
**CITY OF KELOWNA
MEMORANDUM**

Date: September 6, 2005
File No.: DP05-0023, DVP05-0036

To: CITY MANAGER

From: PLANNING AND CORPORATE SERVICES DEPARTMENT

Subject:

APPLICATION NO. DP05-0023, DVP05-0036 **OWNER:** 0706682 BC Ltd.

AT: 1004, 1012, 1026 Bernard Avenue & **APPLICANT:** as above
1483 Graham Street

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW 43 UNITS OF
APARTMENT HOUSING.

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW A SITE
COVERAGE OF 47.8% WHERE 40% IS PERMITTED.

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 RECOMMENDATION

THAT Final Adoption of Zoning Bylaw No. 9428 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP05-0023 for Lot 10, DL 138, ODYD Plan 1438, located on Graham Street, and Lots 11 & 12, DL 138, ODYD Plan 1438, located on Bernard Avenue, and Lot 3, DL 138, ODYD Plan 5065 located on Bernard Avenue, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building 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";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT Council authorize the issuance of Development Variance Permit No. DP05-0036 for Lot 10, DL 138, ODYD Plan 1438, located on Graham Street, and Lots 11 & 12, DL 138, ODYD Plan 1438, located on Bernard Avenue, and Lot 3, DL 138, ODYD Plan 5065 located on Bernard Avenue, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 13.11.6(b) – RM5 – Medium Density Multiple Housing

A variance to allow site coverage of 47.8% including buildings where a site coverage of 40% is permitted.

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

2.0 SUMMARY

The applicant is proposing to construct 43 units of apartment housing within a four storey apartment building.

3.0 ADVISORY PLANNING COMMISSION

The above noted application was reviewed by the Advisory Planning Commission at the meeting of March 1, 2005, and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Permit Application No. DP05-0023, for 1004, 1012, 1026 Bernard & 1483 Graham Street, Lots 11 & 12, Plan 1438, Lot 3, Plan 1026, Lot 10, Plan 1438, ODYD, by Garry Tomporowski to obtain a Development Permit to allow for the construction of 43 apartment housing units within a four storey building.

AND THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP05-0036, for 1004, 1012, 1026 Bernard & 1483 Graham Street, Lots 11 & 12, Plan 1438, Lot 3, Plan 1026, Lot 10, Plan 1438, ODYD, by Garry Tomporowski, to vary this site coverage from the 40% permitted, to the 45.7% proposed, and to vary the side yard setback from the 7.5 m required to the 6.5 m proposed.

4.0 BACKGROUND

2.1 The Proposal

The proposed building is a total of four storeys in height. The modern design of the building includes architectural detailing which breaks up the façade of the building. The proposed building materials consist of two colours of stucco, blasted glass, and corrugated metal on the vertical elements of the building façade. Numerous window types and sizes, columns, cantilevers, and decks provide visual interest to the building. Several neutral colours further break up the façade of the building. The main street level provides direct access to 24 two storey units. A lobby on the main level also provides access to 19 additional units located on the third and fourth levels.

The 24 walk-up units each have direct access via patios located around the periphery of the building with additional accesses provided via an internal courtyard or the lobby of the building. The main level of each unit consists of a living area, a kitchen, and a half bathroom. The second level of the units consists of two bedrooms and two bathrooms or a single bedroom, a bathroom and a loft (den) area. Private amenity space is provided on the main level patios as well as second level deck space.

The third and fourth floor units are to be accessed from a lobby on the main floor with entrances from both Graham Street and Bernard Avenue. The upper level units consist of a mix of one and two bedroom units. Several of the units also have den space or loft space. Each of the units also has private deck space.

Parking for the proposed development is to be located within an underground parkade. A total of 75 parking spaces are provided where only 60 parking spaces are required. The parkade also contains a secure bicycle storage room as well as garbage facilities located at the base of the access ramp. The applicant will be required to provide 4 short term bicycle parking spaces on-site in order to meet the regulations of bicycle parking as outlined in the Zoning Bylaw.

