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**CITY OF KELOWNA  
MEMORANDUM**

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**DATE:** January 25, 2007  
**TO:** City Manager  
**FROM:** Planning & Development Services Department  
**APPLICATION NO.** Z06-0071      **APPLICANTS:** New Town Architectural Services Inc.  
(Contact: Pat McCusker)  
**AT:** 853 Harvey Ave.      **OWNER:** Darlene Bulteel  
861 Harvey Ave. Fred Klempner  
867-869 Harvey Ave. Arnold Klempner  
850 Saucier Ave. Alice Klempner  
860 Saucier Ave. H Benson Electric Ltd.  
870 Saucier Ave.

**PURPOSE:** TO REZONE THE SUBJECT PROPERTY FROM THE RU6 - TWO DWELLING HOUSING ZONE TO THE RM5 - MEDIUM DENSITY MULTIPLE HOUSING ZONE IN ORDER TO ALLOW FOR THE CONSTRUCTION OF A 4 1/2 STOREY, 68-UNIT APARTMENT BUILDING..

**EXISTING ZONE:** RU6 – TWO DWELLING HOUSING ZONE

**PROPOSED ZONE:** RM5 - MEDIUM DENSITY MULTIPLE HOUSING ZONE

**REPORT PREPARED BY:** NELSON WIGHT

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**1.0 RECOMMENDATIONS**

THAT Rezoning Application No. Z06-0071 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 10 to 15, Block 1, District Lot 138, O.D.Y.D. Plan 7117, on Saucier Avenue and Harvey Avenue, Kelowna, B.C. from RU6 – Two Dwelling Housing to RM5 – Medium Density Multiple Housing 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 withheld until the applicant has addressed the requirements of the Works and Utilities department.

AND THAT final adoption of the zone amending bylaw be considered following the consolidation of the lots.

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

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

**2.0 SUMMARY**

There are six subject properties in a contiguous block between Harvey Avenue and Saucier Avenue, which are to be rezoned to the RM5 zone to accommodate a 4 ½-storey apartment building above an underground parking structure.

The applicant is seeking approval of the following applications in order for this project to proceed:

1. a rezoning application to go from RU6 to RM5
2. a development permit to address the form and character of the development.
3. a development variance permit to allow a structure that is 4 ½ storeys in height, where the maximum height allowed under the RM5 zone is 4-storeys; and

### **3.0 ADVISORY PLANNING COMMISSION**

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of January 30, 2007 and the following recommendations were passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z06-0071 for 853, 861 & 867 – 869 Harvey Avenue; 850, 860 & 870 Saucier Avenue, Lots 10, 11, 12, 13, 14 & 15, Plan 7117, Sec. 19, Twp. 26, ODYD, by New Town Planning (P. McCusker) to rezone the subject property from the RU6 - Two Dwelling Housing zone to the RM5 - Medium Density Multiple Housing zone in order to allow for construction of a 4 1/2 storey, 68-unit apartment building.

THAT the Advisory Planning Commission supports Development Permit Application No. DP06-0242 for 853, 861 & 867 – 869 Harvey Avenue; 850, 860 & 870 Saucier Avenue, Lots 10, 11, 12, 13, 14 & 15, Plan 7117, Sec. 19, Twp. 26, ODYD, by New Town Planning (P. McCusker) to obtain a Development Permit to allow for construction of a 4 1/2-storey, 68-unit apartment building

THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP06-0243 for 853, 861 & 867 – 869 Harvey Avenue; 850, 860 & 870 Saucier Avenue, Lots 10, 11, 12, 13, 14 & 15, Plan 7117, Sec. 19, Twp. 26, ODYD, by New Town Planning (P. McCusker) to obtain a Development Variance Permit in order to vary the maximum height requirement from 4 storeys to 4 ½ storeys.

### **4.0 BACKGROUND**

The six subject properties have a combined area of 5,649 m<sup>2</sup> (1.4 ac). Five of the six properties have existing single-family homes that would need to be relocated or demolished, should this project go ahead.

