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**CITY OF KELOWNA  
MEMORANDUM**

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**Date:** May 19, 2006  
**To:** City Manager  
**From:** Planning & Corporate Services Department  
**Subject:**

**APPLICATION NO.** Z06-0012                      **APPLICANT:** Doug Clark  
OCP06-0001

**AT:** 2480 Richter Street.                      **OWNER:** Rose Enterprises Ltd.  
2490 Richter Street

**PURPOSE:** TO AMEND THE FUTURE LAND USE DESIGNATION FROM  
SINGLE/TWO UNIT RESIDENTIAL TO MULTIPLE UNIT RESIDENTIAL  
(LOW DENSITY);

TO REZONE THE SUBJECT PROPERTY FROM THE P4 – UTILITIES  
ZONE TO THE RM1 – FOUR DWELLING HOUSING ZONE;

**EXISTING ZONE:** P4 - UTILITIES

**PROPOSED ZONE** RM1 – FOUR DWELLING HOUSING

**REPORT PREPARED BY:** NELSON WIGHT

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## **1.0 RECOMMENDATION**

THAT OCP Bylaw Amendment No. OCP06-0001 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Parcel A (KV157498) District Lot 14, O.D.Y.D. Plan 5291 and Lot 33 District Lot 14, O.D.Y.D., Plan 1141, located on Richter Street, Kelowna, B.C., from the single/two unit designation to the multiple unit residential – low density designation, as shown on Map “A” attached to the report of Planning & Development Services Department, dated May 19, 2006, be considered by Council;

AND THAT Rezoning Application No. Z06-0012 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Parcel A (KV157498) District Lot 14, O.D.Y.D. Plan 5291 and Lot 33 District Lot 14, O.D.Y.D., Plan 1141, located on Richter Street, Kelowna, B.C. from the P4 – Utilities zone to the RM1 – Four Dwelling Housing zone be considered by Council;

AND THAT the OCP amending bylaw and zone amending bylaw be forwarded to a Public Hearing for further consideration;

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

## **2.0 SUMMARY**

These applications seek to allow for the construction of a four-plex on the subject properties. To achieve this development, the Applicant seeks approval for the following:

- (a) an OCP amendment from single/two unit residential to multiple dwelling housing (low density);

- (b) a rezoning application from P4 – Utilities to RM1 – Four Dwelling Housing; and
- (c) a development permit application for a proposed four-plex building.

The Applicant intends to consolidate the two existing parcels prior to adoption of the zone amending bylaw.

### **3.0 ADVISORY PLANNING COMMISSION**

At a meeting held on April 25, 2006, the APC passed the following motion:

THAT the Advisory Planning Commission supports Official Community Plan Amendment No. OCP06-0039, for 2480 & 2490 Richter Street, Parcel A, Plan 5291 & Lot 33, Plan 1141, Sec. 13, Twp. 25, ODYD, by Rose Ent. Ltd. (Doug Clark), to amend the Official Community Plan Future Land Use from Single/Two Unit Residential to Multiple Unit Residential (Low Density);

AND THAT the Advisory Planning Commission supports Rezoning Application No Z06-0012, for 2480 & 2490 Richter Street, Parcel A, Plan 5291 & Lot 33, Plan 1141, Sec. 13, Twp. 25, ODYD, by Rose Ent. Ltd. (Doug Clark), to rezone from the P4-Utilities zone to the RM1-Four Plex Housing zone in order to allow for construction of a 4-plex;

AND FURTHER THAT the Advisory Planning Commission **not** support Development Permit Application No. DP06-0039, for 2480 & 2490 Richter Street, Parcel A, Plan 5291 & Lot 33, Plan 1141, Sec. 13, Twp. 25, ODYD, by Rose Ent. Ltd. (Doug Clark), to allow for the construction of a 4-plex for the following reasons:

- Concerned that the site and building floor plans were poorly laid out;
- It was felt the mass of the buildings was too great;
- Better pedestrian orientation is required as the design does not provide animation with the street, and
- Improved open space should be provided as the plans do not show direct access from units to usable outdoor areas.

### **4.0 BACKGROUND**

#### **4.1 History**

The subject properties were previously under application to rezone from the P4 – Utilities zone to the RU6 – Two Dwelling Housing zone (Z04-0037, DVP04-0059, and S04-0066). This application was abandoned by the previous owner, and the zone amending bylaw was rescinded.

