
CITY OF KELOWNA
MEMORANDUM

Date: July 28, 2005

File No.: Z05-0034/DP05-0082/DVP05-0083

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. Z05-0034/DP05-0082/DVP05-0083

OWNER: Mark Brebric

AT: 454 and 464 West Avenue

APPLICANT: Bevanda Architecture Inc.

PURPOSE: TO REZONE FROM THE RU1-LARGE LOT HOUSING ZONE AND THE RU1 – LARGE LOT HOUSING ZONE TO THE RM5-MEDIUM DENSITY MULTIPLE HOUSING ZONE, IN ORDER TO ALLOW FOR A PROPOSED APARTMENT STYLE MULTIPLE UNIT HOUSING DEVELOPMENT;

TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW FOR A 20 UNIT APARTMENT BUILDING;

TO VARY THE MAXIMUM HEIGHT FROM 4 STOREYS PERMITTED TO 4.5 STOREYS PROPOSED

TO VARY THE EASTERN SIDE YARD SETBACK FROM 7.5M REQUIRED TO 4.5M PROPOSED TO ACCOMDATE A 3M PORTION OF A PROPOSED NORTH/SOUTH LANE ON THE SUBJECT PROPERTY

EXISTING ZONE: RU1 – LARGE LOT HOUSING / RU6 – TWO DWELLING HOUSING

PROPOSED ZONE: RM5 – MEDIUM DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Rezoning Application No. Z05-0034 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3 District Lot 136 ODYD Plan 38928 and Amended Lot 3(DD138121F) District Lot 14, ODYD Plan 3056, located on West Avenue, Kelowna, B.C. from the RU1 – Large Lot Housing zone and RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple 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;

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

AND 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

The applicant is seeking to rezone the subject properties from the RU1 – Large Lot Housing zone and RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Family zone to accommodate a proposed 20 unit development. The applicant is also seeking a development permit for the form and character of the development and a development variance permit for the height of the development and a reduction to the eastern side yard setback.

3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of May 31, 2005 it was resolved:

THAT the Advisory Planning Commission supports Application # Z05-0034, to rezone from the RU6-Two Dwelling Housing zone to the RM5-Medium Density Multiple Housing zone, in order to accommodate a 4.5 storey, 20-unit multiple family development

THAT the Advisory Planning Commission does not support Application #DVP05-0083, to obtain a Development Permit to allow for the construction of a proposed 4.5 storey, 20 unit multiple family development.

*Note: The applicant has worked with staff to improve the elevations to address the concerns of the Advisory Planning Commission with regard to the form and character of the development.

4.0 THE PROPOSAL

The proposed 4.5 storey building will house a parkade and four floors of residential units. Five units will be located on each floor with the average of each being 120m². All units will have a two bedroom layout and will also have access to a private storage area. Each unit will also have access to a deck/patio area.

On the exterior elevations the applicant has proposed a red brick veneer at the base of the building with complementary sections of acrylic stucco in earth tones to highlight the architectural recesses and projections of the building. The architect has designed wood trellis features that will overhang the patios at the first storey and the deck areas will be screened with glass panels and aluminum guardrails. The entry to the building from West Avenue will be accented with a triangular entry canopy in wood to match the trellis features. At the urging of the Advisory Planning Commission that applicant has revisited

the form of the building and has changed the roofline from a flat to a front gabled style roof.

The proposal indicates that the perimeter of the subject properties will be landscaped providing a vegetative buffer on both the east and west sides as well as opaque wood fencing which will measure 2m in height. Access to West Avenue is provided via a stairwell/ramp to overcome the grade differential. On either side of this access stairwell is a terraced retaining wall where each step of the wall will contain vegetative buffering.

The parkade access for the development is via the rear lane. Seven surface parking stalls will also share access from this lane as well as the screened compound which will contain the refuse and recycling bins. A pedestrian access from the surface stalls to the rear of the building is also provided.