Vehicle access is proposed from Saucier Avenue, leading to some surface parking stalls, and an underground parking structure, which accommodates the majority of the required parking. The drawings show this parking structure is to be 3.1 m in height, with 1.14 m above grade, and 1.96 m below grade (assumes top of parking slab at an elevation of 345.6 m). Pedestrian connections are shown leading to both the Harvey Avenue frontage and the Saucier Avenue frontage.

Project statistics show that there are to be twenty-four (24) 1-bedroom units, and forty-four (44) 2-bedroom units (68 units total). Many of these units also have additional rooms labelled as “dens”.

The proposed development meets the requirements of the RM5 – Medium Density Multiple Housing zone, as follows; conflicts with the Zoning Bylaw requirements are detailed immediately following the table:

CRITERIA	PROPOSAL	RM5 ZONE REQUIREMENTS
<b>Subdivision Regulations</b>		
Lot Area (m <sup>2</sup> )	5,649 m <sup>2</sup> (1.4 ac).	1,400 m <sup>2</sup>
Lot Width (m)	65 m	30.0 m
Lot Depth (m)	86 m	35.0 m
<b>Development Regulations</b>		
Floor Area Ratio	1.2	1.26 (1.1 + 0.16 bonus for underground parking)
Site Coverage	40% 54%	40% (buildings) 60% (buildings, parking areas, and driveways)
Height	15.65 m 4 ½ storeys <sup>A</sup>	16.5 m or 4 storeys
Front Yard (Harvey Ave.)	8.5 m	6.0 m
Front Yard (Saucier Ave.)	6.0 m	6.0 m
Side Yard (east)	7.5 m	4.5 m (< 2 ½ storeys) 7.5 m (> 2 ½ storeys)
Side Yard (west)	7.5 m	4.5 m (< 2 ½ storeys) 7.5 m (> 2 ½ storeys)
Projections	(meets requirements)	maximum 0.6 m
<b>Other Regulations</b>		
Minimum Parking Requirements	96 spaces	<b>Residential:</b> 1.5 per 2-bdrm unit/ 1.25 per 1-bdrm unit  Total required: (44 units x 1.5 = 66) + (24 x 1.25 = 30) <b>= 96 spaces</b>
Small Car Parking Spaces	38 small car spaces	Maximum 40% small car 96 x 40% = maximum 38
Visitor Parking	(not labelled on drawing)	1 for every 7 required is to be designated for visitor parking = 96 / 7 = <b>14 spaces</b> of 96 required.

Bicycle Parking	Inside: 64 Outside: 7	<u>Residential</u> Inside: 0.5/unit = 34 Outside: 0.1/unit = 7
Private Open Space	(meets requirements)	15.0 m <sup>2</sup> of private open space shall be provided per 1-bdrm dwelling, and 25 m <sup>2</sup> for 2-bdrm dwelling. 15 m <sup>2</sup> x 24 = 456 m <sup>2</sup> 25 m <sup>2</sup> x 44 units = 1,100 m <sup>2</sup>
Landscaping	(meets requirements)	Level 2 and 3 buffer required.

<sup>A</sup> The applicant is requesting a variance to allow a 4 ½ storey building.

## 5.0 ZONING AND USES OF ADJACENT PROPERTY

North	RM6 – High Rise Apartment Housing
East	RM5 – Medium Density Multiple Housing RU6 – Two Dwelling Housing
South	RU6 – Two Dwelling Housing
West	RU6 – Two Dwelling Housing

## 6.0 EXISTING DEVELOPMENT POTENTIAL

The purpose is to provide a zone for development of a maximum of two dwelling units per lot.

## 7.0 CURRENT DEVELOPMENT POLICY

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

Goal #1 – To maintain, respect, and enhance our natural environment.

Goal #2 – To foster a strong, stable, and expanding economy.

Goal #3 – To foster the social and physical well-being of residents and visitors.

### 7.1.2 Kelowna Official Community Plan (OCP)

#### **Future Land Use**

The subject properties are designated "Multiple Unit Residential – Medium Density" in the OCP. Consequently, the proposal to rezone to the RM5 – Medium Density Multiple Housing zone is consistent with that designation.

