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

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**Date:** December 20 ,2005  
**File No.:** **Z05-0052**

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

APPLICATION NO. Z05-0052

OWNER: CERCO DEVELOPMENTS  
LTD, F.J. & L.H. PELLIS

AT: 950, 962, 970, 982, 994, 1004, &  
1010 HARVEY AVE, 951, 961,  
971, 981, 991, 1001, & 1011  
LEON AVE.

APPLICANT: CERCO DEVELOPMENTS  
LTD

PURPOSE: TO REZONE THE SUBJECT PROPERTIES TO THE RM5 –  
MEDIUM DENSITY MULTIPLE HOUSING ZONE TO PERMIT  
THE DEVELOPMENT OF 144 UNIT APARTMENT HOUSING  
COMPLEX

EXISTING ZONE: RU6 – TWO DWELLING HOUSING

PROPOSED ZONE: RM5 – MEDIUM DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: PAUL McVEY

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1.0 RECOMMENDATION

THAT Rezoning Application No. Z05-0052 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 1 to 12, DL 138, O.D.Y.D., Plan 7202, and Lots 1 & 2, DL 138, O.D.Y.D., Plan 7385, located on Harvey Avenue and Leon Avenue, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone be considered by Council;

AND THAT the 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 and 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 and the Ministry of Transportation being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Housing Agreement for Accessible and Affordable housing, and registered a plan of subdivision to consolidate the properties and dedicate required road widenings;

## 2.0 SUMMARY

The applicant wishes to develop the subject properties with a 144 residential unit comprehensive apartment development. The applicant is proposing to rezone the properties to the RM5 – Medium Density Multiple Housing zone, which is consistent with the Official Community Plan designation for the site. An application has also been made for a Development Variance Permit, in addition to the Rezoning and Development Permit applications, as the applicant is proposing an increase in building height from 4 storeys permitted to a maximum of 7 storeys for a portion of the proposed apartment development.

The applicant has proposed to operate this development as rental accommodation. As part of the development proposal, the applicant is seeking a density bonus to the RM5 – Medium Density Multiple Housing zone by providing parking under the building, and by entering into a housing agreement to provide for affordable (special needs) housing.

### 2.1 Advisory Planning Commission

The above noted application (Z05-0052) was reviewed by the Advisory Planning Commission at the meeting of August 2, 2005 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z05-0052, for 1004, 1010, 950, 962, 970, 982, 994 Harvey Avenue & 1001, 1011, 951, 961, 971, 981, 991 Leon Avenue, by Cerco Dev. (Carlo DiStefano), to rezone from the RU6-Two Dwelling Housing zone to the RM5-Medium Density Multiple Housing zone, in order to allow for the development of a multiple unit residential complex;

Please note that the associated variance seeking reduction of the required amount of off-street parking was NOT supported by the APC.

## 3.0 BACKGROUND

### 3.1 The Proposal

The applicant has made application to rezone the 14 subject properties from the existing RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone in order to develop the properties with a 144 unit comprehensive apartment housing development. This zone is supported by the City of Kelowna Official Community Plan.

The proposed site plan indicates a parking structure (153 parking stalls) constructed over most of the site. The site plan indicates that this proposed parking structure covers a substantial portion of the development site, which creates a total site coverage of 66% for Buildings, Parking Areas, and Driveways, where the bylaw permits a maximum site coverage of 60%. It will be necessary to deal with this increase in total site coverage through the associated Development Variance Permit application which has been made to vary the proposed building height, front yard building setback from Leon Ave, and the amount of parking provided. The site plan indicates 2 semi-circular driveways located at the west and east ends of the Leon Avenue frontage. The west driveway provides 4 visitor parking stalls, and a pedestrian access to the west portion of the proposed building development. The east driveway provides 2 visitor parking stalls, a pedestrian access to the east portion of the building, as well as access to the parking garage, which is partially set below grade.

There are four buildings designed to be constructed on top of the parking structure. The two buildings fronting Leon Avenue are designed as 4 storey (3 storeys on top of garage) structures. There are 8 ground oriented dwelling units associated with these buildings located along the Leon Ave. face of the parking garage to shield the parking structure from view from Leon Ave. and provide a 4 storey façade to the proposed buildings. The building located at the east end of the development is designed as a six storey (5 storeys on top of garage) building, while the building located at the west end of the development is designed as a seven storey (6 storeys on top of garage) building.