The applicant is seeking to vary the maximum height for a building in the RM5 – Medium Density Multiple Housing zone. Due to the level of the water table in this area, the parkade cannot be located totally beneath grade and therefore a variance for ½ storey is required over and above the 4 storeys permitted in the RM5 zone. The applicant is also seeking to vary the eastern side yard setback from 7.5m required to 4.5m proposed in order to accommodate a road dedication required by the Works and Utilities Department. This 3m will serve to provide half of a lane that will eventually run north/south along the eastern edge of the development.

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

CRITERIA	PROPOSAL	RM5 ZONE REQUIREMENTS
Lot Area (m ²)	2319m ²	1400m ²
Lot Depth (m)		35.0
Lot Width (m)		30.0
Area of Buildings at Grade	907m ²	
Area of Pavement, Accessory Buildings, etc...	1136m ²	
Site Coverage (%) (Buildings)	39%	
Site Coverage (%) (Buildings and parking)	49%	
Net Floor Area (m ²)	2902m ²	
Floor Area Ratio (FAR)	1.25	1.28
Parking Spaces	34	33
Bicycle Parking	16 Class 1 2 Class 2	10 Class 1 2 Class 2
Storeys (#)	4.5 storeys ^①	4 storeys
Setbacks(m)		
- Front	6.0m	6.0m
- Rear	7.5m	7.5m
- East Side	4.5m ^②	7.5m
- West Side	7.5m	7.5m
Private Open Space	560.8m ²	500m ²
Drive Aisle Width	7.0m	7.0m
Refuse Bins (Setback from abutting residential areas)	3.0m	3.0m

❶Note: The applicant is seeking to vary the maximum height from 4 storeys to 4.5 storeys proposed.

❷Note: The applicant is seeking to vary the side yard setback from 7.5m required to 4.5m proposed.

4.1 Site Context

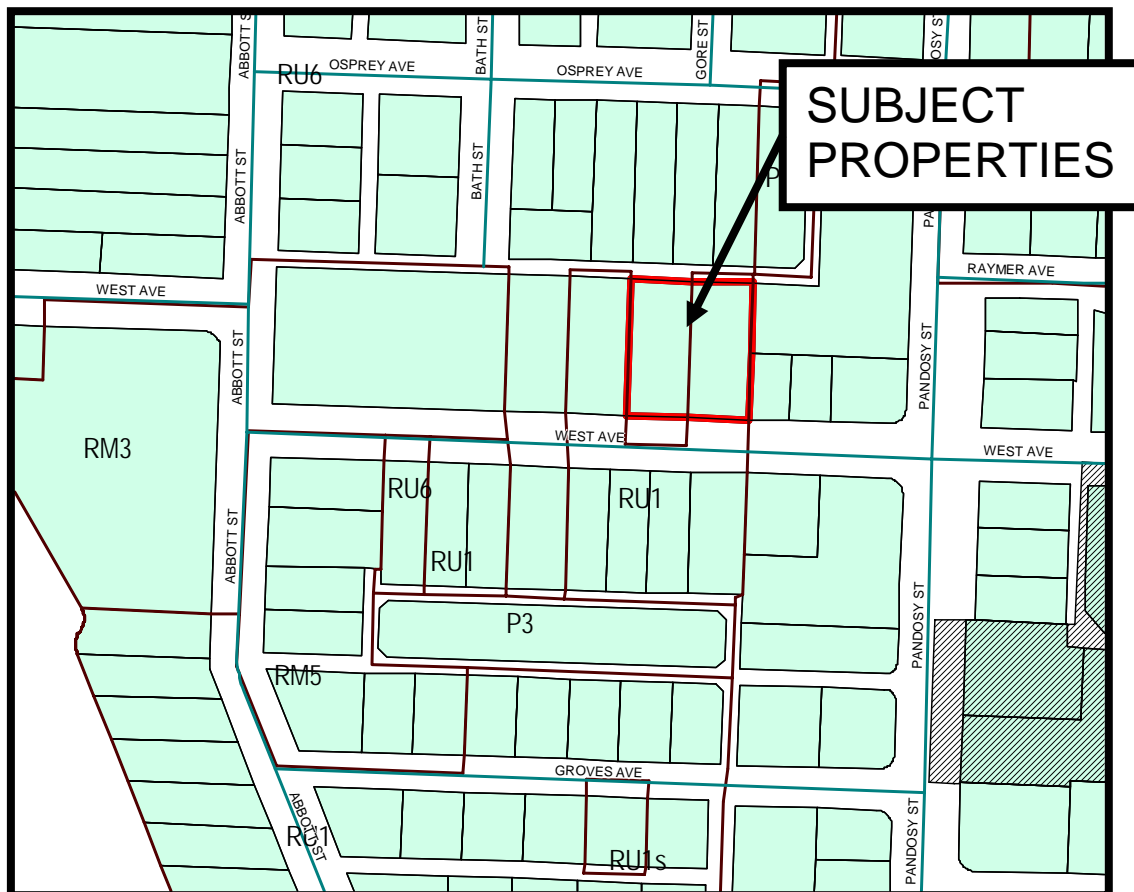
The subject properties are located on the north side of West Avenue between Abbott Street and Pandosy Street.