Significant landscaping is proposed. Trees are to be planted adjacent to the sidewalks along both Graham Street and Bernard Avenue. The main level of the building is slightly elevated (approx. 1m from grade) to facilitate the underground parking lot. From the property line, tiers of landscaping lead up to the main level patios adjacent to the building. At the north east corner of the site, a grassed area will provide activity space for the tenants of the building. In addition, a roof top garden with an adjacent common room provides further recreational space for the tenants of the building.

The site coverage for the building also exceeds the maximum permitted by the Zoning Bylaw. A development variance permit will therefore be required. The Zoning Bylaw defines site coverage as “the percentage of the total horizontal area of a lot of lots that may be built upon including accessory buildings or structures (including carports, covered patios greater than 23m², and decks over 0.6 m in height) excluding steps, eaves, cornices, cantilevered balconies and similar projections permitted by this Bylaw, breezeways, open courtyards, terraces or patios, driveways, aisles, and parking stalls”.

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

| CRITERIA | PROPOSAL | RM5 ZONE REQUIREMENTS |
|-----------------------------------|----------------------|--|
| Lot Area (m ²) | 3181.5m ² | 1400 m ² |
| Lot Width (m) | 42.4 m | 30.0 m |
| Lot Depth | 57.6 m | 35.0 m |
| Floor Area Ratio (F.A.R.) | 1.26 | 1.1 plus 0.1 for housing agreement, plus maximum of 0.2 for parking below habitable space 1.1 + 0.2 = 1.3 |
| Site Coverage (buildings) | 47.8% ❶ | 40% |
| Site Coverage (buildings/parking) | 47.8% | 60% |
| Height | 16.3m/ 4 storeys | 16.5 m / 4 storeys |
| Setbacks (m) | | |
| - Front | 6.0m | 6.0 m |
| - Rear | 9.0m | 9.0 m except 7.5 m to rear lane |

| | | |
|---------------|---|--|
| - Side (east) | 4.5m 7.5m 3 rd storey | 4.5 m < 2 ½ storeys 7.5 m > 2 ½ storeys |
| - Side (west) | 7.5m to 1 st & 2 nd Floors 7.5m to 3 rd floor | 7.5 m from a flanking street |

| Other requirements | | |
|--------------------|---|--|
| Parking Stalls (#) | 75 spaces | 1.25 per 1 bedroom unit (22 units)= 27.5 spaces 1.50 per 2 bedroom unit (21 units) = 31.5 Total = 59 spaces |
| Bicycle Stalls (#) | 22 spaces (garage) 4 spaces short term | Class I: 0.5 per dwelling =21.5 Class II: 0.1 per dwelling = 4.3 Total = 26 |
| 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) |

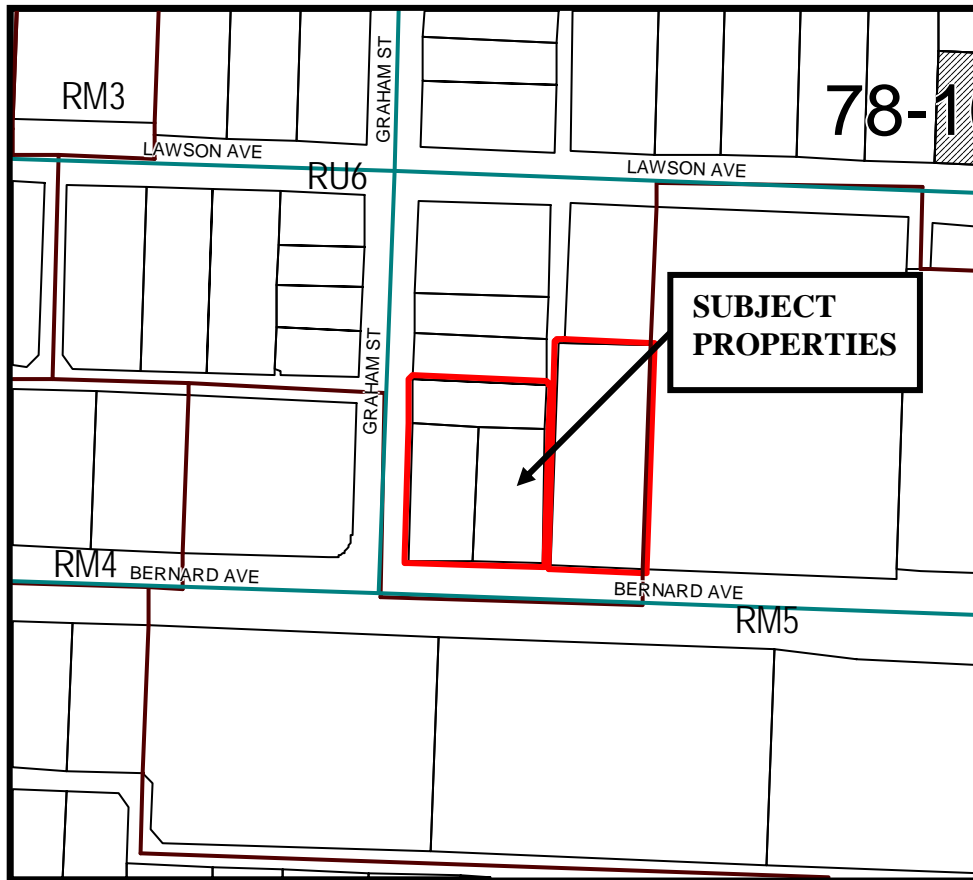
❶ A variance to allow a site coverage of 47.8% where 40% is permitted.

