purposes.

#### **5.1.1 Domestic Water and Fire Protection**

a) The existing water main within Bertram Street fronting on the proposed development site is 200mm in diameter.

b) The proposed development site is serviced with a 13mm-diameter water service. The developer must engage a consulting mechanical engineer to determine the domestic and fire flow requirements of this development, and establish the required service size. Disconnection of unused existing services and the tie-in of the new service must be by City crews and will be at the applicant's cost.

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.

d) The boulevard irrigation systems must be integrated with the on-site irrigation system.

#### 5.1.2 Sanitary Sewer

- a) Sanitary sewer service for this development will be provided from a 200mm diameter sanitary sewer main on Bertram Street.
- b) The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish the required service size.
- c) Removal and capping of the existing 100mm sanitary service and the tie-in of the new service must be by City crews and will be at the applicant's cost.

#### 5.1.3 Storm Drainage

- a) There are no existing Storm Drainage Systems on Bertram Street fronting this development. It will be necessary for this development to extend the existing piped storm drainage system and install a catch basin and manhole to complete the road frontage upgrading. The cost of this is included in the road upgrading items.
- 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 5-year storm event within pipes and identify overland drainage routes for a 100-year storm event with consideration for upstream water sources. The storm water management plan must also include provision of lot grading plan, 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 proposed street drainage system with an overflow service at the developer's cost, if that is a suitable alternative.
- c) Storm drainage systems for the site will be reviewed and approved by Engineering when a site servicing design is submitted.

#### 5.1.4 Road Improvements

- a) Bertram Street must be upgraded to a full urban standard (SS-R5) along the full frontage of this proposed development, including curb and gutter, monolithic sidewalk, piped storm drainage system including catch basins, manholes / dry-wells and pavement widening. Also required is a landscaped boulevard complete with underground irrigation system, street lighting required and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The estimated cost for this construction for budget purposes is \$17,000.00.
- b) The rear lane must be upgraded to a paved standard and installation of a drainage system including catch basin with dry-well.

The estimated cost of this construction for bonding purposes is \$9,200.00.

#### 5.1.5 Road Dedication and Subdivision Requirements

a) By registered plan to provide the following:

Grant Statutory Rights Of Way if required for utility services.

#### 5.1.6 Electric Power and Telecommunication Services

a) 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.

#### 5.1.7 Street Lighting

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

#### 5.1.8 Engineering

a) 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.

#### 5.1.9 Geotechnical Report

a) Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

b) The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.



- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of building structures.
- (v) Suitability of on-site disposal of storm water, including effects upon adjoining lands in accordance with the Subdivision, Development and Servicing Bylaw, Schedule 4 Sanitary Item 2.18.
- (vi) Recommendations for property line locations and ground water disposal locations.
- (vii) Recommendations for items that should be included in a Restrictive Covenant.
- (viii) Any items required in other sections of this document.
- (ix) Recommendations for roof drains and perimeter drains.

#### 5.1.10 Survey Monuments and Iron Pins

a) 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.

#### 5.1.11 Development Permit and Site Related Issues

b) A site grading plan, a site servicing plan and a storm drainage plan are a requirement of this application. Site servicing issues and road access will be further reviewed and comments related to site development will be addressed when a detailed site development design or building permit application is received.

c) 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.

d) A bike rack must be provided in accordance with current bylaws and policies.

#### 5.1.12 Access and Manoeuvrability

a) Perimeter access must comply with the BC Building Code.

#### 5.1.13 Development Variance Permit

a) The Development Variance Application to vary setbacks does not compromise Works and Utilities servicing requirements.

#### 5.1.14 Bonding and Levy Summary

##### a) Bonding

Bertram Street Frontage Improvements  
\$17,000.00

Rear Lane  
\$9,200.00

Total \$26,200.00

NOTE: The bonding amount shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided as a condition of building permit issuance, and may be in the form of cash or an irrevocable letter of credit, in an approved format.