#### **4.2 The Proposal**

The Applicant is proposing to consolidate the two existing parcels, and construct a 2-storey, 924 m<sup>2</sup> (9,951 ft<sup>2</sup>) fourplex (each unit: ± 180 m<sup>2</sup> or ± 2,000 ft<sup>2</sup>).

Finishing materials include a mix of vinyl and Hardiplank siding. The table below lists the proposed colours and materials (see attached “Exterior Colour):

Walls	Horizontal vinyl siding: Sandlewood by Kaycan or equivalent Cultured Stone Facing: “Mist” Drystack LedgeStone or equivalent. Hardiplank Shake Board
Trim	Corners / Window Casings: linen white vinyl mouldings by Kaycan or equivalent. White prefinished window frames
Roofing	Laminated Asphalt Shingles: Weatherwood Ultra Shadow by

The table below shows this application's compliance with the requirements of the RM1 zone:

Project details	Site area:	1,238 m <sup>2</sup> (0.3 ac)
	New Bldg. Footprint:	495 m <sup>2</sup>
	New Floor Area (gross):	924 m <sup>2</sup>
	New Floor Area (net):	742.4 m <sup>2</sup>
	Number of Units	4 units
CRITERIA	PROPOSAL	RM1 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1,238 m <sup>2</sup> (0.3 ac)	800 m <sup>2</sup> (corner lot)
Lot Width	27.5 m	20.0 m (corner lot)
Lot Depth	37 m	30.0 m
Development Regulations		
Floor Area Ratio	0.6	0.6
Site Coverage (buildings)	40%	40%
Site Coverage (buildings/parking)	50%	50%
Height (proposed house)	2 storeys / < 9.5 m	2 ½ storeys / 9.5 m
Front Yard (Morrison Ave.)	4.9 m	4.5 m or 6.0 m to a garage
Side Yard (Richter Street)	4.6 m	4.5 m or 6.0 m to garage
Side Yard (west)	2.7 m	2.0 m (1 or 1 ½ storey portion) 2.3 m (2 or 2 ½ storey portion)
Rear Yard (lane)	7.6 m	6.0 m (1 or 1 ½ storey portion) 7.5 m (2 or 2 ½ storey portion)
Other requirements		
Parking Stalls (#)	8 spaces	2 per 3-bdrm unit 2 stalls x 4 units = 8 spaces
Landscaping	meets requirements	Front – Level 2 buffer <sup>A</sup> Rear – Level 3 buffer <sup>B</sup> West – Level 3 buffer East – Level 3 buffer
Private Open Space	meets requirements	25 m <sup>2</sup> of private open space per dwelling

<sup>A</sup> **Level 2:** a minimum 3.0 m landscape buffer is required to separate uses from adjacent properties and will consist of a vegetative buffer where no continuous opaque barrier is required;

<sup>B</sup> **Level 3:** a minimum 3.0 m landscape buffer is required to separate uses from adjacent properties and will consist of a vegetative buffer or a continuous opaque barrier;

#### 4.3 Site Context

The subject property is located on the northwest corner of Richter Street and Morrison Avenue. The surrounding area has been developed primarily as a single-family neighbourhood. More specifically, the adjacent land uses are as follows:

North-	RU6 – Two Dwelling Housing zone
East	RU6 – Two Dwelling Housing zone
South	RU6 – Two Dwelling Housing zone
West	RU6 – Two Dwelling Housing zone

#### Site Location Map

Subject property: 2480 & 2490 Richter Street



#### 4.4 **Existing Development Potential**

The property is zoned P4 - Utilities. The purpose is to provide a zone for private and public utilities.

#### 4.5 **Current Development Policy**

##### 4.5.1 City of Kelowna Strategic Plan (2004)

*Objective #4* – Realize construction of housing forms and prices that meet the needs of Kelowna residents.

*Objective #5* – Achieve accessible, high quality living and working environments.

*Objective #7* – Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

4.5.2 Kelowna 2020 Official Community Plan (OCP)

*Future Land Use Designation* - The property is designated Single/Two Unit Residential, pursuant to Map 19.1 of the OCP. The proposed RM1 zone is inconsistent with that future land use designation. The Applicant has applied for an OCP amendment application to designate the property to “multiple-unit residential (low density)”.

Staff have reviewed this application and it may move forward without affecting either the City’s Financial Plan or Waste Management Plan.

