
**CITY OF KELOWNA
MEMORANDUM**

Date: April 1, 2005
File No.: OCP05-0001/Z05-0004
To: CITY MANAGER
From: PLANNING AND CORPORATE SERVICES DEPARTMENT
Subject:

APPLICATION NO. OCP05-0001/Z05-0004 **OWNER:** The Roman Catholic Bishop of Nelson
AT: 790, 796, 798, and 804 Elliot Ave. **APPLICANT:** Immaculate Conception Church (c/o Hans Berger & Ted Matte)

PURPOSE: TO AMEND THE OFFICIAL COMMUNITY PLAN FUTURE LAND USE DESIGNATION FROM THE SINGLE/TWO UNIT RESIDENTIAL TO THE MULTIPLE UNIT RESIDENTIAL – LOW DENSITY DESIGNATION.

TO REZONE THE SUBJECT PROPERTY FROM THE RU6 – TWO DWELLING HOUSING ZONE TO RM5 - MEDIUM DENSITY MULTIPLE HOUSING ZONE.

EXISTING ZONE: RU6 – TWO DWELLING HOUSING

PROPOSED ZONE: RM5 – MEDIUM DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: KEIKO NITTEL

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATIONS

THAT OCP Bylaw Amendment No. OCP05-0001 to amend Map 19.1 of *Kelowna 2020* – Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 12, Sec. 19, Twp. 26, ODYD Plan 3233, and Lots 3 & 4, DL 138, ODYD Plan 4505 located on Elliot Avenue, Kelowna, B.C., from the Single/Two Unit Residential designation to the Multiple Unit Residential – medium density designation **not** be approved by Council;

AND THAT Rezoning Application No. Z05-0004 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 12, Sec. 19, Twp. 26, ODYD Plan 3233, and Lots 3 & 4, DL 138, ODYD Plan 4505 located on Elliot Avenue, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RM5 - Medium Density Multiple Housing zone **not** be approved by Council.

2.0 SUMMARY

The applicant is proposing to construct 48 units of congregate housing within a four storey apartment style building. In order to facilitate the development, an OCP amendment is required to amend the future land use designation from the One/Two Dwelling Housing to the Medium Density Multiple Housing Designation. In addition, a rezoning application from the RU6- Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone is required. Prior to

adoption of the zone amending bylaw, the applicant will be required to submit a development permit and a development variance permit. At this time, concept plans have been submitted for the OCP Amendment and Rezoning applications.

3.0 ADVISORY PLANNING COMMISSION

The above noted application was reviewed by the Advisory Planning Commission at the meeting of February 15, 2005, and the following recommendation was passed:

THAT the Advisory Planning Commission supports Official Community Plan Application No. OCP05-0001 and Rezoning Application No. Z05-0004, for 790, 796-798, 804 Elliot Avenue, Lot 12, Plan 3233, Lots 3 & 4, Plan 4505, Sec. 19, Twp. 26, ODYD, by Immaculate Conception Church (Hans Berger), to amend the Official Community Plan Future Land use designation from Single / Two Unit Residential to Multiple Unit-Medium Density; and to rezone from the RU6-Two Dwelling Housing zone to the RM5-Medium Density Multiple Housing zone in order to allow for a four storey apartment building.

4.0 BACKGROUND

4.1 The Proposal

The proposed development consists of 18 two bedroom units, 12 one bedroom units, and 18 bachelor units. Each unit will be equipped with a kitchenette, living/dining area, washroom, and bedroom(s). Each unit also has a covered patio or balcony. On the main floor, a communal dining room, and a chapel will be provided. A parkade will provide 12 parking stalls within the building with an additional 12 directly accessed from the rear lane. The proposed building is four storeys in height. The elevations of the building are broken up with the use of sub-roofs, windows, and balconies. In addition, the use of different materials and colours creates visual interest to the building.

The applicant will also be required to consolidate the lots and provided road dedications along both Elliot Avenue and the rear lane. The applicant is proposing to close the existing lane running along the east property line and consolidate it with the proposed site. A building from the adjacent church site, however, currently encroaches within the lane. In order to incorporate the side lane as part of the proposed site, the existing encroachment would require removal. Alternately, the entire lane could be closed and incorporated with the existing church site. This issue will be required to be resolved prior to application for the development permit. The following table is therefore based on the property lines and lot size based on the existing lots but taking into account the required road dedications.