The open space on top of the parking structure is landscaped to provide an outdoor activity plaza space. There is a pedestrian access from this level to the sidewalk on Harvey Avenue. The top of the parking structure is approximately 1.2m above grade along Harvey Ave.

The main pedestrian entrances to the apartment buildings are located in lobbies located at the east and west end of the site development adjacent to Leon Avenue. This level also provides for storage space, bicycle storage lockers, and space for refuse collection for each of the 4 buildings. The elevators located in each of the lobbies provide access to the 6 or 7 storey buildings at that location as well. The 4 storey buildings located adjacent to the taller portions area are connected by a short hallway to provide elevator access to the shorter portions of the proposed buildings. There are roof amenity areas located on top of each of the shorter buildings. As well, there is also a covered area located on the roof to provide a blend of exposed and sheltered outdoor space on top of the 4 storey buildings.

The proposed development is designed to provide a total of 72 - one bedroom units, and 72 - two bedroom units. Each of the units has an exterior balcony, which are designed to have transparent railings.

The applicant is seeking the density bonus from the base density of 1.1 for the RM5 zone up to FAR = 1.2 by committing to enter into a housing agreement to provide affordable housing. This density bonus represents an additional developable floor area of approximately 910 m<sup>2</sup>. The applicant has committed to including 460 m<sup>2</sup> (50.5%) of this additional area as affordable (special needs) housing, as identified through the City of Kelowna Housing Resources Handbook.

As well, the applicant is seeking a density bonus for the provision of parking below habitable space of the building and common amenity space. However, as the bylaw provisions state that the density bonus provision is based on a ratio of number of stalls below the building provided divided by the number of parking stalls required. In this

proposal, this works out to  $153/198 = 0.77 \times 0.2 = 0.155$ . This limits the maximum building area of the proposed development to  $1.2 + 0.155 = \text{Max FAR} = 1.355$ .

The proposal as compared to the RM5 zone requirements is as follows:

CRITERIA	PROPOSAL	RM5 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> ) gross area After dedications	9,760 m <sup>2</sup> 9,104.22 m <sup>2</sup>	1,400 m <sup>2</sup>
Site Width (m)	145 m	30.0 m min
Site Depth (m)	63m	35.0 m min.
Site Coverage (%) Buildings only total complex	3,198 m <sup>2</sup> 35% 6,054 m <sup>2</sup> 66% ❶	40% buildings 60% buildings, parking, driveways
Total Floor Area (m <sup>2</sup> ) Gross Net	14,779 m <sup>2</sup>	Max 12,336.2 @ FAR = 1.355
F.A.R.	FAR = 1.355	Base 1.1 FAR 1.2 FAR with housing agreement 0.2 FAR bonus U/G parking Max FAR = 1.355
Storeys (#)	7 storeys (20m) ❷	4 storeys (16.5m) max.
Setbacks (m)		
- Front (Leon Ave.)	4.363m ❸	6.0 m
- Front (Harvey Ave.)	6.0m	6.0 m
- East Side	7.7m	4.5m for buildings less than 2½ storeys 7.5m for buildings over 2½ storeys
- West Side	7.5m	4.5m for buildings less than 2½ storeys 7.5m for buildings over 2½ storeys
Private open space	Plaza 2394m <sup>2</sup> Balconies 2340m <sup>2</sup> Roof areas 1425m <sup>2</sup> Total <b>6160m<sup>2</sup></b>	72 x 1 br – 15.0 m <sup>2</sup> = 1080 m <sup>2</sup> 72 x 2 br – 25.0 m <sup>2</sup> = 1800 m <sup>2</sup> required - <b>2880 m<sup>2</sup></b>
Parking Stalls (#)	159 stalls provided ❹	Required 198 stalls
Bicycle Parking (#)	Class 1 – 81 provided Class 2 –	Class 1 @ .5 = 72 req'd Class 2 @ .1 = 15 req'd

