
**CITY OF KELOWNA
MEMORANDUM**

Date: September 22, 2005
File No.: Z05-0053

To: CITY MANAGER

From: PLANNING AND CORPORATE SERVICES DEPARTMENT

Subject:

APPLICATION NO. Z05-0053

OWNER: William Allan Troy
Grover, Sing Wong, Kayea Wong
APPLICANT: J Herman Group Inc.

AT: 710 & 730 Martin Ave & 1419 Richter
Street

PURPOSE: 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

1.0 RECOMMENDATION

THAT Rezoning Application No. Z05-0053 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 2, 3 & 4, DL 138, ODYD, Plan 1346 located on Martin Avenue and Richter Street, 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 zone amending bylaw be forwarded to a Public Hearing for further consideration;

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;

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.

2.0 SUMMARY

The applicant is proposing to construct 30 units of apartment housing within a four and a half storey apartment building. In order to facilitate the development, a rezoning application from the RU6- Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone is required.

3.0 ADVISORY PLANNING COMMISSION

The above-noted applications were reviewed by the Advisory Planning Commission at the meeting of August 2, 2005 and the following recommendations were passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z05-0053, for 710 & 730 Martin Avenue and 1419 Richter Street, Lots 2 & 4 & Lot 3, Plan 1346, Sec. 30, Twp. 26, ODYD, by J. Herman Group Inc. (Jim Herman), to rezone from the RU6-Two Dwelling Housing zone to the RM5-Medium Density Multiple Housing zone.

4.0 BACKGROUND

4.1 The Proposal

The proposed building consists of four storeys of apartment housing on top of a under building parkade. As the parkade projects half a storey above grade, the overall height of the building (4.5 storeys) exceeds the maximum permitted height of 4 stories. Variances are also required to allow a setback of 3.35 m to the parkade structure where 4.5 m is required, to allow a site coverage of 52.8 % (parkade structure) or 44.1% (1st & 2nd storey) where only 40.0% is permitted. Parking for the proposed development is to be located primarily under the building. A total of 40 parking spaces are provided where only 42 parking spaces are required. Four surface parking spaces area also proposed. The parkade also contains a storage room and garbage facilities. The applicant will be required to address deficiencies in the layout and number of parking spaces prior to review of the development permit in order to meet the regulation of the Zoning Bylaw.

The modern design of the building includes architectural detailing which breaks up the façade of the building. Numerous window types and sizes, columns, cantilevers, and decks provide visual interest to the building. Long lengths of balcony railings run the across each elevation of the building. The main street level provides direct access to 8 units. These 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. A lobby on the main level also provides access to the additional units located on the upper levels. Each unit consists of a living area, a kitchen, two bathrooms, a laundry room, and either two bedrooms or one bedroom with a den. Each unit has private amenity space is provided on the patios on the main level or deck space for the upper level units. Six of the top units are to have a spiral staircase from their units leading to private roof top deck space.

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)	2391.9 m ² (2432m ² minus road dedications)	1400 m ²
Lot Width (m)	41.52m	30.0 m
Lot Depth	58.86m	35.0 m
Floor Area Ratio (F.A.R.)	1.35*	1.1 plus 0.1 for housing agreement, plus maximum of 0.2 for parking below habitable space (36/42) x 0.2 = 0.17 1.1 + 0.17 = 1.27

Site Coverage (buildings)	52.8 % (parkade structure), 44.1% (1 st & 2 nd storey)*	40%
Site Coverage (buildings/parking)	59.4%	60%
Height	16.11m/4.5 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 (north)	4.5 m (1storey) 4.5m (2.5 - 4 storeys) 3.35 m to parkade structure*	4.5 m < 2 ½ storeys 7.5 m > 2 ½ storeys
- Side (south)	7.5m	7.5 m from a flanking street
Projections		
Sides	0.3 m	0.6m or 2.5 m decks
Other requirements		
Parking Stalls (#)	40 spaces *	1.25 per 14 one bedroom unit (units), 1.50 per 16 two bedroom unit (units) Total =42 spaces
Bicycle Stalls (#)	15 spaces (garage) 2 spaces short term*	Class I: 0.5 per dwelling = 15 Class II: 0.1 per dwelling = 1.5 Total = 17
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)