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

##### b) Levies

No levies are applicable. Off-site service connection costs will be included in the servicing agreement.

#### 5.1.15 Administration Charge

a) An administration charge is applicable to this development in the amount of 3%(+ GST) of the total off-site servicing costs. The administration charge will be assessed and must be paid prior to release of any security deposits.

5.2 Inspections Services Department

1. At 1.5 m from the property line the building will dominate the adjacent properties.

2. The water table should be established to ensure the building can be lowered in to the ground as proposed. Apartments in the area have had the grade altered to meet the height regulations of the bylaw and Code. This will be difficult with a 1.5 m side yard.

5.3 Terasen Utility Services

No comment.

5.4 Shaw Cable

Owner/developer to supply and install underground conduit system as per Shaw Cable drawings and specifications.

5.5 Telus

Required to supply and install conduit as per TELUS policy.

5.6 Public Health Inspector

Approval in principal. Compliance must be met with applicable food premise regulations.

5.7 Aquila Networks Canada

No comment.

5.8 Fire Department

Fire Department access and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows will be required within 45m of fire department connection.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department is generally supportive of the concept of the proposed development. The general concept of this development is considered appropriate as a medium density infill development. Due to the size of the subject property, staff acknowledge that several variances are required to achieve the desired density on the site. Staff are prepared to support all variances associated with this application except for the proposed height variance. Due to the proximity of the proposed structure to the side lot lines staff are unable to support a height variance and recommend that the applicant revisit the plan to reduce the height in order to meet the bylaw standards.

The Planning and Corporate Services Department will not support this proposal as long as a height variance is required. Should the applicant present a revised plan where the building height is reduced, staff will reconsider the plan with a 3.5 or 4 storey building.

The Planning and Corporate Services Department has provided 2 alternate recommendations for Council's consideration.

Alternate Recommendation 1 would allow the approval of the development as proposed (4.5 storeys). Alternate Recommendation 2 would the development with a reduced building height (to meet the zoning bylaw).

The Planning and Corporate Services Department will support Alternate Recommendation #2.

#### 7.0 ALTERNATE RECOMMENDATION #1

THAT Council authorize the issuance of Development Permit No. DP03-0030 for Lot 3, Block E, District Lot 139, ODYD Plan 2345, located on Bertram 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;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP03-0131; Lot 3, Block E, District Lot 139, ODYD Plan 2345 , located on Bertram Street, Kelowna, B.C.;

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

#### **Section 13.11.5: Development Regulations: Subsection: 13.11.5(b):**

Applicant seeking to vary the maximum site coverage for buildings from 50% permitted to 55.6% proposed.

#### **Section 13.11.5: Development Regulations: Subsection: 13.11.5(b):**

Applicant seeking to vary the maximum site coverage for buildings and parking from 60% permitted to 74.8% proposed.

#### **Section 13.11.5: Development Regulations: Subsection: 13.11.5(c):**

Applicant seeking to vary the maximum height from 4 storeys permitted to 4.5 storeys proposed.

#### **Section 13.11.6: Development Regulations: Subsection: 13.11.6(a):**

Applicant seeking to vary the private open space from 190m<sup>2</sup> required to 114m<sup>2</sup> proposed.

**Section 13.11.5: Development Regulations: Subsection: 13.11.5(e):**

Applicant seeking to vary the side yard setback from 7.5m required to 1.5m proposed for both the northern and southern side yards.

**Section 7.3: Refuse and Recycling Bins: Subsection: 7.3.6:**

Applicant seeking to vary the 3.0m setback for refuse/recycling bins from abutting residential zones to 0.0m proposed.

**8.0 ALTERNATE RECOMMENDATION #2**

THAT Council authorize the issuance of Development Permit No. DP03-0030 for Lot 3, Block E, District Lot 139, ODYD Plan 2345, located on Bertram 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;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP03-0131; Lot 3, Block E, District Lot 139, ODYD Plan 2345, located on Bertram Street, Kelowna, B.C.;

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

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Applicant seeking to vary the maximum site coverage for buildings and parking from 60% permitted to 74.8% proposed.

