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**CITY OF KELOWNA  
MEMORANDUM**

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**Date:** April 8, 2005  
**To:** City Manager  
**From:** Planning & Corporate Services Department  
**Subject:**

**APPLICATION NO.** Z05-0010      **APPLICANT:** Tessco Inc.  
(Ross Manning)

**AT:** 1327 St. Paul St.      **OWNER:** Tessco Inc.

**PURPOSE:** TO REZONE THE SUBJECT PROPERTY FROM RU6 – TWO DWELLING HOUSING ZONE TO C7 – CENTRAL BUSINESS COMMERCIAL

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

**PROPOSED ZONE** C7 CENTRAL BUSINESS COMMERCIAL

**REPORT PREPARED BY:** NELSON WIGHT

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### **1.0 RECOMMENDATION**

THAT Rezoning Application No. Z05-0010 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 139 Plan KAP77613, located on St. Paul Street, Kelowna, B.C. from RU6 – Two Dwelling Housing zone to C7 – Central Business Commercial 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 and Development Variance Permit on the subject property;

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

### **2.0 SUMMARY**

This rezoning application seeks to rezone the subject property from RU6 – Two Dwelling Housing zone to C7 – Central Business Commercial to allow for the construction of a mixed use building. This building is to be comprised of 52-unit apartment building above ground floor commercial space and parking.

### **3.0 ADVISORY PLANNING COMMISSION**

At a meeting held on March 1, 2005 the Advisory Planning Commission reviewed this application, and the following recommendation was passed:

THAT the Advisory Planning Commission support application Z05-0010 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 25, 26, 26, and 28 Plan 645, located at 1321, 1327, 1331, and 1335 St. Paul Street, Kelowna, B.C. from RU6 – Two Dwelling Housing zone to C7 – Central Business Commercial zone.

## 4.0 BACKGROUND

### 4.1 The Proposal

Construction of a mixed-use, 4 ½-storey apartment building is proposed for the subject property. There are 44 two-bedroom units and 8 one-bedroom units proposed above approximately 360 m<sup>2</sup> (3,870 ft<sup>2</sup>) of commercial space. All of the required parking is to be provided in a below-building parking structure, which is to be 0.5 m below grade.

The proposed application meets all the requirements of the C7 – Central Business Commercial zone, except that there is no loading space provided. The Applicant has, therefore, applied for a development variance permit application.

<b>Project details</b>	Site area: 2,787 m <sup>2</sup> (0.69 ac) Footprint: 2,468 m <sup>2</sup> Commercial Floor Area: 360 m <sup>2</sup> Residential Floor Area: 5,277 m <sup>2</sup> Units: 44 two-bedroom units <u>8 one-bedroom units</u> <b>52 total</b>	
CRITERIA	PROPOSAL	C7 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	2,787 m <sup>2</sup> (0.69 ac)	200 m <sup>2</sup>
Lot Width	61.0 m	6.0 m
Lot Depth	45.7 m <sup>2</sup>	30.0 m
Development Regulations		
Floor Area Ratio	2.0	9.0
Height	14.6 m	44.0 m
Building Envelope	Meets requirements	Restrictions on building envelope above 15.0 m
Front Yard	1.0 m	0.0 m
Side Yard (south)	1.4 m	0.0 m
Side Yard (north)	1.5 m	0.0 m
Rear Yard	2.3 m	0.0 m
Other Regulations		
Minimum Parking Requirements	65	<u>Residential:</u> 1 per dwelling unit <u>Commercial:</u> 1.3 per 100m <sup>2</sup> GFA <b>Total required: 57 spaces</b>
Bicycle Parking	Class 1 parking space meets requirements. No class 2 parking shown <sup>A</sup>	<u>Residential</u> Class I: 0.5/unit = 11 Class II: 0.1/unit = 6 <u>Commercial</u> Class I: 0.2/100 m <sup>2</sup> = 1 Class II: 0.6/100 m <sup>2</sup> = 3

Private Open Space	<p>Avg. balcony size: 9 m<sup>2</sup></p> <p>Entry plus courtyard area: 237 m<sup>2</sup> / 39 units in upper 3 floors = 6.0 m<sup>2</sup> additional open space + 9.0 m<sup>2</sup> avg. = 15 m<sup>2</sup></p> <p>Main floor units have ample private open space.</p>	<p>10 m<sup>2</sup> per one-dwelling bedroom; 15 m<sup>2</sup> per two-bedroom dwelling, 15 m<sup>2</sup> x 44 units = <b>660 m<sup>2</sup></b> 10 m<sup>2</sup> x 8 = <b>80 m<sup>2</sup></b></p>
Loading Space	0 <sup>B</sup>	1 per 1,900 m <sup>2</sup> GFA