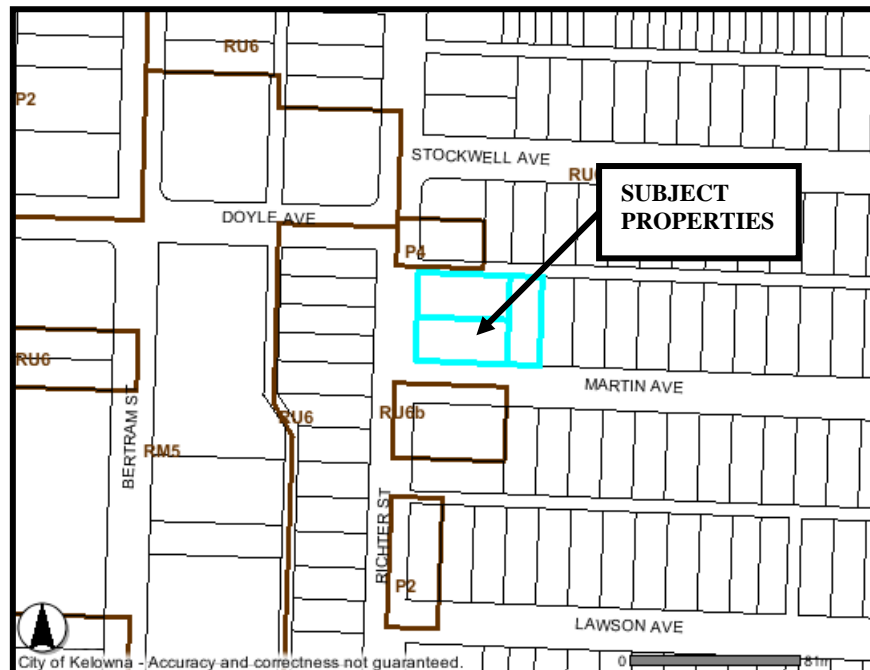
* proposal does meet the minimum requirements of the Zoning Bylaw

4.2 Site Context

The subject property is located on the corner of Richter Street and Martin 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



4.3 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).

44 Current Development Policy

4.4.1 City of Kelowna Strategic Plan (2004)

One of the objectives of the Strategic Plan is 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 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 and hydrants as per BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows should determine fire hydrant requirements and locations

5.3 FortisBC
No response.

5.4 Inspections Department
Additional exit is required from parking level to outside. The vestibule in parking level is not usable for disabled. Min of 12' clearance is required between the door and the edge of the stair on landing area. Spiral stairs to the roof top deck shall comply with 3.3.1.15. No enclosed structure is allowed on roof except stair and elevator shafts. Applicant must submit complete code analysis. Lowest floor level shall be designed above ground water as per section 6.2 of Building Bylaw.

5.5 Interior Health
No comment.

5.7 Parks Department

1. Residents will be responsible to weed, water and mow the boulevards 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.
2. All plant material (trees, shrubs, ground covers and sod) used in the boulevard to be reviewed and approved by Parks Staff.
3. 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.

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

5. 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.

6. In an effort to conserve water, all automated irrigation systems will be design to minimize overspraying 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

No comment.

5.12 Works & Utilities

The Works & Utilities Department have the following comments and requirements associated with this application to rezone from RU-6 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. The Development Engineering Technologist for this project is John Filipenko. AScT

1. Domestic Water and Fire Protection

(a) The existing 100mm-diameter water distribution and fire protection system fronting this development is not sufficient to support the proposed development.

(b) Remove and replace the existing watermain on Martin Avenue fronting this development with a 200mm-diameter watermain. The estimated cost of this work for bonding purposes is \$21,000.00

(c) The developer's consulting mechanical engineer will determine the hydraulic and fire flow requirements of the proposed development and establish the service needs. Decommissioning of three existing small diameter services and the installation of one larger service will be at the applicant's cost. The estimated cost of this work for bonding purposes is \$7,000.00

(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.

- (e) The boulevard irrigation system must be integrated with the on-site metered irrigation system.

2. Sanitary Sewer

- (a) The developer's consulting mechanical engineer will determine the requirements of the proposed development and future expansion and establish the sanitary service requirements.
- (b) Removal and capping of the existing domestic sanitary services and the tie-in of one new larger service will be at the applicant's cost. The estimated cost of this work for bonding purposes is \$4,000.00

3. Storm Drainage

- (a) The subject development must include the design of a piped drainage system for Martin Avenue fronting the subject lots, including curb and gutter construction. The cost of the work is included in the road design calculations.
- (b) 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.
- (c) Storm drainage systems and overflow service for the site will be reviewed and approved by Engineering when a site servicing design is submitted.
- (d) The estimated cost of the overflow service for bonding purposes is \$5,000.00

4. Road Improvements

- (a) Richter Street fronting this development is fully urbanized. Frontage improvements anticipated at this time include the removal and replacement of the existing curb return with wheelchair ramp at the Martin Avenue intersection. The estimated cost of construction for bonding purposes is \$4,000.00
- (b) Martin Place fronting this development must be upgraded to a (SS-R5) standard including concrete curb and gutter, sidewalk, street lighting upgrade, piped storm drainage system, fillet pavement, landscaping and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The estimated cost of this construction for bonding purposes is \$44,000.00.

- (c) The rear lane fronting this development must be upgraded to a paved standard (SS-R2) including a storm drainage system. The estimated cost of construction for bonding purposes is \$17,000.00
- (d) Damage to existing curb, sidewalk and road surfaces will likely occur during the excavation and construction period. Replacement of damaged works, as determined by the city engineer, will be at the developer's expense.
- (e) Site access and egress designs must be submitted for approval by the City Works & Utilities Department. This is required to guarantee that the requirements and the limitations of access and egress required by the City have been addressed to the City's satisfaction.