3.2 Site Context

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

North - RU6 - Two Dwelling Housing
 East - RM5 – Medium Density Multiple Housing
 South - RM5 – Medium Density Multiple Housing
 West - RM5 – Medium Density Multiple Housing

Site Location Map



3.3 Proposed 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).

3.4 Current Development Policy

3.4.1 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.

3.4.2 Official Community Plan (OCP)

The future land use designation of the subject property is Medium Density Multiple Housing. The proposed designation of RM5 is therefore consistent with the Official Community Plan. Several elements of the proposed building design are 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
No response.

5.2 Fire Department
Fire Department access as per BC Building Code and City of Kelowna Subdivision Bylaw

5.3 FortisBC
On behalf on City of Kelowna will provide underground electrical

5.4 Inspections Department
Designer should review exit protection issues on main floor units and third floor where they are at the exterior exit corridor and stairs. Review the spatial limits between the buildings and combustible projections. Will the parking structure be a "separate" building which may cause code problems with fire separations. They should move accessible underground parking stall closer to elevator and ensure full accessibility into the building. Suggest full accessibility for common area and roof top garden.

5.5 Interior Health
No comment.

5.7 Parks Manager

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

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.

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

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 two growing seasons after planting.

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.

5.8 RCMP

No response.

5.9 Shaw Cable

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

5.10 Telus

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

5.11 Terasen

Have gas line in the portion of lane that appears to be consolidated. This line will need to be abandoned at developer's expense.

5.12 Works & Utilities

The Works & utilities Department has the following comments and requirements associated with this application for the proposed development. 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.

5.12.1 Domestic water and fire protection

- (a) 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.
- (b) The estimated cost of this work for bonding purposes is \$7,000.00

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

5.12.2 Sanitary Sewer

- (a) The developer’s consulting mechanical engineer will determine the requirements of the proposed development. Sanitary sewer service for the site will be reviewed and approved by Engineering when a site servicing design is submitted.
- (b) Service changes shall be at the developer’s cost.
- (c) The estimated cost of this work for bonding purposes is \$5,000.00

5.12.3 Storm Drainage

- (a) 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.
- (b) Storm drainage systems and overflow service for the site will be reviewed and approved by Engineering when a site servicing design is submitted.
- (c) The estimated cost of the overflow service for bonding purposes is \$4,000.00
- (d) It will be necessary to construct some storm drainage facilities (catch-basin modifications) on Graham Street fronting the proposed development. The cost of this construction is included in the roads item.

