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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** August 3, 2004  
**File No.:** DVP04-0050

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

APPLICATION NO. DVP04-0050

OWNER: R 370 ENTERPRISES LTD.,  
INC.NO. 567694

AT: 2455 QUAIL RIDGE BLVD

APPLICANT: KENNEDY CONSTRUCTION  
LTD. & KENNEDY HOMES  
LTD.

PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO LEGALIZE  
EXISTING OVER HEIGHT RETAINING WALLS.

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW  
PORTIONS OF DRIVING LANE OF 6.9 METRES WHERE 7.0 METRES  
IS REQUIRED.

EXISTING ZONE: CD6 – COMPREHENSIVE RESIDENTIAL GOLF RESORT

REPORT PREPARED BY: KEIKO NITTEL

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

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**1.0 RECOMMENDATION**

THAT Council authorize the issuance of Development Permit No. DVP04-0050, Lot 3, Section 22, Township 23, ODYD, Plan KAP52038 located on Quail Ridge Boulevard, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the retaining walls and road to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the retaining walls 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";

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

**Section 7.5.8**

- Vary the maximum permitted height of a retaining wall from 1.20 m permitted to allow retaining walls to be a maximum of 4.5 m in height.

**Section 8.1.12**

- To allow portions of driving lane to be 6.9 m where 7.0 m is required.

## 2.0 SUMMARY

The applicant previously obtained a development permit to allow for the construction of a 25-unit strata development located in Quail Ridge. In order to create the approved building sites, significant modification of the steep slope areas was required. During the blasting, the rock face of the slope began to degrade. At this time, construction of the subject over height retaining walls was required in order to stabilize the slope. In addition, while building the internal roads, the applicant reduced a portion of the driving aisle width in order to better facilitate driveway access to some of the units.

## 3.0 BACKGROUND

### 3.1 The Proposal

A development permit was previously approved for the construction of a 25-unit strata development in Quail Ridge consists of 2 semi-detached houses and 21 single detached houses located along two internal roads. The subject property is located on a hillside, with portions of the property having slopes 30% or higher. Five of the proposed dwellings are located in an area with slopes 30% or greater. In an effort to increase the developable area on site, the applicant was required to alter some of the existing slopes. By blasting into the hillside and using retaining walls, the applicant intended to “step” down portions of the steeper terrain in order to facilitate the layout of the proposed development. A condition of issuance of the development permit was that any retaining wall on site be required to meet the regulations of the Zoning Bylaw.

At the time of construction, however, the stepped down portions of the terrain (i.e. rock faces) began to degrade. As a result, the applicant was required to construct several over height retaining walls to support the slope. The applicant has backfilled against portions of the walls to mitigate their appearance from below. In addition significant landscaping, including the planting of vines, bushes, and trees will help to mitigate the appearance of the wall.

In addition, while constructing the internal roads, the developer reduced the width of a portion of one of the internal roads to better facilitate driveway access. Subsequently, a development variance permit application was required in order to legalize the existing over height retaining walls and the reduced width of the internal roadway.

The application meets the requirements of the proposed RM2- Low Density Row Housing as follows:

CRITERIA	PROPOSAL	RM2 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	16676m <sup>2</sup>	1000m <sup>2</sup>
Site Width (m)	191.0m	30.0m
Site Depth (m)	73.33	30.0m
Site Coverage (%)	27.92% (49.0%)	45% or 50% including buildings, driveways, and parking
F.A.R.	0.23 (approx. 0.39 if full basements are developed)	0.5
Height (m)	8.6m	9.5m
Storeys (#)	2.5 storeys	2.5 storeys
Site Setbacks (m)		
- Front (south)	4.5m	3.0m
- Rear (north)	17.5m	7.5m
- Side (east)	5.0m 17.5m	4.5m
- Side (west)	5.0m	4.5
Private open space	>25m <sup>2</sup> per unit	25m <sup>2</sup> per unit
Separation between principal buildings	3.0m	3.0m
Parking Stalls (#)	50 stalls	50 stalls (2 per 2 bedroom dwelling unit)
Driving Aisle	6.5m ❶	7.0 m
Retaining Walls	4.5m ❷	1.2m

❶ A variance to allow the driveway width to be 6.9 metres where 7.0 metres is required.

