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

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**Date:** August 18, 2005

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO.** Z05-0054/DP05-0128/DVP05-0129

**OWNER:** Bruckal Holdings Inc.

**AT:** 446 West Avenue

**APPLICANT:** Patrick McCusker  
New Town Architectural  
Services Inc.

**PURPOSE:** TO REZONE THE SUBJECT PROPERTIES FROM THE RU1-LARGE LOT HOUSING ZONE AND THE RU1 – LARGE LOT HOUSING ZONE/RU6 – TWO DWELLING HOUSING ZONE TO THE RM4-TRANSITIONAL LOW DENSITY MULTIPLE HOUSING ZONE, IN ORDER TO ALLOW FOR A PROPOSED APARTMENT STYLE MULTIPLE UNIT HOUSING DEVELOPMENT;

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

**PROPOSED ZONE:** RM4 – TRANSITIONAL LOW DENSITY HOUSING

**REPORT PREPARED BY:** RYAN SMITH

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**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z05-0054 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 135, ODYD Plan 3056 and a portion of Lot CP, Plan K49, located on West Avenue, Kelowna, B.C. from the RU1 – Large Lot Housing zone and RU6 – Two Dwelling Housing zone to the RM4 – Transitional Low Density Housing zone be considered by Council as per attached Map “A”;

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 the applicant be required to provide the required lot line adjustment with with the abutting property (Lot CP, Plan K49);

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Inspection Services Department and 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 RM4 – Transitional Low Density Housing zone to accommodate a proposed 9 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 size of the subject properties and the proposed rear yard setback below two storeys.

## 3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of August 2, 2005 it was resolved:

THAT the Advisory Planning Commission supports Rezoning Application or 446 West Avenue, Lot 2, Plan 3056, Sec. 13, Twp. 26, ODYD, by New Town Architectural Services Inc. (Patrick McCusker), to rezone from the RU1-Large Lot Housing zone to the RM4-Transitional Low Density Housing zone in order to allow a 3 storey, 9 unit multiple dwelling housing development;

AND THAT the Advisory Planning Commission supports Development Permit Application No. DP05-0128, for 446 West Avenue, Lot 2, Plan 3056, Sec. 13, Twp. 26, ODYD, by New Town Architectural Services Inc. (Patrick McCusker), to obtain a Development Permit to allow the construction of a 3 storey, 9 unit multiple dwelling housing development;

AND FURTHER THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP05-0130, for 446 West Avenue, Lot 2, Plan 3056, Sec. 13, Twp. 26, ODYD, by New Town Architectural Services Inc. (Patrick McCusker)), to obtain a Development Variance Permit to vary the minimum lot width requirement from the 30 m required to the 25.3 m proposed;

AND FURTHER THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP05-0130, for 446 West Avenue, Lot 2, Plan 3056, Sec. 13, Twp. 26, ODYD, by New Town Architectural Services Inc. (Patrick McCusker), to vary the rear yard setback for portions of the building under 2 storeys from the 7.5 m required to the 4.5m proposed.

## 4.0 The Proposal

The proposed three storey building will house a parkade and two residential units at grade and two floors of residential units above. Four units will be located on the second floor and three on the third floor. In total, two one bedroom units and seven two bedroom units are proposed. Each unit will have access to a deck/patio area.

The style of the proposed building is contemporary modern according to the applicant. The applicant is proposing to finish the exterior of the development with wood siding, stone and rich colored stucco. The architect has designed the exterior with large roof overhangs and has stepped the building back above the first storey. The site elevations are also broken with the use of bay windows, differing window forms, colour and metal lattices for planting. The architect has also designed the building to step back from the street in order to reduce the mass of the structure and allow for generous patio areas. The flat roof of the building will be divided into three private roof decks for the top units.

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 concrete pathways along both east and west sides of the development.

The parkade access for the development is via the rear lane. Twelve of the thirteen required parking spaces will be located at grade but under the building and one stall will be located on the exterior, adjacent to the lane. The refuse and recycling bins will also be enclosed in the parkade.

The application meets the requirements of the RM4 – Transitional Low Density Multiple Housing zone as follows:

CRITERIA	PROPOSAL	RM4 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	1287.5m <sup>2</sup>	900m <sup>2</sup>
Lot Depth (m)	50.90m	30.0m
Lot Width (m)	25.3m <sup>①</sup>	30.0
Area of Buildings at Grade	650m <sup>2</sup>	N/A
Area of Pavement, Accessory Buildings, etc...	772m <sup>2</sup>	N/A
Site Coverage (%) (Buildings)	50%	50%
Site Coverage (%) (Buildings and parking)	60%	60%
Net Floor Area (m <sup>2</sup> )	961m <sup>2</sup>	N/A
Floor Area Ratio (FAR)	0.74	0.65 + 0.18 for Parking Under Building  Total: 0.85
Parking Spaces	13	1.25 stalls x 2 (1 bedroom units) 1.5 stalls x 7 (two bedroom units)  <b>Total: 13 stalls</b>
Bicycle Parking	9 stalls	9 stalls
Storeys (#)	3	3
<b>Setbacks(m)</b>		
- Front	4.5m 6.0m (above second storey)	4.5m 6.0m (above second storey)
- Rear	4.5m <sup>②</sup> 9.0m	7.5m 9.0m (above second storey)
- East Side	2.3m 4.5m	2.3m 4.5m (above second storey)
- West Side	2.3m 4.5m	2.3m 4.5m (above second storey)
Private Open Space	435m <sup>2</sup>	355m <sup>2</sup>

Drive Aisle Width	7.0m	7.0m
Refuse Bins (Setback from abutting residential areas)	Refuse bins to be located in parkade.	Refuse bins to be located in parkade.

❶Note: The applicant is seeking to vary the minimum lot width in the RM4 – Transitional Low Density Housing zone from 30.0m required to 25.3m proposed.

❷Note: The applicant is seeking to vary the minimum rear yard setback below two storeys in building height from 7.5m required to 4.5m proposed.

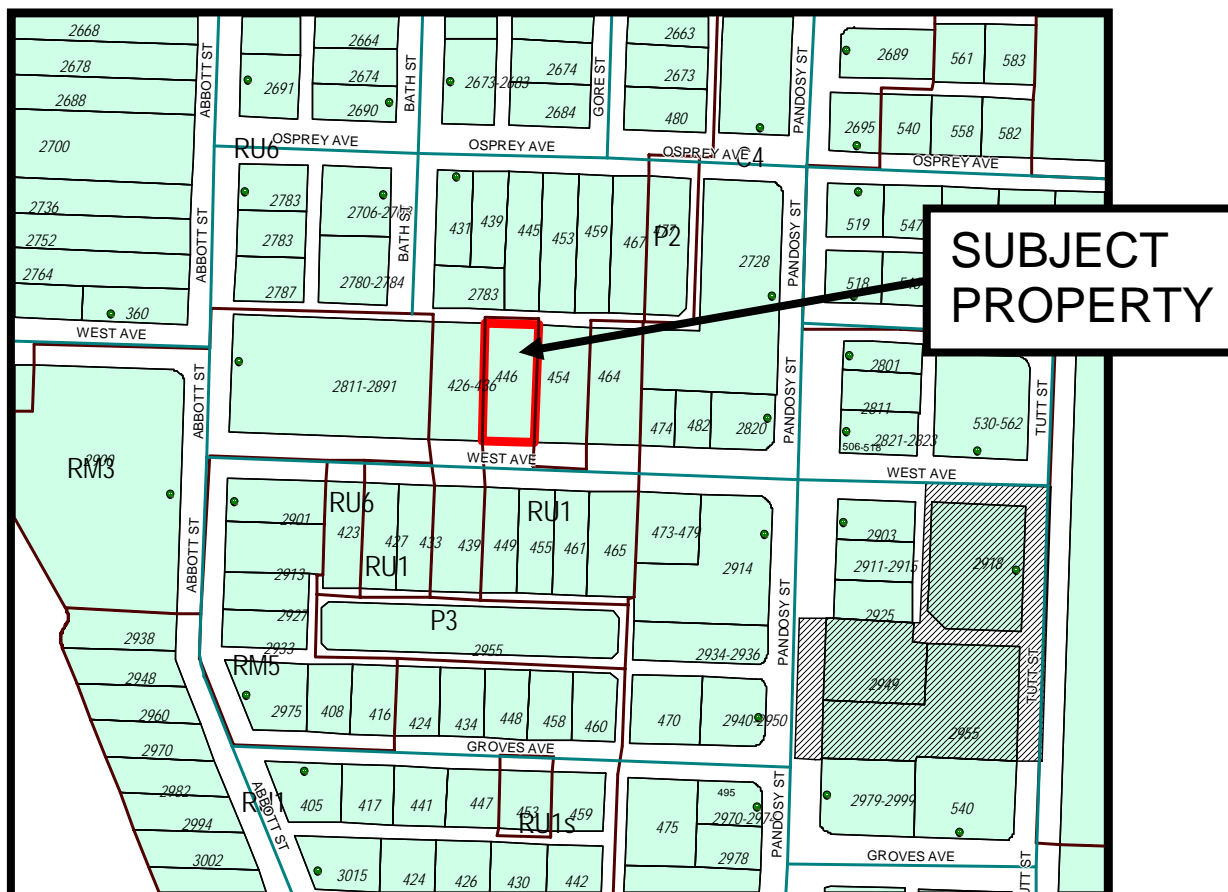
#### 4.1 Site Context

The subject property is 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

Subject Properties: 446 West Avenue



#### 4.3 Existing and Proposed Development Potential

The subject property is 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 RM4 – Transitional Low Density Multiple Housing zone. This zone provides for primarily for medium **density** apartments with a maximum height of three storeys.