Adjacent zones and uses are:

- North - RU6 – Two Dwelling Housing – Single Family Dwellings
- East - C4 – Urban Centre Commercial
- South - RU1 – Large Lot Housing – Single Family Dwelling
- West - RU1 – Large Lot Housing – Single Family Dwelling

4.2 Site Location Map

Subject Properties: 454 and 464 West Avenue



5.0 CURRENT DEVELOPMENT POLICY

5.1 Existing and Proposed Development Potential

The subject properties are currently zoned RU1 – Large Lot Housing and RU6 Two Dwelling Housing. The RU1 zone provides for single detached housing, and compatible secondary uses, on larger serviced urban lots and the RU6 zone provides for development of a maximum of two dwelling units per lot.

The applicant is seeking to rezone the properties to the RM5 – Medium Density Multiple Housing zone. This zone provides for primarily for medium density apartments with a maximum height of four storeys.

5.2 Kelowna Official Community Plan

Map 19.1 of Kelowna's Official Community Plan designates the subject property as Multiple Unit Residential – medium density.

The Official Community Plan contains the following objectives for context and design for new multiple family developments:

Objectives for Multiple Unit Residential Development

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP. *Proposed development is generally of a scale that is appropriate to the future context of the area.*
- All development within Urban Centres and Village Centres should contribute to the creation of pedestrian-oriented streets and public spaces (connections, social interaction). *The development provides for pedestrian and wheelchair access from the sidewalk on West Avenue as well as patio areas at grade in order to encourage a pedestrian connection to the development.*
- All development should contribute to a sense of community identity and sense of place (integration of development within larger community, belonging, community cohesiveness). *The proposed development is generally consistent with evolving identity of the Pandosy Urban Centre and Cedar Avenue area.*
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility). *The development provides for pedestrian and wheelchair access from West Avenue and allows for bicycle storage.*
- All development should promote safety and security of persons and property within the urban environment (CPTED). *Proposed development is generally consistent with CPTED guidelines.*

Guidelines for Multiple Unit Development

The application addresses the guidelines for Multiple Unit Development as follows:

Landscaping

- enhances public views
- provides noise buffering
- complement building's architectural features
- enhance the edges of buildings
- screen parking areas from view (with vegetation, berms, low walls, fences etc.)
- creates shade
- creates design interest
- contribute to a sense of personal safety and security
- facilitate access, enjoyment and social activities for all authorized users

Relationship to the Street

- First storey units do not provide ground-level access but some outdoor amenity space is provided.
- The principle front entranceway is clearly identifiable and appears to be in scale with the development.
- Porches/balconies are provided.

Building Massing

- Development is not generally compatible with the massing and rhythm of the established streetscape; however, it is expected that the surrounding single family neighbourhood will undergo some re-development with compatible forms of development.
- Variation between architectural bays within each façade are provided.

Walls

- End walls visible from a public street or residential lots are finished to provide an attractive appearance.