**Section 13.11.6: Development Regulations: Subsection: 13.11.6(a):**

Applicant seeking to vary the private open space from 190m<sup>2</sup> required to 114m<sup>2</sup> proposed.

**Section 13.11.5: Development Regulations: Subsection: 13.11.5(e):**

Applicant seeking to vary the side yard setback from 7.5m required to 1.5m proposed for both the northern and southern side yards.

**Section 7.3: Refuse and Recycling Bins: Subsection: 7.3.6:**

Applicant seeking to vary the 3.0m setback for refuse/recycling bins from abutting residential zones to 0.0m proposed.

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Andrew Bruce  
Development Services Manager

Approved for inclusion

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

RM/AB/rs  
Attach

## FACT SHEET

1. **APPLICATION NO.:** DP03-0130/DVP03-0131
2. **APPLICATION TYPE:** Development Permit/Development  
Variance Permit
3. **OWNER:** Kenneth Charles Dickson  
Gebhard Charles Wager  
Cynthia Louise Willison  
    . **ADDRESS** 526b Bernard Avenue  
    . **CITY** Kelowna, BC  
    . **POSTAL CODE** V1Y 6P1
4. **APPLICANT/CONTACT PERSON:** Ernie Rempel  
    . **ADDRESS** 1934 McDougall Street  
    . **CITY** Kelowna, BC  
    . **POSTAL CODE** V1Y 1A2  
    . **TELEPHONE/FAX NO.:** 765-9062
5. **APPLICATION PROGRESS:**  
    **Date of Application:** October 16, 2003  
    **Date Application Complete:** October 16, 2003  
    **Servicing Agreement Forwarded to Applicant:** N/A  
    **Servicing Agreement Concluded:** N/A  
    **Staff Report to APC:** November 4, 2003  
    **Staff Report to Council:** December 16<sup>th</sup>, 2003
6. **LEGAL DESCRIPTION:** Lot 3, Block E, District Lot 139, ODYD  
Plan 2345
7. **SITE LOCATION:** The subject property is located on the east side  
Bertram Street between Bernard Avenue ;  
Doyle Avenue.
8. **CIVIC ADDRESS:** 1451 Bertram Street
9. **AREA OF SUBJECT PROPERTY:** 967m<sup>2</sup>
10. **AREA OF PROPOSED REZONING:** N/A
11. **EXISTING ZONE CATEGORY:** RM5 – Medium Density Housing
12. **PROPOSED ZONE:** N/A

**13. PURPOSE OF THE APPLICATION:**

TO CONSTRUCT A 4.5 STOREY, 25 UNIT CONGRG HOUSING BUILDING

TO VARY THE SIDE YARD SETBACKS FROM 7.5M REQUIRED TO 1.5M PROPOSED

TO VARY PRIVATE OPEN SPACE FROM 190M<sup>2</sup> REQUIRED TO 114M<sup>2</sup> PROPOSED

TO VARY THE LOT COVERATE FROM 60% PERMITTED TO BUILDINGS AND PARKING TO 74.8% PROPOSED

TO VARY THE LOT COVERAGE FROM 50% PERMITTED TO BUILDINGS TO 55.6% PROPOSED

VARY THE MAXIMUM HEIGHT FROM 4 STOREYS PERMITTED TO STOREYS PROPOSED

VARY THE SETBACK FOR PARKING IN A SIDE YARD FROM 1.5M TO 0.0M

VARY THE SETBACK FOR REFUSE/RECYCLING BINS FROM 3.0M REQUIRED TO 0.0M PROPOSED

**14. MIN. OF TRANS./HIGHWAYS FILES NO.:  
NOTE: IF LANDS ARE WITHIN 800 m OF A  
CONTROLLED ACCESS HIGHWAY**

N/A



**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Location of subject property
- Site plan
- Floor plans
- Elevations
- Landscaping plan
- Sample Board