#### 4.4 Current Development Policy

##### 4.4.1 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.
- All development within Urban Centres and Village Centres should contribute to the creation of pedestrian-oriented streets and public spaces (connections, socialinteraction).
- All development should contribute to a sense of community identity and sense of place (integration of development within larger community, belonging, community cohesiveness).
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility).
- All development should promote safety and security of persons and property within the urban environment (CPTED).

##### **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 located at the side of the development but is accentuated with the use of a pergola feature.
- Porches/balconies are provided.

### **Building Massing**

- Development is generally compatible with the massing and rhythm of the developing streetscape:
- 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.

**Access**

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

**Parking**

- Underground parking is provided.

**4.4.2 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.

**4.4.3 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.

## 5.0 TECHNICAL COMMENTS

### 5.1 Works and Utilities

The Works & Utilities Department have the following comments and requirements associated with this application to rezone from RU-1 to RM-4. 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.

#### a) Domestic Water and Fire Protection

The existing lot is serviced with a small diameter water service. 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 \$8,000.00.

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.

#### b) Sanitary Sewer

The existing lot is serviced with a 100mm-diameter sanitary sewer service. 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 service 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.

c) Storm Drainage

It will be necessary for the developer to construct a piped storm drainage facility 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

d) 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 \$19,000.00

e) Subdivision

By registered plan to provide the following:

Lot line adjustment. (west property line)

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

f) 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.

g) 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.

h) 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.

i) Development Permit and Variance Issues

The requested lot width and rear yard setback variances do not compromise Works and Utilities servicing requirements.

j) 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.

k) 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.

l) Bonding Summary

Bonding

West Ave. frontage improvements	\$19,000.00
Service upgrades	\$18,000.00
Total Bonding	\$ 37,000.00

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

m) 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.

n) Site Related Issues

Additional comments regarding 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 removing the existing house.

o) 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

Additional exits to outside are required for the units located in the first floor. No more than 60 occupant load is permitted on the terrace. The top floor structures are to be incorporated as part of the code analysis in respect to the number of stories (see 3.2.1.1 (1) of the BCBC. The disabled access from stall 12 to main entrance is not to code.

## 5.3 RCMP/School District #23/Fire Department/Environment Manager/ Public Health Inspector/Terasen Utility Services/Shaw Cable/Fortis BC/Fire Department

No comment.

## 5.3 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 the 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.

d) All entry feature signs for the proposed development will be located on private property and not on the City's boulevard.

e) Tree Plantings in the boulevard will conform with Master Municipal Specifications (MMCD) Section 02950 and British Columbia Landscape Standard (1997) Section 9.3.

f) Underground utilities in boulevard shall be aligned and buried to provide a continuous 1.0m deep utility-free trench to accommodate tree planting, except as required for utility crossings, service connections, boxes and vaults.

g) Trees in boulevards less than 3.0m in width shall be installed with root barriers such as "Deep Root" brand, or City-approved equal, installed per the manufacturer's instructions.

h) In an effort to conserve water, all automated irrigation systems will be design to minimize over-spraying on non-landscaped areas including City sidewalks, courtyards, parking areas, roadways, etc.

#### 5.4 Telus

Telus will provide underground facilities. Developer will be required to supply and install conduit.

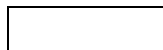
### 6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The proposed rezoning application is generally consistent with the provisions of the Official Community Plan and Zoning Bylaw with the exception of two proposed variances. The applicant is seeking to vary the minimum lot width for development in the RM4 zone and the rear yard setback. In order to reduce the size of the lot width requirement the applicant has purchased a portion of the lot to the east and will be completing a lot line adjustment. Initially Planning staff had expressed concern that the remainder of Lot CP, Plan K49 would be orphaned; however, the developer had attempted to purchase the entire duplex but was unable to come to an agreement with the owner of the western unit as he had just completed a renovation. Since the developer has made the attempt to acquire this property in its entirety, albeit unsuccessfully, at this time no concerns exist with regard to the proposed land use on the subject property.

Staff are generally supportive of the proposed contemporary modern design of the development. The applicant has presented a design which is generally consistent/complementary with other re-development occurring in this area. The applicant has also taken care to design a building that is appropriate in scale and purpose for the lot size, thereby attempting to mitigate the two requested variances. Should Council choose to support the proposed rezoning, the associated development permit and development variance permit application will be forwarded for Council consideration.

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Andrew Bruce  
Manager of Development Services



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