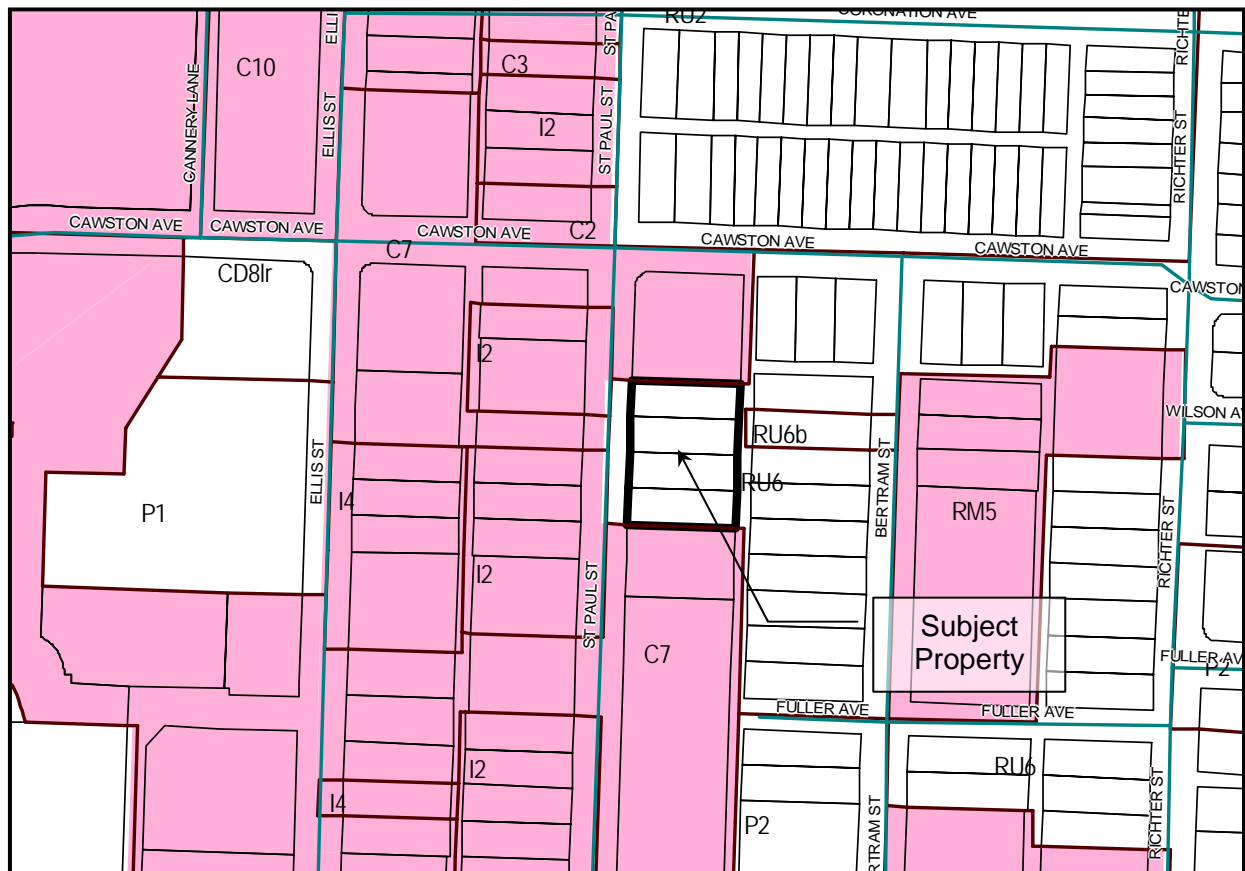
<sup>A</sup> The Applicant will be required to meet the requirements for bicycle parking onsite.

<sup>B</sup> The Applicant has applied for a variance to this Bylaw requirement.

## 4.2 Site Context

### Site Location Map

Subject property: 1327 St. Paul Street



The subject property is located on the east side of St. Paul Street, south of Cawston Avenue. This side of St. Paul Street marks the eastern extent of the downtown commercial / former industrial area. More specifically, the adjacent land uses are as follows:

North-	C7 – Central Business Commercial
East	RU6 – Two Dwelling Housing RU6b – Two Dwelling Housing With Boarding or Lodging House
South	C7 – Central Business Commercial
West	I2 – General Industrial C7 – Central Business Commercial

#### **4.3 Existing Development Potential**

The purpose is to designate and preserve land for the orderly development of the financial, retail and entertainment, governmental and cultural core of the City which shall provide for high density residential uses, and commercial uses.

#### **4.4 Current Development Policy**

##### **4.4.1 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). The proposal is consistent with these objectives and with their accompanying strategies.

##### **4.4.2 Kelowna Official Community Plan (OCP)**

###### **Future Land Use**

The subject properties are designated as “commercial” in the OCP. Consequently, the proposal to rezone to the C7 – Central Business Commercial zone is consistent with that designation.

###### **Housing Policies:**

- Housing Agreements: Support the use of housing agreements to assist in creating affordable and special needs housing;
- 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 a list published by the City;
- Mixed Use: Encourage commercial projects within Urban Centres to include a residential component wherever appropriate;

#### **5.0 TECHNICAL COMMENTS**

##### **5.1 Fire Department**

No comments received.

##### **5.2 FortisBC**

On behalf of C/K electrical, will provide underground service.