#### **Objectives for Commercial and Residential Development**

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP;
- All development within Urban Centres and Village Centres should contribute to the creation of pedestrian-oriented streets and public spaces (connections, social interaction);
- All development should contribute to a sense of community identity and sense of place (integration of development within larger community

belonging, community cohesiveness);

- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility);
- All development should promote safety and security of persons and property within the urban environment (CPTED);

**Housing Policies:**

- Housing Agreements: Support the use of housing agreements to assist in creating affordable and special needs housing;
- Affordable and Special Needs Housing: Encourage the private sector to provide housing that is innovative and affordable and that is targeted to groups identified in the Housing Study, a Housing Reserve Fund Bylaw, or a list published by the City;

**8.0 TECHNICAL COMMENTS**

8.1 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows should determine hydrant requirements.

The City of Kelowna Subdivision Bylaw may require more water for fire flows than the BC Building Code.

8.2 Fortis BC

No comments.

8.3 Inspections Department

High water table area geotech review required, dead end corridors exist on 1st and 2nd floors, ensure spatial separation requirements met at fire wall locations as per BCBC 2006 section 3.1.10.6, combustible projections over parapet at firewall must comply with BCBC 2006 3.1.10.4 & 7 alternate solution may be option or amend elevations of building which will effect form and character of building.

8.4 Ministry of Transportation

In response to your December 28, 2006 referral I can advise that although the Ministry has no objection to the proposed rezoning and development permit in principle, we require the following items to be addressed prior to our formal approval of the bylaw:

- No direct access to Highway 97.
- Removal of any existing drop curbs on Highway 97 and installation of non-mountable curb and gutter to Ministry and City of Kelowna satisfaction.
- Highway 97 to be established 18.8 m from existing mean centreline by legal survey plan.
- A minimum 4.5 m building setback from the right-of-way boundary of Highway 97 to the furthest overhang of any buildings.

8.6 Parks

We recommend that the applicant install root barriers such as "Deep Root" brand to prevent tree roots from heaving and/or cracking the concrete City sidewalk along Hwy 97.

8.7 Works and Utilities Department

(See attached Works and Utilities Department Report)

**9.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS**

Staff has no concerns with the rezoning of these properties to the RM5 zone. The subject properties are of sufficient area to accommodate the density proposed for the site in a manner that functions well.



Shelley Gambacort  
Acting Development Services Manager

Approved for inclusion



Mary Pynenburg, MRAIC MCIP  
Director of Planning & Development Services  
NW/nw

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**ATTACHMENTS ( 10 pages)**

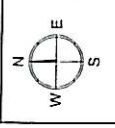
Location of subject property  
Cover Sheet and Project Stats  
Site Plan / First Floor  
Harvey Avenue Rendering  
Saucier Avenue Rendering and Detail (2 pages)  
Works and Utilities Department Report (4 pages)





HARVEY AVENUE (H-SWAY B-1)

1. THIS PLAN IS FOR INFORMATION ONLY.  
2. THIS PLAN IS NOT TO BE USED FOR CONSTRUCTION.  
3. THIS PLAN IS NOT TO BE USED FOR PERMITTING.  
4. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.  
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SAUCITIN AVENUE  
Kelowna, British Columbia

NEW TOWN  
ARCHITECTURAL  
INC.

1. THIS PLAN IS FOR INFORMATION ONLY.  
2. THIS PLAN IS NOT TO BE USED FOR CONSTRUCTION.  
3. THIS PLAN IS NOT TO BE USED FOR PERMITTING.  
4. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.  
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SITE PLAN  
FIRST FLOOR