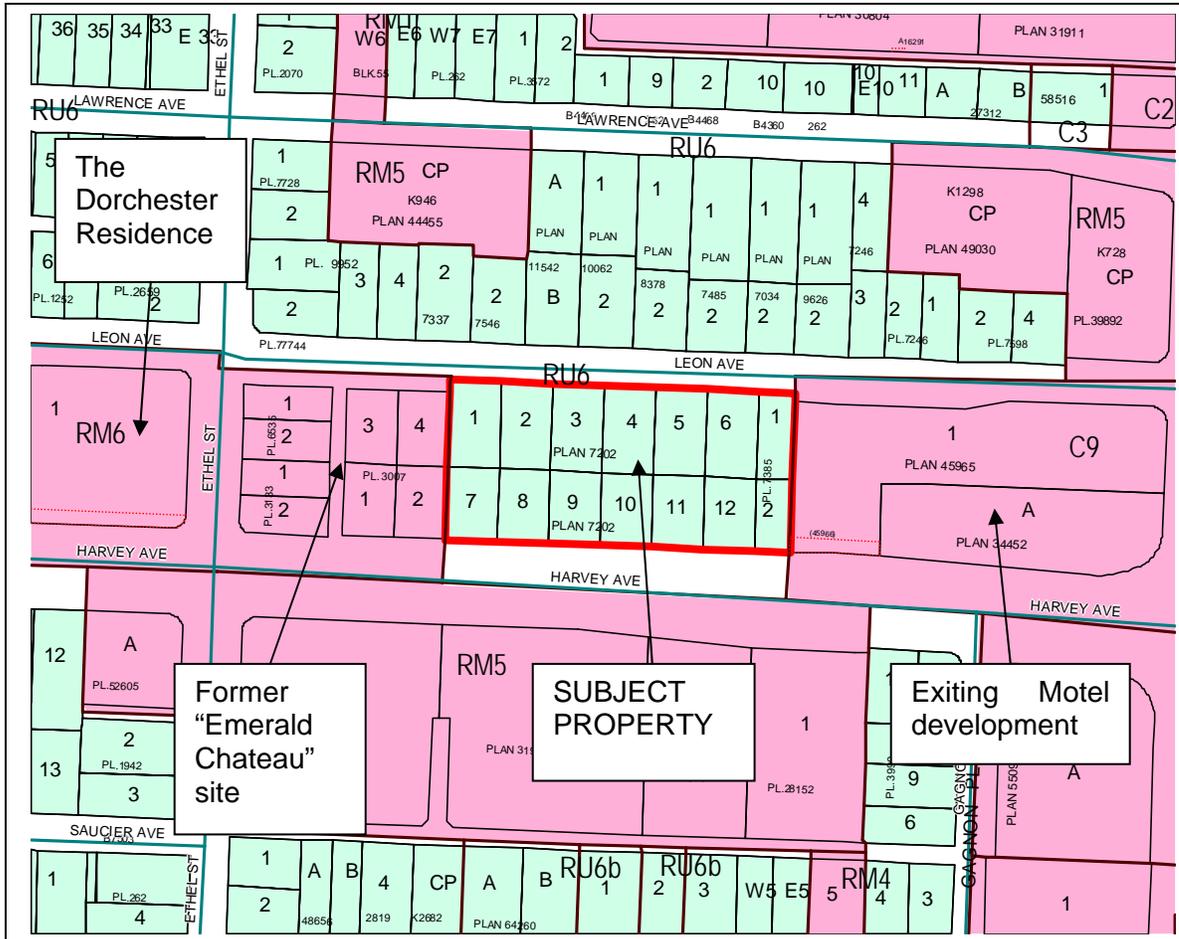
**NOTE:**

Development Variance Permit application seeks variances to the following;

- ❶ Vary maximum permitted site coverage from 60% for buildings, parking areas, and driveways to the proposed site coverage of 66%,
- ❷ Vary maximum building height from 4 storeys permitted to 7 storeys proposed for building 1, and 6 storeys for building 4,
- ❸ Vary front yard setback from Leon Avenue from 6.0 m required to the 4.33 m proposed,
- ❹ Vary parking provided from 198 stalls required to 159 stalls provided  
Parking calculations;  

72 – one bedroom units @ 1.25 stalls =	90 stalls
72 – two bedroom units @ 1.5 stalls =	108 stalls
<u>total stalls required =</u>	<u>198 stalls</u>

SUBJECT PROPERTY MAP



3.2 Site Context

The existing site is comprised of 14 lots, and is vacant for the portion of the site that fronts on to Harvey Avenue (Highway 97), while the portion of the site facing Leon Avenue is occupied by existing single and two unit dwellings. The property is generally flat. The properties to the west of the subject properties were the location of the former “Emerald Chateau” development, which was never issued, while the properties to the east of the site are the location of existing motel uses (Kelowna Motor Inn).