The application meets the requirements of the proposed RM5- Medium Density Multiple-Family Zone as follows:

Project details	<div>Site area: 2390.3 m²</div> <div>Footprint: 1,118 m²</div> <div>Floor Area: 3,112 m²</div> <div>Units: <div>1 two-bdrm resident manager suite</div> <div>17 two-bdrm principal dwelling units</div> <div>9 one-bdrm principal dwelling units</div> <div><u>21 congregate housing suites (21 beds)</u></div> <div>48 total</div> </div>
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CRITERIA	PROPOSAL	RM5 ZONE REQUIREMENTS
Lot Area (m ²)	2477.0 m ² (existing three lots) – 86.7m ² (road dedications) = 2390.3 m²	1400 m ²
Lot Width (m)	55.54 m	30.0 m
Lot Depth	50.0 m	35.0 m
Floor Area Ratio (F.A.R.)	1.30*	1.1 plus 0.1 for housing agreement, plus maximum of 0.2 for parking below habitable space $1.1 + 0.1 + (12/45 \times 0.2) = 1.25$
Site Coverage (buildings)	46.8% = 1118.33 m ² / 2390.3 m ² (without lane closure)* 42.8% = 1118.33 m ² / 2677.5 m ² (with lane closure)	40%
Site Coverage (buildings/parking)	59.1% = 1411.63 / 2390.3m ²	60%
Height	15.8 m	16.5 m or 4 storeys
Setbacks (m) from new property lines after road dedications		
- Front	3.87 m*	6.0 m
- Rear	6.75 m*	9.0 m except 7.5 m to rear lane
- Side (east)	3.81 m*	4.5 m < 2 ½ storeys 7.5 m > 2 ½ storeys
- Side (west)	4.5 m < 2 ½ storeys 4.5 m to 3 rd floor * 7.5 m to 4 th floor	4.5 m < 2 ½ storeys 7.5 m > 2 ½ storeys

Other requirements		
Parking Stalls (#)	24 spaces *	Congregate housing: 1 per principal dwelling, plus 1 stall per three bed spaces and 1 per resident staff member. Apartment housing: 1.25 per 1-bdrm unit, 1.5 per 2-bdrm unit. $(1.25 \times 9) + (1.5 \times 17) + (21/3) + 1$ for resident manager = 45 spaces
Bicycle Stalls (#)	0 *	Class I: 1 per 25 employees Class II: 5 per public entrance
Projections	South (front) – 5.0 m projection into required front yard were 3.0 m is permitted* East - 0.0m setback to property line where 1.5 m setback required *	Entrance canopies or awnings in for weather protection or building ornamentation may project no more than 3.0 m into a front yard or no closer than 1.5 m to a side lot line. Unenclosed steps, eaves, awnings, decks, canopies, balconies, or porches may project into a required yard provided such projections do not exceed 0.6 m in the case of a front or side yard on a flanking street, 0.6 m in the case of an interior side yard, and 2.5 m in the case of a rear yard greater than 6.0 m.
Continuous building frontage	Conforming building frontage. Non conforming transition in height *	No continuous building frontage shall exceed 40.0 m for a 3 or 4 storey building. The building must be designed so that the portion adjacent to neighbouring development is no more than ½ storey higher.
Open Space	Conforms	7.5 m ² per bachelor dwelling, 15 m ² per one bedroom dwelling, and 25 m ² per dwelling above one bedroom (765 m ² required)