Ancillary Services/Utilities

- Refuse bins are located in an enclosure adjacent to the lane and will be screened from view.
- Utility service connections will be screened from view or be located so as to minimize visual intrusion.

Amenities

- Limited useable amenity space is available for the use of residents. Deck areas could be enlarged to be more functional.

Access

- Vehicle access and on-site circulation minimize interference with pedestrian movement.

Parking

- Underground parking is provided.

5.3 Kelowna Strategic Plan (2005)

The City of Kelowna Strategic Plan encourages the development of a more compact urban form by increasing densities through infill and redevelopment within existing urban areas and to provide for increased densities within future urban areas. Also redeveloping transitional areas to increase densities for more efficient use of existing land. Also recommended is that the City will emphasize a density of development higher than presently occurring to allow for more efficient use of the land.

5.4 Crime Prevention Through Environmental Design

Natural Surveillance

- dumpsters should not create blind spots or hiding areas;
- lighting should be even to avoid casting shadows where people can hide; using numerous low wattage lights accomplishes this better than a few high wattage lights;
- loading areas should not create hiding places;
- all four facades of a building should have windows;
- the lower branches of existing trees should be kept at least ten feet (3 metres) off the ground;
- exterior of buildings should be well-lit;
- wherever it is appropriate, a mix of uses should be encouraged to increase natural surveillance at different times of the day; placement of residential uses above commercial is a good example of this;
- elevators and stairwells should be clearly visible from windows and doors;
- shrubbery should be no more than three feet (one metre) high for clear visibility;
- stairwells should be well-lit and open to view; not behind solid walls.

Territorial Reinforcement

- property boundaries, where possible, should be marked with hedges, low fences or gates;

- private and semi-private areas should be easily distinguishable from public areas;
- all public and semi-private areas should be well-maintained to convey pride and ownership, which discourage negative activity;

Natural Access Control

- Public paths should be clearly marked;
- signs should direct patrons to parking and entrances;
- there should be no easy access to the roof;
- entrances to dwellings within a commercial building should be separate from the commercial entrance to enable distinction of residential visitors from those frequenting businesses;
- rear access to shops should be provided from rear parking lots.

6.0 TECHNICAL COMMENTS

6.1 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Hydrant required within 45 m of fire department connection. Engineered fire flows should determine hydrant requirements.

6.2 Fortis BC

Will provide underground electrical service. Substantial system improvement will be required to support this development.

6.3 Inspection Services

- a) Exits from parkade is not complying.
- b) Access from parkade to be reviewed and conform to the requirements of BCBC.
- c) Fire separation of exit from stairway, and the public corridors, to be reviewed.
- d) The exit corridor to be designed complying with BCBC.
- e) The complete code analysis to address fire protection exiting, and accessibility.

6.4 Parks Manager

a) Residents will be responsible to weed, water and mow the boulevard adjacent to their property. They will also be responsible for maintaining the boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris.

b) All plant material (trees, shrubs, ground covers and sod) used in the boulevard to be reviewed and approved by Parks Staff.

c) Boulevard tree maintenance will be the responsibility of Parks Division. However, the adjacent owner will be responsible for watering and replacement of trees during the establishment period, for at least one growing season after planting.

6.5 RCMP, Public Health Inspector, School District No.23, Terasen

No comment.

6.6 Shaw Cable

Owner/developer to install underground conduit system

6.7 Telus

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

6.8 Works and Utilities

The Works & Utilities Department have the following comments and requirements associated with this application to rezone from RU-1 to RM-5. The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit, but are outlined in this report for information only.

6.8.1 Domestic Water and Fire Protection

The existing lots are serviced with small diameter water services. The developer must engage a consulting mechanical engineer to determine the domestic and fire flow requirements of this development. The applicant, at his cost, will arrange for the removal of existing services and the installation of one larger metered water service and if determined, the installation of a fire hydrant. The estimated cost of this construction for bonding purposes is \$11,000.00.

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

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.