Adjacent zones and uses are, to the:

- North - RU6 – Two Dwelling Housing zone /single & two unit residential uses
- East - C9 – Tourist Commercial / motel uses
- South - RM5 – Medium Density Multiple Housing zone / apartment housing
- West - RM6 – High Rise Apartment Housing zone / vacant (former “Emerald Chateau site”)

### 3.3 Proposed Development Potential

The proposed zone of RM5 – Medium Density Multiple Housing zone permits; multiple dwelling housing, congregate housing, group home – major, as well as boarding and lodging homes as principal permitted uses, and care centres – major, home based businesses – minor, community recreation services as permitted secondary uses.

### 3.4 Current Development Policy

#### 3.4.1 Kelowna Official Community Plan

The proposal is consistent with the “Multiple Unit Residential (Medium Density)” designation of the Official Community Plan.

#### 3.4.2 City of Kelowna Strategic Plan (1992)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that:

- embraces the social, cultural and physical well-being of its residents through the delivery of quality services at a reasonable price, the development and maintenance of quality infrastructure and built forms, and meaningful opportunities to be involved in major decisions made by the City.

The City of Kelowna Strategic Plan 2004 also states as an Objective;

- Realize construction forms and prices that meet the needs of Kelowna residents

### 4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

#### 4.1 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.

#### 4.2 Inspection Services Department

Bldg dept comments for Architect:

- (1) Is parking area to be considered a separate bldg or open parking garage by code - note firestop requirements. Also double check travel distance (45m max) and exit requirements through lobbies (15m max).
- (2) Maximum 60 occupants on roof deck with one exit.
- (3) Provide existing residential demo count for DCC credits.
- (4) Separate sign permits required.
- (5) Indicate flood level of 343.66m
- (6) Ensure accessible parking and access to main doors

(7) BP application will require detailed code analysis, geotech report, sealed civil drawings, sealed fire flow calculations and water supply confirmation.

Revised comment: Note that for an open air garage under 3.2.2.83 - the max TD is 60m - but not through the parking spaces. Parking stalls may have to be removed to create exit pathways or external exits added.

There will be an opportunity for further review at the time of the building permit application

#### 4.3 Ministry of Transportation

No Concerns.

#### 4.4 Parks Manager

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.

#### 4.5 Shaw Cable

Owner/Contractor to supply and install an underground conduit system as per Shaw Cable drawings and specifications.

#### 4.6 Telus

Developer to provide a 4 m x 6 m easement at no cost to Telus for a switching equipment cabinet.

#### 4.7 Terasen Utility Services

No Comment.

#### 4.8 Works and Utilities Department

The Works & Utilities Department has the following requirements associated with this rezoning and development application. The road and utility upgrading requirements for the property frontages outlined in this report will be a requirement of the issuance of a building permit, but are outlined in this report for information only.

#### **These are W. & U. initial comments and are subject to MOT requirements**

##### 1. Domestic Water and Fire Protection

- (a) The developer's consulting civil / mechanical engineer will determine the domestic and internal fire protection requirements of this proposed development and establish the required main sizes and service needs. The development site is serviced with several small diameter services. A larger service will be required. Tie-ins to existing mains will be by City forces at the developer's expense.
- (b) It will be necessary to upgrade the existing watermain on Leon Avenue fronting this development. Upgrade the existing hydrants without a 100mm pumper port and install additional fire hydrants as determined by the developer's consulting civil engineer, the estimated cost for this construction for bonding purposes is \$49,000.00.
- (c) 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.
- (d) The boulevard irrigation system must be integrated with the on-site irrigation system.

##### 2. Sanitary Sewer

- (a) The developer's consulting civil / mechanical engineer will determine the requirements of this proposed development and establish the required service needs.
- (b) A preliminary flow analysis check by the City has determined the impact of additional flow contributions on the existing pipe system within Leon Avenue. The existing sanitary mains within Leon Avenue fronting this development are not sufficient in capacity or grade to support the proposed development needs. Upgrading of the mains will have to be constructed at the owner's cost. The estimated cost for this construction for bonding purposes is \$85,000.00.
- (c) The City will partner with the developer to facilitate the upgrade of sanitary mains downstream of the development frontage on Leon Avenue to the trunk main on Ethel Street.

3. Storm Drainage

- (a) It will be necessary for the developer to construct a piped storm drainage system on Leon Avenue to provide street drainage and overflow storm drainage relief for the proposed development site. The cost of these works will be included in the road upgrading and road construction items.
- (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 plan must accommodate the requirements to contain a 1 in 5-year storm event within pipes and identify overland drainage routes for a 100-year storm event with consideration for upstream water sources and downstream facility upgrading and/or provision of storm water retention facilities. The storm water management plan must also include provision of a lot grading plan, minimum basement elevations (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.

