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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** December 31, 2003  
**File No.:** **Z03-0062/DP03-0155**

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO. Z03-0062**  
DP03-0155

**OWNER:** ROBTREE ENTERPRISES  
INC. NO. 386006

**AT:** 2629 RICHTER STREET

**APPLICANT:** ROBERT GASPARI

**PURPOSE:** TO REZONE THE SUBJECT PROPERTY FROM THE RU6 – TWO DWELLING HOUSING ZONE TO THE RM1 – FOUR-PLEX HOUSING ZONE

**EXISTING ZONE:** RU6 – TWO DWELLING HOUSING

**PROPOSED ZONE:** RM1 – FOUR-PLEX HOUSING

**REPORT PREPARED BY:** RYAN SMITH

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

**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z03-0062 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 135, ODYD Plan 11018, located on Richter Street, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RM1 – Four Plex Housing zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property.

**2.0 SUMMARY**

The applicant is seeking to rezone the subject property from the RU6-Two Dwelling Housing zone to the RM1-Four-Plex Housing zone to accommodate the construction of a four-plex. A six stall carport and two stacked parking spaces will be provided off the rear lane.

### 3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of December 9, 2003 it was resolved:

THAT the Advisory Planning Commission support application Z03-0062 to rezone from the RU6-Two Dwelling Housing zone to the RM1-Four Plex Housing zone in order to allow for a four plex housing development.

AND THAT the Advisory Planning Commission support application DP03-0155 to obtain a Development Permit to allow for the construction of a four-plex on the subject property.

### 4.0 BACKGROUND

At the present time a single family dwelling with a secondary suite (legal) exists on the subject property.

#### 4.1 The Proposal

The applicant is seeking to rezone the subject property from the RU6-Two Dwelling Housing zone to the RM1-Four-Plex Housing zone to accommodate the construction of a four-plex.

The up and down, side by side type four-plex will be located in the centre of the lot with all the required parking to be located off the lane at the rear of the property. A carport will cover six of the required parking stalls and the remaining two stalls will be located (stacked) along the side property line to the north. The proposed building is two storeys in height. Both units at grade will have access from the lane and from Richter Street, while the two units above will have door access at grade facing Richter Street only. All entrances to the proposed building will be covered. Each unit will have four bedrooms and two bathrooms. The units on the upper floor both have decks facing onto Richter Street as well as decks facing onto the lane. The proposed building will be finished with a khaki/grey vinyl siding and the trim will be accented in a maroon shade.

The front and rear elevations demonstrate sufficient architectural detail as to present some visual appeal; however, both side elevations lack any such detail other than window openings.

The applicant has provided a detailed landscape plan and is attempting to retain as much of the existing vegetation as possible.

The application meets the requirements of the RM1 – Four-Plex Housing zone as follows:

CRITERIA	PROPOSAL	RM1 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	1154m <sup>2</sup>	700m <sup>2</sup>
Lot Width (m)	21.47m	20.0m
Lot Depth (m)	53.21m	30.0m
Lot Coverage %	30.8% (buildings) 40.0% (Parking)	40.0% 50.0%
Floor Area Ratio (FAR)	0.56	0.6
Grade level Unit Size	325m <sup>2</sup>	
Upper Floor Unit Size	328m <sup>2</sup>	
Parking Spaces	8	8
Storeys (#)	2 storeys	2.5 storeys
Private Open Space	250m <sup>2</sup>	100m <sup>2</sup>
Bicycle Parking (not shown on site plan)	4 stalls	4 stalls
Setbacks (m)		
- Front	8.5m	4.5m
- Rear	18.44m	6.0m
- Side (n)	3.1m	2.5m
- Side (s)	2.5m	2.5m

#### 4.2 Site Context

The subject property is located on the east side of Richter Street between Wardlaw Avenue and Kinnear Avenue. This property was included in the South Pandosy/KLO Sector Plan.

Adjacent zones and uses are:

North - RU6 – Two Dwelling Housing – Single family dwelling  
 East - RU6 – Two Dwelling Housing – Single family dwelling  
 South - RU6 – Two Dwelling Housing – Single family dwelling  
 West - P3 – Parks and Open Space – Osprey Park

The future land used designation for the subject property identified in the Official Community Plan is Multiple Unit Residential – low density transition.

#### 4.5.2 Kelowna Strategic Plan (1992)

- Support a pattern of urban development which ensures there will be a full range of housing types, densities, sizes and prices/rents;
- Develop a more compact urban form by increasing densities through infill and re-development within existing urban areas and to provide for higher densities within future urban areas.
- In its planning for new urban areas, the City will emphasize a density of development higher than presently occurring in the City to allow for more efficient use of land. The City will, however, allow for differing densities and scale of development in new urban areas to provide for choice in urban environments and to protect environmentally sensitive areas.

#### 4.5.3 South Pandosy/KLO Sector Plan

##### Residential Housing Objectives:

- Ensure that the form, height, density and character of residential development fits with and enhances the sector;
- Establish a sensitive transition between various forms of residential development, and between residential development and other uses;
- Encourage a wide range of housing forms and tenures in the sector;

##### Multiple Family Location, Heights, Mass and Design Policies:

- Encourage multiple family development to concentrate around the Pandosy Urban Town Centre;
- Use building form, character, roof slopes, design details, landscaping, street orientation and other methods to reduce the impression of mass in multiple family development;

## 5.0 TECHNICAL COMMENTS

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

### 5.1 Works and Utilities Department

#### 5.1.1 Domestic Water and Fire Protection

- (a) The existing water distribution and fire protection system in this vicinity is sufficient to support the proposed development.