❷ A variance to allow retaining walls to be a maximum of 4.5 metres in height where only 1.2 metres is permitted.

#### 4.2 Site Context

The subject property is located on Country Club Drive within the Quail Ridge Development. Adjacent zones and uses are:

- North - CD6 – Single Detached Housing
- East - CD6 – Golf Course
- South - CD6 – Single Detached Housing
- West - CD6 – Vacant

- ## Site Location Map

- 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 Hillside Policies

The City of Kelowna's Official Community Plan (OCP) objectives and policies outline a clear course of direction for hillside development. The intent to minimize the effects of development on the natural environment of hillside areas, defined as lands in their natural state that have a slope angle of 10% and greater for a minimum height of 6 metres while preserving areas with slopes of 30% and greater. Effects to be minimized may include cuts and fills, tree cutting, regrading and the visual impact in general of urban development of hillsides. Development should 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%.

#### 4.4.2 City of Kelowna Strategic Plan (1992)

One of the objectives of the Strategic Plan is "to 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" (Objective 1.1).

#### 4.4.3 Quail Ridge Community Concept Development Plan

The Quail Ridge Community Concept Development Plan (CDP) specifies the location as multi-family. The proposed project is generally consistent with the Quail Ridge Community Concept Development Plan. The proposed development follows the general form and character for the village mixed use and multiple-family buildings as outlined in the CDP. A small area of the south end of the property adjacent to Capistrano Drive is designated a neighbourhood pocket park. Neighbourhood Pocket Parks are distributed throughout the residential areas. They have been selected for their suitability to host a variety of activity areas, for example informal sitting/viewing plazas, sculpture gardens or tot lot play areas. The applicant has not provided park space as part of the proposal.

At Quail Ridge, the natural topography and mature Ponderosa Pine tree cover embodies a distinctive character for the community. The development will protect 30% major sloped areas by restrictive covenants. Minor and site specific slope conditions within development areas will be dealt with during the development permit or subdivision approval process. Strict construction access and control will protect these areas. Sensitive development and landscaping will enhance and maintain the site for sustainable and effective use.

#### 4.4.4 Kelowna Hillside Development Guidelines (2001)

Kelowna's guidelines for development on hillsides are to be used to supplement the existing Kelowna Zoning Bylaw and the City of Kelowna Subdivision, Development and Servicing Manual. The guidelines include the following suggestions:

##### Site Layout

- Encourage cluster housing options that will retain larger amounts of open space, protect the natural environment and reduce grading and overall site disturbance.
- Road layout and lot configuration should respond to the natural features and attributes of the site without compromising public safety.
- Unique lot configuration and shared driveways may be required to minimize cut and fill or required to access smaller developable areas that can not be accessed by conventional roads.
- Building setbacks should be varied to complement the character of hillside settings and to protect slopes, ridges, or special features.
- Areas with significant trees and vegetation are to be identified, protected and incorporated onto the overall subdivision plan where environmental concerns, soil stability and buffers between development cells will enhance neighbourhood character and sustainability.

##### Natural Features

- Retain trees, and, or other vegetation on ridgelines so that the ridgeline is seen predominantly as a continuous line of natural terrain or vegetation.
- when developing on exposed slope areas, it is important that development patterns do not dominate the hillside landscape. Curvilinear roads, irregular lot shapes, retention of vegetation, maximization of open space and significant landscaping should be incorporated in designs to reduce the visual impact of development in exposed slope areas.

- scenic features such as rock outcrops, cliffs, unique vegetation, water bodies, wetlands and streams should be protected. Development around these features should complement the character of the feature rather than compete with it.
- site planning should emphasize the opportunity to provide views from hillside advantage points. This can be done staggering buildings, articulating rooflines, and by controlling building heights in a manner that will provide views to residences located on the upslope side of streets.
- The form and character of roads and structures are to complement the terrain and features associated with the surrounding hillsides, by balancing the need for cuts and fills in a way that will reduce overall visual impacts.

#### Architecture

- The architectural style of structures on hillsides should vary to complement and integrate buildings into specific visual and physical qualities of unique hillside settings.
- Building materials should reflect the natural qualities of the hillside setting (e.g., wood, rock, etc.).
- The use of shiny materials or highly reflective surfaces on the building exterior that will draw undue attention to a structure should be avoided.

### 5.0 TECHNICAL COMMENTS

#### 5.1 Fire Department

No comments.