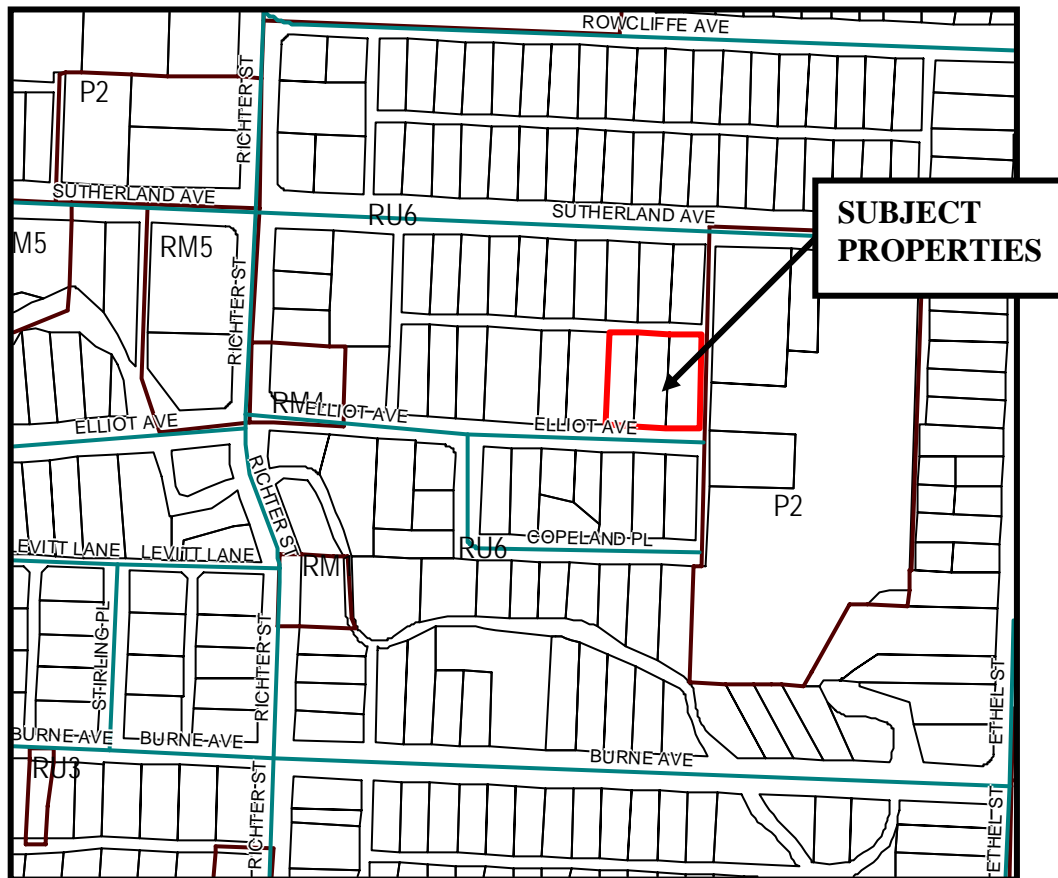
* does not conform to the Zoning Bylaw.

4.2 Site Context

The subject property is located on Elliot Avenue. Adjacent zones and uses are:

- North - RU6 - Two Dwelling Housing
- East - P2- Education & Minor Institutional
- South - RU6 - Two Dwelling Housing
- West - RU6 - Two Dwelling Housing

Site Location Map



4.3 Existing Development Potential

The purpose of the RM5 zone is to provide a zone primarily for medium density apartments. The principal uses in this zone are apartment housing, congregate housing, group homes (major), and stacked row housing. Secondary uses include care centres (major), and home based businesses (minor).

4.4 Current Development Policy

4.4.1 City of Kelowna Strategic Plan (2004)

objectives of the Strategic Plan includes the construction of housing forms and prices that meet the needs of Kelowna residents; the achievement of accessible, high quality living and working environments; and the sensitive integration of new development with heritage resources and existing urban, agricultural and rural areas.

4.4.2 Official Community Plan (OCP)

The future land use designation of the subject property is One/Two Dwelling Housing. The proposed designation of Medium Density Multiple Housing is therefore not consistent with the Official Community Plan. The OCP identifies and outlines that there may be some opportunities for considering support of an OCP amendment and rezoning application for residential densities greater than those provided for in the OCP. The OCP states that such an opportunity may exist where the proposed densities do not exceed the densities provided for by more than one increment (e.g. medium density multiple units might be entertained where the future land use is identified as low density multiple unit residential). As the existing neighbourhood is currently one/two dwelling housing, the development is therefore not compatible with the massing and rhythm of the established streetscape.

Elements of the proposed building design are, however, consistent with the Multiple Dwelling Housing Guidelines as listed in the OCP. Examples of elements of the building design that are consistent with the design guidelines are as follows:

Relationship to the Street

- First storey units should ideally provide ground-level access and outdoor amenity space
- The principle front entranceway should be clearly identified and in scale with the development.

Building Massing

- 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.