4. Road Improvements

- (a) Harvey Avenue along the frontage of this development site has been upgraded to a full urban standard and no additional upgrades are anticipated at this time. If it is determined that construction is required within Harvey Avenue, the work must be approved by Ministry of Transportation & Highways and constructed to their Standards. Additional bonding will also be required.
- (b) Leon Avenue fronting this development must be upgraded to a full urban standard including curb and gutter, monolithic sidewalk, driveway access letdowns, storm drainage facilities including catch basins, manholes / drywells, pavement widening, landscaped boulevard complete with underground irrigation system, street lights as required and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.
- (c) Utility main upgrades within Leon Avenue will necessitate the replacement of the full asphalt width fronting this development. The estimated cost of total road construction for bonding purposes is \$173,000.00

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Dedicate 3.81m road widening on Leon Ave
- (b) Lot consolidation is required.
- (c) Grant statutory rights-of-way without cost if required for utility services.

6. Electric Power and Telecommunication Services

The electrical services, power transmission cables and telecommunication systems in the public roads in front of this property must be installed in underground duct systems. The buildings must be connected by underground services. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

7. Street Lighting

Street lighting including underground ducts must be installed on all roads fronting on the proposed development as a part of the road upgrading requirements.

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.

9. Latecomer Protection

Under the provisions of the Municipal Act, Latecomer protection is available for the following items:

1. Watermain construction on Leon Ave
2. Replacement of the existing sanitary main on Leon Ave
3. Storm drainage system on Leon Ave
4. Road construction on Leon Ave beyond the road centreline.

The developer's consulting engineer must 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. Geotechnical Report

As a requirement of this application and/or prior to issue of subdivision preliminary layout review (PLR) by the Approving Officer, 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 and overland surface drainage courses traversing across or influencing this property.
- (b) Site suitability for development; i.e. unstable soils, etc.

- (c) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyze soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

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.

12. Bonding and Levy Summary

(a) Bonding

Watermain construction on Leon Ave	\$49,000.00
Sanitary main on Leon Ave	\$85,000.00
Road frontage improvements on Leon Ave	\$173,000.00

**Total Bonding** **\$307,000.00**

**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 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 4<sup>th</sup> 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.

13. 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 and frontage road upgrading construction costs, not including design. 7% GST will be added.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The proposed development is designed to provide for rental apartment housing, a form of housing that is in short supply in the City of Kelowna. As well, the applicant is proposing to enter into a housing agreement to provide for affordable (special needs) housing as part of the proposed development.

The resulting form of development creates residential units that have balcony space and a variety of outdoor amenity areas. The applicant has designed an outdoor plaza area on the top of the parking garage to create an outdoor amenity space that includes grassed areas to provide space for outdoor activities.

The proposed building height variance will allow the development to create a variety of roof heights which would step down from the previously approved 12 storey “Emerald Chateau” located adjacent to the west end of the development site, down to the existing 3 storey development located adjacent to the east end of the development site. The height variance also permits the provision of the permitted floor area of the proposed RM 5 zone, while breaking up the potential building mass by leaving a visual open space between the taller aspects of the proposed building. As well, there are 4 storey elements that are designed to face Leon Avenue, which will reduce the visual impact of the proposed development on the existing 2 storey single and two unit residential development located north of the proposed development across Leon Avenue.

The applicant also seeks a variance to the required parking provision of the City of Kelowna zoning bylaw as the applicant feels that owing to the close proximity of the development to the Downtown Urban Centre and the anticipated use of alternate forms of transportation there will be a reduced demand for parking. As well, it is anticipated that historically, renters of this form of housing will own fewer vehicles that a comparable development that is owned. As well, the applicant is also seeking a variance to the maximum permitted site coverage of buildings, parking areas, and driveways from the maximum of 60% permitted to the 66% proposed.

Council will have an opportunity to consider both the associated Development Permit and Development Variance Permit applications prior to the final adoption of the zone amending bylaw, should Council support this application.

The Planning and Corporate Services Department supports this rezoning application, and recommends for positive consideration by Council.

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Andrew Bruce  
Manager of Development Services

Approved for inclusion

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

PMc/pmc  
Attach.

Attachments

(Not attached to the electronic copy of the report)

Subject Property Map

8 pages of site plans floor plans building elevations diagrams, landscape plan