5. Road Dedication and Subdivision Requirements

- (a) By registered plan provide a corner rounding of 6.0 meter where Richter Street intersects with Martin Avenue.
- (b) Dedicate 0.80m widening of the rear lane to provide one-half of the required widening to provide an eventual 7.6m wide lane.
- (c) Lot consolidation
- (d) Grant statutory rights-of-way if required for utility services.

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.

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.

8. Bonding and Levy Summary

(a) Bonding

Richter Street wheel chair ramp	\$ 4,000.00
Martin Avenue road frontage improvements	\$ 40,000.00
Martin Avenue watermain upgrade	\$ 21,000.00
Lane frontage improvements	\$ 17,000.00
Service upgrades	\$ 16,000.00

Total Bonding	\$ 98,000.00
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NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated to include engineering design and contingency protection and do not including utility service costs. Bonding for required off-site construction must be provided as a condition of building permit issuance.

The owner must also enter into a servicing agreement in a form provided by the City prior to issuance of a building permit.

9. Latecomer Provisions

a) Under the provisions of the Municipal Act, Latecomer provisions are available for the following items:

- i) Storm main construction.
- ii) Water main construction.
- iii) Lane upgrade

The consulting engineer is to prepare and submit the Latecomer information. The City will prepare the actual Latecomer Agreement(s) and forward to the owner(s) for signature. The Latecomer Agreements must be submitted for Council's adoption prior to the notice to proceed with the works and/or subdivision approval.

10. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

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.

12. Development Permit, Development Variance Permit and Site Related Issues

- (a) 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.
- (b) The requested building height variance does not compromise Works and Utilities servicing requirements.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The proposed rezoning from the RU6- Two Dwelling Housing zone to the RM5 - Medium Density Multiple Dwelling zone is consistent with the future land use designation outlined in the Official Community Plan (OCP). Staff is therefore supportive of the proposed rezoning application. Staff notes that the plans presented at this time are conceptual drawings only. The form and character of the proposed development will be addressed under the associated development permit and development variance permits.

Prior to the review of the DP and DVP, Staff recommends that the applicant address concerns with the design and bring the development in greater conformance with the regulations of the zone amending bylaw. The density (FAR) of the building at this time appears to exceed the maximum permitted. The applicant will therefore be required to bring the development in conformance with the FAR regulations prior to proceeding. The proposal currently also exceeds the maximum permitted site coverage and may require variances in order to meet the parking requirement. While tandem surface parking in the rear yard may be considered, the applicant will not be permitted driveway access onto Martin Avenue.

Through the use of architectural detailing, the designer has generally created a visually appealing building. Since its initial review by the APC, however, the design of building has become increasingly industrial in nature. Staff notes that the Guidelines for Multiple-family Developments encourage forms that are inspired by the neighbourhood context. Staff therefore strongly encourages the applicant to revise the building design to create a sense of relationship to the adjacent neighbourhood. Staff also notes that the main entrance to the lobby is somewhat subdued given that it is the principal entrance to the building and a key component of the face that the project presents to the street. It is therefore recommended that the Richter Street entrance be more readily identifiable from the street and convey the visual qualities typically associated with a main entrance.

Staff commends the applicant for the proposal to create ground oriented units on the main level of the building. These units have the potential to create a strong sense of connectivity to both Richter Street and Martin Avenue thus contributing to a pedestrian friendly streetscape. The applicant, however, is proposing an opaque wall surrounding the site. Staff feels that the proposed wall compromises the connectivity of the development to the adjacent streets thus also diminishing the benefits of the ground oriented units. Staff notes that the applicant is also proposing a height variance for the building to facilitate a below building parkade. The main level is thus already slightly elevated above street level. The landscaping, including the fencing, should attempt to mitigate the difference in grade to foster a strong sense of connection to the public realm rather than reinforce the separation.

Staff acknowledges that project exhibits livability in its design and use of outdoor amenity areas. The roof patios have access from individual units and a common corridor. At the time the application was reviewed by the Advisory Planning Commission, a large landscaped rear yard was proposed with amenity spaces that included benches, a water feature, and lawn space. The high quality landscaping thus mitigated the proposal to exceed the maximum permitted site coverage. The rear yard, however, has subsequently been significantly reduced in area with parking spaces/driveways encroaching within it. The applicant will be required to revise the site plan to remove the driveways from this area and to submit a revised landscape plan indicating the new proposed landscaping. The rear yard landscaping should also acts as a buffer/transition between the mass of the proposed development and the existing single family forms to the immediate east of the site.

Andrew Bruce
Development Services Manager

Approved for inclusion

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

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Attach

ATTACHMENTS

Location of Subject Property

Site plan

Floor Plans

Elevations