Parking

- Underground parking is encouraged.

5.0 TECHNICAL COMMENTS

5.1 Canada Post

Mail delivery equipment will be required.

5.2 Fire Department

Fire flow calculations will be required.

5.3 FortisBC

On behalf of City of Kelowna electrical will provide underground electrical service. Will require substantial system improvement to supply 3 phase power.

5.4 Inspections Department

Building dept will require geotechnical report, full code analysis, and "For Construction drawings for building permit application. Is this an assisted living rental complex? Is BC housing involved? Designer to review : (1) fire separation required between eating area and residential corridor (2) confirm spatial limits both. (3) Review exit protection at main floor. (4) Review if soffit protection required. (5) Review door swing from service rooms.

5.5 Interior Health

No comment.

5.6 Ministry of Transportation

No objection.

5.7 Parks Manager

Boulevard maintenance including watering (manual or automated irrigation), shrubs, ground cover, sod, and seeded areas will be the responsibility of owner/occupant.

Landscape Plan Requirements:

The Landscape Plan will have the following standard information and requirements:

A. Planting plan will include a plant materials list:

- i) latin name
- ii) common name
- iii) size at planting
- iv) plant symbol key
- v) indicate existing trees
- vi) indicate existing trees to be removed

B. Minimum plant material specifications for the boulevards as follows:

- i) Deciduous Trees - minimum calipre 60 mm @ 300mm above rootball
- ii) Deciduous Shrub - minimum spread 450mm
- iii) Evergreen Trees - minimum height 2500 mm
- iv) Evergreen Shrub - minimum spread 450mm
- v) Seed/Sod Mix according to location and proposed activity use

C. Shrub and flower beds will require plastic edging beside all areas abutting a city sidewalk, BLVD, or city land to prevent migration of mulch.

D. Scale of plan and north arrow clearly indicated on plan.

E. Planting plan to include all u/g utility locations in BLVD.

All plant material (trees, shrubs, ground covers and seed/sod) used in the boulevard to be reviewed by City Parks Division. All materials located in the boulevard to meet City standard for size and method of installation.

5.8 RCMP

No comment.

5.9 School District No. 23

No response.

5.10 Shaw Cable

Owner/developer to supply and install an underground conduit system.

5.11 Telus

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

5.12 Terasen

Lane closure will result in gas main relocations at developers expense.

5.13 Works & Utilities

The Works & Utilities Department has the following requirements associated with this application to rezone from RU6 to RM5.

1. Domestic Water and Fire Protection

- (a) The developer's consulting mechanical engineer will determine the hydraulic and fire flow requirements of the proposed development and establish the service and fire protection needs.
- (b) The existing 150mm-diameter water distribution and fire protection system in this vicinity is likely not sufficient to support the proposed development. Upgrading the existing watermain system to provide the required fire flow requirements will be at the applicant's cost. The estimated cost of this construction for bonding purposes is \$31,600.00.
- (c) Disconnection of existing water services by City crews will be at the applicant's cost.
- (d) 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.

5.13.2. Sanitary Sewer

- (a) The existing sanitary sewer system on Elliot Avenue is sufficient to support the proposed development.
- (b) The existing lots are serviced with 100mm-diameter sanitary sewer services, which are not adequate for the proposed application. One larger sanitary sewer service is required and can be provided at the applicant's cost.
- (c) Removal and capping of existing sanitary services by City crews will be at the applicant's cost.

5.13.3. Storm Drainage

- (a) It will be necessary for the developer to extend the existing storm drainage system within Elliot Avenue to provide street drainage and overflow storm drainage relief for the proposed development site. The cost of these works will be included in the road upgrading and road construction items and must be constructed as a condition of the building permit application.
- (b) Ground recharge will be needed for site drainage disposal. A hydrogeotechnical report will be required complete with a design for the proposed disposal method. The Lot Grading Plan must show the design and location of these systems.

5.13.4. Road Improvements

- (a) Elliot Avenue must be upgraded to a full urban standard (SS-R7) including curb and gutter, catch basin, monolithic sidewalk, piped drainage system, fillet pavement, landscaped boulevard, and adjustment and / or re-location of existing utility appurtenances if required to accommodate this construction. The estimated cost of this construction for bonding purposes is \$38,000.00.
- (b) The rear lane must be upgraded to a paved standard complete with the installation of a drainage system including a catch basins and dry-wells. The estimated cost of this construction for bonding purposes is \$18,000.00.