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

6.8.2 Sanitary Sewer

The existing lots are serviced with 100mm-diameter sanitary sewer services. The developer must engage a consulting mechanical engineer to determine the requirements of this development. The applicant, at his cost, will arrange for the capping of existing services and the installation of one new larger service. The estimated cost of this construction for bonding purposes is \$5,000.00.

Tie-ins to the mains and the capping of existing services must be by City forces and at the applicant's cost.

6.8.3 Storm Drainage

It will be necessary for the developer to construct some storm drainage facilities (catch-basin and drywell) on West Avenue fronting the proposed development. The cost of this construction is included in the roads item.

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 storm water management plan must also include provision of a lot grading plan, minimum basement elevation (MBE), storm water service and/or on-site drainage containment and disposal systems. The on-site drainage system may be connected to the street drainage system with an overflow service at the developer's cost, with approval from the City drainage engineer.

Storm drainage systems and overflow service for the site will be reviewed and approved by Engineering when a site servicing design is submitted.

The estimated cost of the overflow service for bonding purposes is \$5,000.00

6.8.4 Road Improvements

West Avenue must be upgraded to a full urban standard (SS-R5) including curb and gutter, monolithic sidewalk, storm drainage system including catch basin and drywell, pavement widening, landscaped boulevard complete with underground irrigation system, street lights as required and relocation or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The cost of this construction for bonding purposes is \$27,000.00

Dedicate a 3m wide portion of a lane along the easterly property boundary and pay cash-in-lieu for the construction of this portion of the lane.

The cost of this construction for bonding purposes will be communicated to the applicant.

6.8.5 Subdivision

By registered plan to provide the following:

Provide a 3.0-m lane dedication along the easterly property boundary of lot 4 from West Avenue to the existing lane to the north.

Lot consolidation.

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

6.8.6 Electric Power and Telecommunication Services

The electrical services to this development must be installed in an underground duct system, and the 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.

6.8.7 Street Lighting

Street lighting including underground ducts must be installed on West Avenue fronting on the proposed development. The cost of this requirement is included in the roads upgrading item.

6.8.8 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.

6.8.9 Development Cost Charge Reduction Consideration

None of the required roadwork is eligible for DCC reduction.

6.8.10 Geotechnical Report

As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

Area ground water characteristics.

Site suitability for development, unstable soils, etc.

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, analyse soil sulphate content, Identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.

List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

6.8.11 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.

6.8.12 Bonding & Levy Summary

Bonding

West Ave. frontage improvements	\$ 26,000.00
Service upgrades	\$ 21,000.00
Lane Construction	\$To be determined.
Total Bonding	\$To be determined

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 4th reading of the zone amending bylaw or issuance of a building permit.

6.8.13 Latecomer Protection

Under provisions of Section 990 of the BC Municipal Act, the owner is eligible to apply for latecomer protection for the following:

Storm drainage construction on West Avenue.

6.8.14 Site Related and Traffic Issues

Our comments regarding the site related issues will be provided when a building permit application is made. The developer must obtain the necessary permits and have all existing utility services disconnected prior to moving existing houses.

6.8.15 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.

7.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The application to rezone the subject properties from the RU1 – Large Lot Housing zone and RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone is consistent with the Official Community Plan with regard to land use. Staff and the Advisory Planning Commission had originally shared several concerns with regard to the form and character of the building; however, the applicant has since made revisions to the proposal to address a number of the concerns.

The applicant made changes to the roofline of the project and also the front entranceway in order to provide a canopy that related more accurately to the scale of the building. A wheelchair ramp access was also introduced along West Avenue and the elevations were updated for a more residential style.

The applicant is also seeking a development variance permit for the height of the building and the eastern side yard setback. The zoning bylaw allows for four storeys, whereas the applicant has submitted a plan with a structure measuring 4.5 storey in height. Due to the water table in this area the parkade cannot be located completely beneath grade which triggers this variance. The need for the variance to the eastern side yard setback was triggered by a Works and Utilities required for a partial lane dedication.

Andrew Bruce
Manager of Development Services

Approved for inclusion ☐

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

RM/AB/rs
Attach.

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Floor plans
- Elevations
- Landscaping plan
- Colour Rendering