##### **5.3 Inspection Services**

Access to exit located in open court yard to be protected from all openings of various fire compartments. This may require an equivalency report.

All load bearing structures and exterior exit access require fire resistance rating. H/C parking and access from under ground garage is not in compliance with the requirements of BCBC.

A detailed spatial separation calculation of south & north elevations as well as interior court yard to be submitted for review.

A detailed BC Building Code analysis required for BP application.

5.4 Works and Utilities

5.4.1 Domestic water and fire protection

The developer's consulting mechanical engineer will determine the domestic and fire flow requirements of the proposed development, and establish the required size and preferred location of the new service. Removal of the existing small diameter domestic services and the installation of one new larger service will be at the applicant's cost.

The estimated cost of this work for bonding purposes is \$6,500.00.

If it is determined that upgrades to the existing water distribution system are required to achieve the required fire flows (150 liters per second), then additional bonding will be required.

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. If any City of Kelowna water will be used for irrigation on this site and fronting boulevards, then an "irrigation sewer credit meter" may also be purchased from the City and installed on the irrigation branch line.

Tie-ins and disconnections at the existing watermain must be by City forces and at the applicant's cost.

5.4.2 Sanitary Sewer

The existing lots are serviced with sanitary sewer services. One of the existing services ( to lot 26 ) may be retained for this development if it is of sufficient size. The existing service will need to be modified and an inspection chamber (IC) must be installed on the retained service. The applicant, at his cost, will arrange for the service upgrade and capping of the unused existing services. The estimated cost of this work for bonding purposes is \$1,500.00.

If a larger sanitary sewer service is required, it can be provided at the owner's cost. Tie-ins to the mains must be by City forces and at the applicant's cost.

5.4.3 Storm Drainage

It will be necessary for the applicant to install a storm drainage collection system in St. Paul Street. The cost of these works is included in the road upgrading cost estimates.

It will be necessary for the applicant to install a storm drainage collection system in the rear lane. The cost of these works is included in the road upgrading cost estimates.

Provide a storm water management plan for this site which meets the requirements of the City Storm Water Management Policy and Design Manual including provision of a lot grading plan, minimum basement elevations (MBE), storm drainage overflow service for this lot and / or on-site drainage containment and disposal systems.

5.4.4 Road Improvements

St. Paul Street fronting this development must be upgraded to a full urban standard (match existing upgrade fronting Lot 11 Plan 645) including a new

monolithic sidewalk, curb and gutter, piped storm drainage system including catch basins, manholes/ drywells, pavement widening, landscaped boulevard complete with an underground irrigation system, and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The estimated cost of this construction for bonding purposes is \$41,500.00.

The lane fronting the development site will require upgrading to a paved commercial standard including a piped drainage system in conjunction with required lane widening. The estimated cost of this construction for bonding purposes is \$35,000.00

5.4.5 Road Dedication and Subdivision Requirements

Dedicate 0.75m widening of the rear lane to provide one-half of the required widening to provide an eventual 7.6m wide commercial standard lane.

Lot consolidation.

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

5.4.6 Electric Power and Telecommunication Services

The development site is within the Urban Town Center. Electrical and telecommunication services to this site as well as the local distribution wiring must be installed in an underground duct system. The existing building and the proposed new building must be connected by an underground service. 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.

5.4.7 Street Lighting

Street lighting has been installed on St Paul Street fronting the proposed development. Re-location or adjustments to the existing street lighting system may be required to accommodate the road upgrading construction.

5.4.8 Engineering

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.

5.4.9 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.

5.4.10 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

5.4.11 Bonding and Levy Summary

St. Paul St. upgrading	\$ 41,500.00
Lane upgrading	\$ 35,000.00
Service upgrades	\$ 8,000.00

Total Bonding \$84,500.00

NOTE: The bonding amounts 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 issuance of a building permit.

5.4.12 Latecomer Protection

Under provisions of Section 990 of the BC Municipal Act, and in conformance with the City of Kelowna Subdivision Development & Servicing Bylaw No. 7900, the owner is eligible to apply for latecomer protection for the following:

- (i) Lane paving and storm drainage system
- (ii) Storm drainage collection system in St. Paul Street

5.4.13 Development Permit and Site Related Issues

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.

Site access and egress designs as well as the parking lot configuration must be submitted for approval by the City Works & Utilities Department before issuance of the development permit. This is required to guarantee that the requirements and the limitations of access and egress required by the City have been addressed to the City's satisfaction

## 6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

Staff supports the application to rezone the subject property to the C7 zone. The proposal is consistent with the policies of the OCP, and the proposed building appears to meet all requirements of the Zoning Bylaw except for one (no loading space provided).

The Applicant has applied for a development variance permit (DVP05-0068) to address the loading space issue. In addition, Staff are reviewing a development permit application, which

will be brought forward for Council consideration, should this rezoning application proceed to final adoption.

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Andrew Bruce  
Manager of Development Services

Approved for inclusion

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

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**ATTACHMENTS**

**Location of subject property**

**State of Title**

**Site Plan**

**Elevations**

**Floor Plans**