- (b) The existing lot is serviced with a small diameter copper water service, which is not sufficient for the proposed development. A new larger water service can be provided at the applicant's cost.
- (c) Decommissioning and removal of any unused water service will be at the applicant's cost.
- (d) 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.
- (e) The new water meter must be installed at the service inlet and inside the new building.

#### 5.1.2 Sanitary Sewer

- (a) The existing sanitary sewer system in the rear lane is sufficient to support the proposed development.
- (b) 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. If a larger sanitary sewer service is required, it can be provided at the owner's cost.
- (c) Decommissioning and removal of any unused sanitary service will be at the applicant's cost.

#### 5.1.3 Storm Drainage

- (a) There is no storm drainage main in Richter Street fronting on this parcel. It will be necessary for the developer to construct a storm pipe in Richter Street for the full frontage of property. The estimated cost of this storm main construction for bonding purposes is included in the road improvement bonding amount.
- (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) Provide a lot grading plan identifying the minimum basement elevation (MBE), on-site drainage containment and disposal systems.

#### 5.1.4 Road Improvements

- (a) Richter Street fronting this development must be upgraded to an arterial class 2 standard (SS-R12) including concrete curb and gutter, storm drainage system, fillet pavement, underground irrigation system, and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading 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 \$9,100.00, not including utility service costs

- (b) The rear lane must be upgraded to a paved standard. The estimated cost of construction for bonding purposes is \$6,500.00

#### 5.1.5 Road Dedication

By registered plan to provide the following:

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

#### 5.1.6 Electric Power and Telecommunication Services

On Richter Street the electrical and telecommunication services to this building as well as the local distribution wiring must be 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 these services which would be at the applicant's cost. Also for the lane the local distribution wiring may remain overhead.

#### 5.1.7 Geotechnical Report

As a requirement of this application and / or prior to issue of a building permit, 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.
- (b) Site suitability for development; i.e. 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, analyze 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.

#### 5.1.8 Bonding and Levy Summary

- (a) Bonding

Lane frontage improvements	\$ 6,500.00
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(b) Cash Levy

Richter Street Road frontage improvements	\$ 9,100.00
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NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated to include engineering design and contingency protection and do not including utility service costs. Bonding for required off-site construction must be provided as a condition of building permit issuance.

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

5.1.9 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.

5.1.10 Development Permit and Site Related Issues

- (a) The on-site parking area must be paved complete with a drainage collection system installed.
- (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.

5.1.11 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.

5.2 Inspection Services Department

- a) No concerns with the re-zoning.
- b) Applicant to ensure the amount of windows in side elevation does not exceed 8% of wall area.

5.4 Telus

TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.



5.5 Aquila

No comment.

5.6 Terasen

No comment.

5.7 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law. Engineered Fire flows will be required and should determine hydrant requirements. Existing flows may not be adequate.

5.8 Shaw Cable

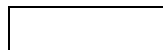
Owner/developer to supply and install an underground conduit system per Shaw Cable drawings and specifications.

4.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has no concerns with the proposed rezoning, however, would like to express several concerns related to the development permit. Staff would like to encourage the applicant to add some additional detail to both side elevations of the proposed building in order to break up the overall length and mass of the building as per the design guidelines in the South Pandosy/KLO Sector Plan. Staff also encourage that applicant consider adding some additional lighting to the exterior of the building and carport area as per CPTED guidelines.

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Andrew Bruce  
Development Services Manager



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

RM/AB/rs  
Attach.

## FACT SHEET

1. **APPLICATION NO.:** Z03-0062/DP03-0155
2. **APPLICATION TYPE:** Rezoning and Development Permit
3. **OWNER:** Robtree Enterprises Ltd., Inc. No.386006  
· **ADDRESS** 1606 Findlay Road  
· **CITY** Kelowna, BC  
· **POSTAL CODE** V1X 6B8
4. **APPLICANT/CONTACT PERSON:** Robert Gaspari  
· **ADDRESS#** 744 Patterson Avenue  
· **CITY** Kelowna, BC  
· **POSTAL CODE** V1Y 5C8  
· **TELEPHONE/FAX NO.:** 712-1074
5. **APPLICATION PROGRESS:**  
    **Date of Application:** November 12, 2003  
    **Date Application Complete:** November 12, 2003  
    **Servicing Agreement Forwarded to Applicant:** N/A  
    **Servicing Agreement Concluded:** N/A  
    **Staff Report to APC:** December 9, 2003  
    **Staff Report to Council:** N/A
6. **LEGAL DESCRIPTION:** Lot A, District Lot 135, ODYD Plan 11018
7. **SITE LOCATION:** The subject property is located on the east side of Richter Street between Wardlaw Avenue and Kinnear Avenue. This property was included in the South Pandosy/KLO Sector Plan.
8. **CIVIC ADDRESS:** 2629 Richter Street
9. **AREA OF SUBJECT PROPERTY:** 1142.42m<sup>2</sup>
10. **AREA OF PROPOSED REZONING:** 1142.42m<sup>2</sup>
11. **EXISTING ZONE CATEGORY:** RU6 – Two Dwelling Housing
12. **PROPOSED ZONE:** RM1 – Four-plex housing
13. **PURPOSE OF THE APPLICATION:** TO REZONE THE SUBJECT PROPERTIES FROM THE RU6 – TWO DWELLING HOUSING ZONE TO THE RM1 – FOUR-PLEX HOUSING ZONE
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** N/A  
**NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY**

**ATTACHMENTS**

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

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