5.12.4 Road Improvements

- (a) Bernard Avenue fronting this development will require pavement widening, curb, gutter, sidewalk and driveway access removal and replacement, boulevard landscaping and adjustment and / or re-location of existing utility appurtenances including lamp standards, to accommodate this construction. The estimated cost for bonding purposes is \$25,900.00
- (b) Graham Street is designated an urban class 2 collector road. It will be necessary to upgrade Graham Street fronting this development to a (SS-R7) standard consisting of a barrier curb and gutter, monolithic sidewalk and pavement widening. Also required is a landscaped boulevard complete with underground irrigation system. Re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The estimated cost of this work for bonding purposes is \$18,500.00.

5.12.5 Road Dedication and Subdivision Requirements

- (c) Lot consolidation.
- (d) Provide an additional highway allowance widening of 2.13 meters for the frontage of Bernard Avenue
- (e) Provide an additional widening of the lane fronting Lot 9 Plan 1438 to create a total lane width of 6.00 meters.
- (f) Provide a 6.00m radius corner rounding of the Graham Street and Bernard Avenue intersection.

These widening may be accomplished by:

- (i) A dedication on the subdivision plan.
- (ii) A Road Exchange with the proposed lane closure.
- (iii) Sale of the land to the City of Kelowna provided sufficient funds are available in the City's current budget. Contact Mr. D.L. Shipclark, Manager, Community Development & Real Estate, if this option is selected.
- (g) If any road dedication affects lands encumbered by a Utility right-of-way (such as Gas, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.
- (h) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

5.12.6 Electric Power and Telecommunication Services

The electrical and telecommunication services to the building must be installed in an underground duct system. 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.

5.12.7 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.

5.12.8 Geotechnical Report

As a requirement of this application and building permit approval 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, including water sources on the site.
- (b) Site suitability for development; i.e. unstable soils, foundation requirements 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, analyse 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.

5.12.9 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.

5.12.10 Development Permit and Site Related Issues

- (e) Site servicing issues will be reviewed and comments related to site development will be addressed when a detailed site development design or building permit application is received.
- (f) A site grading plan, a site servicing plan and a storm drainage plan are a requirement of this application. Site servicing issues and road access will be further reviewed and comments related to site development will be addressed when a detailed site development design or building permit application is received.
- (g) 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.
- (h) An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles movements should also be illustrated on the site plan.
- (i) Perimeter access must comply with the BC Building Code.

5.12.11 Other Engineering Comments

- (a) The City wishes to defer the upgrades to Bernard Avenue fronting this development. Only the removal of the existing driveway accesses to Bernard Avenue must to be completed at this time. Therefore, cash-in-lieu of immediate construction is required and the City will initiate the work later, on its own construction schedule. The cash-in-lieu amount is determined to be **\$ 22,400.00**

5.12.12 Bonding and Levy Summary

(a) Bonding

| | |
|-------------------------------------|-----------------------------|
| Graham St. - frontage improvements | \$ 18,500.00 |
| Bernard Ave- frontage modifications | \$ 3,500.00 |
| Service upgrades | \$ 16,000.00 |
| Total bonding amount | <u>\$ 38,000.00.</u> |

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 rezoning 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. The City Development Engineering Section will prepare the servicing agreement for execution by the owner and the City.

Levies

Bernard Avenue Frontage improvements

One-time cash payment for future urban upgrading. **\$ 22,400.00**

5.12.13 Administration Charge

An administration charge is applicable to this development in the amount of 3% (+ GST) of the total off-site servicing costs. The administration charge will be assessed and must be paid prior to release of any security deposits.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The proposed building design is consistent with many of the OCP's design guidelines of multiple dwelling housing. Staff is therefore supportive of the overall development including the proposed variance. Through the use of colour, material and architectural detailing, the designer has created a visually appealing and innovative building. While commending the application for the building design, Staff do note that some elements of the building have no precedent in the surrounding neighbourhood. The ground oriented units, however, provide a strong sense of connectivity to both Graham Street and Bernard Avenue thus contributing to a pedestrian friendly streetscape. The applicant will be required to provide road dedications along Bernard Avenue. The result was a slight increase in the proposed overall site coverage of the development. Staff, however, is supportive of the proposed variance.

Andrew Bruce
Development Services Manager

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

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Attach.

ATTACHMENTS

Location of Subject Property

Site plan

Floor Plans

Elevations