5.13.5. Road Dedication

By registered plan to provide the following:

- (a) Grant statutory rights-of-way if required for utility services.
- (b) Provide an additional highway allowance widening of 2.14 m for the widening of Elliot Avenue.
- (c) Dedicate 0.75m widening of the rear lane.
- (d) Lot consolidation is required.
- (e) The adjacent lane is indicated as being closed. Transferring of various ownerships is to be dealt with the Community Development & Real Estate Manager.

5.13.6. Electric Power and Telecommunication Services

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

5.13.7. Geotechnical Report

As a requirement of this application and / or prior to issue of a building permit, the applicant must provide a modified 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.
- (e) Suitability of on-site disposal of storm water including effects upon adjoining lands and recommendations for roof drains and perimeter drains

5.1.8. 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.

5.13.9. Related Issues

- (a) The required road dedication will affect building setbacks and allowed site coverage.
- (b) Access to the dust-free, hard surface on-site parking area will be restricted to the lane.
- (c) The site plan should illustrate the ability of an SU-9 standard size vehicle to manoeuvre onto and off the site without requiring a reverse movement onto public roadways.
- (d) 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.

5.1.10. Bonding Summary

Watermain upgrade	\$ 31,600.00
Road frontage Improvements	\$ 38,000.00
Lane improvements	\$ 18,000.00
Total Bonding	<u>\$ 87,600.00</u>

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.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Kelowna 2020 – Official Community Plan (OCP) identifies and outlines that there may be some opportunities for considering support of an OCP amendment and rezoning application for residential densities greater than those provided for in the OCP. The OCP states that such an opportunity may exist where the proposed densities do not exceed the densities provided for by more than one increment (e.g. medium density multiple units might be entertained where the future land use is identified as low density multiple unit residential). The proposed development, however, is inconsistent with this policy. The Applicant is seeking to amend to OCP future land use from Single/Two Unit Residential to Medium Density Multiple Unit Residential.

The OCP also identifies an opportunity to amend the future land use designation where a project can be sensitively integrated into the surrounding neighbourhood, with no more than a one-storey height gain between the proposed development and the height permitted within land uses assigned to adjacent parcels. Where the property being proposed for redevelopment is large, consideration may be given to providing greater heights at the centre of the property provided that the new building is sensitively integrated with the surrounding neighbourhood. The proposed four storey building is to be constructed adjacent to existing one/two dwelling housing where the maximum height permitted is 2 ½ stories.

There is some consistency with the OCP policy that states that approval of the project will not destabilize the surrounding neighbourhood or threaten viability of existing neighbourhood facilities (e.g. schools, commercial operations etc.) In fact, the notion of siting housing for the Church's elderly congregation adjacent to the Immaculate Conception Church and School site makes good planning sense, and is supported by the OCP.

With regards to the proposed design shown by the applicant in the concept plans, Staff has many concerns regarding the density of this project in addition to the many inconsistencies with the Zoning Bylaw. The proposal does not appear to meet the parking requirement, site coverage requirement, and some setback and projection requirements. The application would not be permitted to proceed with a floor area ratio in excess of that permitted in the RM5 zone.

7.0 ALTERNATE RECOMMENDATIONS

THAT OCP Bylaw Amendment No. OCP05-0001 to amend Map 19.1 of *Kelowna 2020* – Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 12, Sec. 19, Twp. 26, ODYD Plan 3233, and Lots 3 & 4, DL 138, ODYD Plan 4505 located on Elliot Avenue, Kelowna, B.C., from the Single/Two Unit Residential designation to the Multiple Unit Residential – medium density designation be considered by Council;

AND THAT Rezoning Application No. Z05-0004 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 12, Sec. 19, Twp. 26, ODYD Plan 3233, and Lots 3 & 4, DL 138, ODYD Plan 4505 located on Elliot Avenue, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RM5 - Medium Density Multiple Housing zone be considered by Council;

AND THAT the OCP and zone amending bylaws 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.

Andrew Bruce
Development Services Manager

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Attach.

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

ATTACHMENTS

Location of subject property

Site plan

Floor Plans

Elevations

Letter from Applicant