**5.0**

**TECHNICAL COMMENTS**

Fire Department

Visible addresses for all unit to be posted on Morrison Avenue.

Inspections Department

Spatial separation calculations required prior to DP approval for two storey portion at the centre of building which divides the units and garages..

Parks Department

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

Works and Utilities Department

The Works & Utilities Department have the following requirements associated with this development application. The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit or subdivision approval, and are outlined in this report for information only.

Domestic Water and Fire Protection

- (a) The existing water distribution and fire protection system in this vicinity is sufficient to support the proposed development.
- (b) This development site is serviced with a small diameter copper water service which is substandard. Removal of any existing water service and the installation of a new service will be at the applicant’s cost
- (c) The developer’s consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. The estimated cost for bonding purposes is **\$5,000.00**
- (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) Landscaped boulevards, complete with underground irrigation systems, must be integrated with the on-site irrigation system



Sanitary Sewer

- (a) The existing sanitary sewer system in the rear lane is sufficient to support the proposed development.
- (b) We have no record of sanitary sewer services to the existing lots. The applicant will be responsible for the cost of providing a service to this development site. The estimated cost of this construction for bonding purposes is \$3,000.00

Storm Drainage

- (a) There is no storm drainage main in Richter Street fronting this development. It will be necessary for the developer to construct a storm pipe in Richter Street for the full frontage of property. The estimated cost of this storm main construction for bonding purposes is included in the road improvement bonding amount.
- (b) 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.
- (c) Provide a lot grading plan identifying the minimum basement elevation (MBE), on-site drainage containment and disposal systems.

Road Improvements

- (a) Richter Street fronting this development must be upgraded to a collector class 1 standard (SS-R6) including concrete curb and gutter, sidewalk, piped storm drainage system, fillet pavement, underground irrigation system, and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.  
  
A one-time cash payment in lieu of construction is required from the applicant for future construction on Richter Street by the City. The cash-in-lieu amount is determined to be \$29,800.00, not including utility service costs
- (b) Morrison Avenue fronting this development must be upgraded to an collector class 2 standard (SS-R7) including concrete curb and gutter, storm drainage system (drywell and catch basin), fillet pavement, underground irrigation system, and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction, The estimated cost of construction for bonding purposes is \$14,000.00
- (c) The rear lane must be upgraded to a paved standard for the full frontage of this development (SS-R2) including a storm drainage system (drywell and catch basin). The estimated cost of construction for bonding purposes is \$13,600.00

Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Grant statutory rights-of-way if required for utility services.
- (b) Lot consolidation
- (c) Provide a 6.0 m corner rounding where Morrison Avenue intersects with Richter Street.

Electric Power and Telecommunication Services

On Richter Street the electrical and telecommunication services to this building as well as the local distribution wiring 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.

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.

Bonding and Levy Summary

(a)	Bonding	
	Morrison Ave frontage improvements	\$14,000.00
	Lane frontage improvements	\$13,600.00
	Service Upgrades	\$ 8,000.00
	Total Bonding	\$ 35,600.00
(b)	Cash Levy	
	Richter Street Road frontage improvements	\$ 29,800.00

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.

Latecomer Provisions

- a) Under the provisions of the Municipal Act, Latecomer provisions are available for the following items:
  - i) Lane paving with storm drainage system.

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.

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

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.

## **6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS**

Under the RU6 – Two Dwelling zone (and assuming a reconfigured lot line to create two lots fronting Morrison Ave. with a variance to lot width), the Applicant could achieve four dwelling units, as follows: westerly lot – two principal dwelling units, easterly lot – one principal and one secondary unit. By comparison, the current application allows for four principal dwelling units. Because this represents a modest increase in density above the density potential under the RU6 – Two Dwelling housing zone, Staff has no concerns with the OCP amendment and rezoning applications.

At this time, Staff also has no concerns with the form of housing proposed, and considers that the proposed development represents a sensitive form of infill housing for the area.

Staff has been working, and will continue to work with the Applicant to resolve design-related matters, particularly in light of the APC comments. Additional comments in this regard will be contained in the Staff report for the accompanying DP06-0039 application.

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Andrew Bruce  
Manager of Development Services

Approved for inclusion

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

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**ATTACHMENTS (7 pages)**  
**Location of subject property**  
**Site Plan**  
**Floor Plans**  
**Elevations and building section**  
**Landscape Plan**  
**Exterior Colour Scheme**  
**Map “A”**