#### 5.2 Inspections Services

The retaining walls are engineered. Soil Report, including B1 & B2, are required as part of the building permit application.

#### 5.3 Parks Manager

Parks recommends the retaining walls are landscaped with climbing vines, evergreen shrubs and trees to minimize its visual impact.

#### 5.4 Works & Utilities

The proposed retaining wall does not compromise W & U as far as servicing is concerned. The structure should be designed and certified by a structural engineer.

## 6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

While generally supportive of the overall form and character of the proposal, the Planning & Corporate Services Department was previously not supportive of the Development Permit required in order to develop five of the sites that are located within areas of 30% slope or greater. Council, however, approved the development permit to allow the proposal to proceed. The site preparation required to facilitate the layout of the approved development subsequently required significant blasting of the existing slopes. The blasting subsequently resulted in significant degradation of the slopes at the south end of the property. As a result, the construction of the subject retaining walls was required. The applicant has submitted an engineer's report confirm the stability of the wall.

While previously concerned with the development, Staff acknowledges that the proposed retaining walls are required in order to facilitate the layout of the development as per the approved development permit. The applicant has submitted a landscaping plan indicating how the visual impact of the retaining walls can be mitigated. In particular, the landscaping plan proposes the planting of english ivy, virginia creeper, and boston ivy at the top and base of the retaining walls. Overtime, the climbing vines are intended to cover the existing wall faces thus softening their appearance. The planting of oregon grape plants in areas in front of the retaining walls, as well as the planting of several trees adjacent to Capistrano Drive, will further soften the appearance of the over height retaining walls. In order to sustain the plantings, the applicant will be required to provide drip irrigation. The applicant has provided confirmation from an engineer that drip irrigation to support plants around walls areas is acceptable.

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Andrew Bruce  
Development Services Manager

Approved for inclusion ☐

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

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Attach.



**FACT SHEET**

1. **APPLICATION NO.:** DVP04-0050
2. **APPLICATION TYPE:** Development Permit
3. **OWNER:** R 370 ENTERPRISES LTD., INC.NO. 567694
  - **ADDRESS** P.O. Box 1047
  - **CITY** Kelowna, BC
  - **POSTAL CODE** VIY 7P7
4. **APPLICANT/CONTACT PERSON:** Kennedy Construction Ltd. & Kennedy Home Ltd. (Ed Kennedy)
  - **ADDRESS** P.O. Box 1047
  - **CITY** Kelowna, BC
  - **POSTAL CODE** VIY 7P7
  - **TELEPHONE/FAX NO.:** 860-9733
5. **APPLICATION PROGRESS:**
  - Date of Application:** May 21, 2003
  - Date Application Complete:** July 25, 2003
  - Servicing Agreement Forwarded to Applicant:** n/a
  - Servicing Agreement Concluded:** n/a
  - Staff Report to APC:** June 12, 2003
  - Staff Report to Council:** August 11, 2003
6. **LEGAL DESCRIPTION:** Lot 3, Section 22, Township 23, ODYD, Plan KAP52038
7. **SITE LOCATION:** on the northwest corner of Quail Ridge Boulevard and Capistrano Drive
8. **CIVIC ADDRESS:** 2455 Quail Ridge Boulevard
9. **AREA OF SUBJECT PROPERTY:** 16668m<sup>2</sup>
10. **AREA OF PROPOSED REZONING:** 16668m<sup>2</sup>
11. **EXISTING ZONE CATEGORY:** CD6- Comprehensive Golf Resort zone with a zoning covenant of R2A – Comprehensive Residential Development
12. **PROPOSED ZONE:** CD6- Comprehensive Golf Resort zone with a zoning covenant of RM2 – Low Density Row Housing
13. **PURPOSE OF THE APPLICATION:** TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO LEGALIZE EXISTING OVER HEIGHT RETAINING WALLS.  
TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW PORTIONS OF DRIVING LANE OF 6.9 METRES WHERE 7.5 METRES IS REQUIRED.  
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14. **MIN. OF TRANS./HIGHWAYS FILES NO.:**  
**NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY**
15. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** Multi-Unit DP/ Environmental

**ATTACHMENTS**

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

- Location of subject property
- Site plans
- Cross Sections
- Landscaping Plan
- Engineer's Report
- Photographs