A1.2

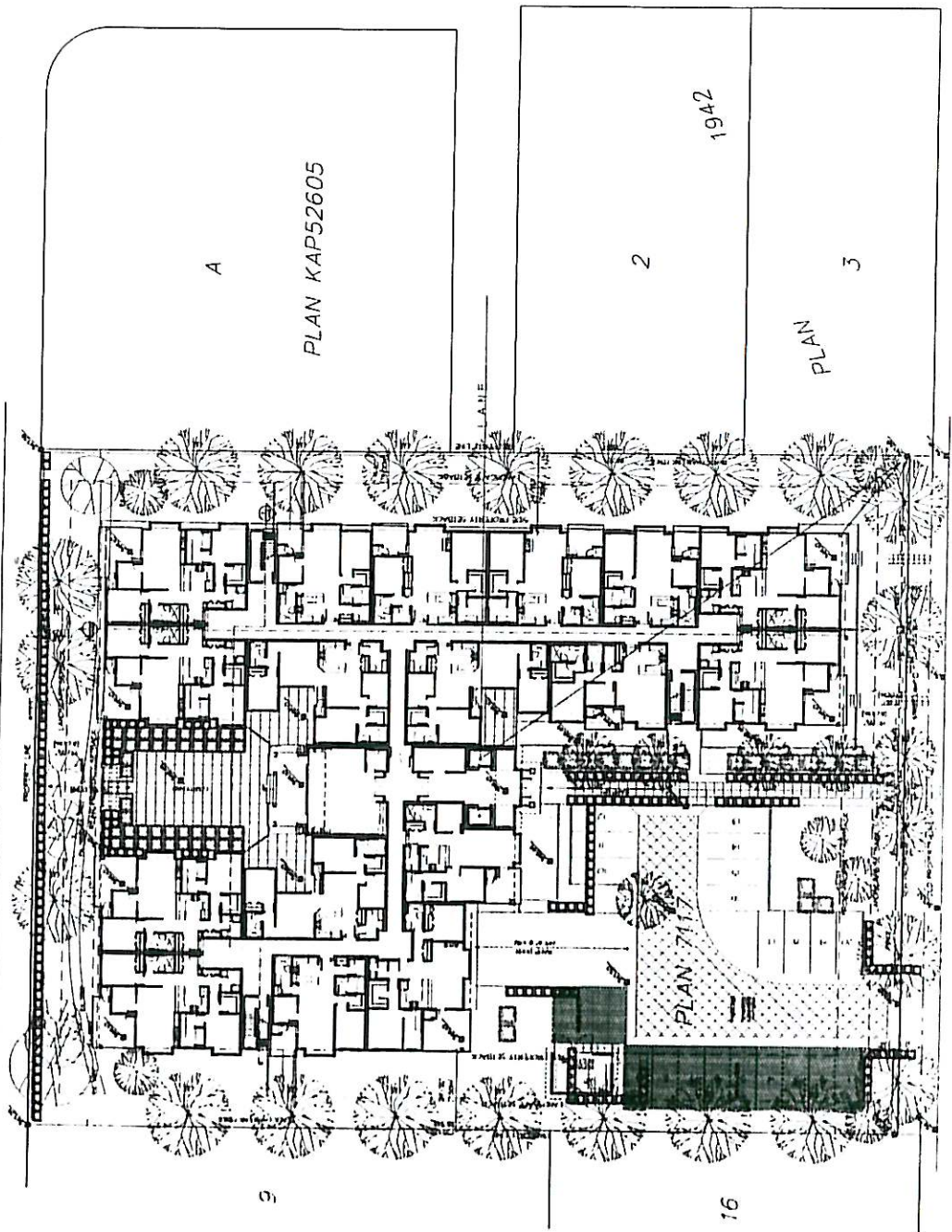
EITHEL STREET

PLAN KAP52605

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PLAN

PLAN 7117



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MURANO

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

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**Date:** January 31, 2007  
**File No.:** Z06-0071, DP06-0242, DVP06-0243  
**To:** Planning & Development Services Department (NW)  
**From:** Development Engineering Manager  
**Subject:** Proposed 68 Unit Apartment Complex  
650 - 869 Harvey Ave                      850 - 870 Saucier Ave                      Lots 10 -15 Plan 7117

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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 this development.  
The Development Engineering Technologist for this project is John Filipenko. AScT

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

1. Domestic Water and Fire Protection

- (a) The existing six lots are serviced with small -diameter copper water services. 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.
- (b) Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal of all existing services and the installation of a fire hydrant and one new larger metered water service.
- (c) The estimated cost of this construction for bonding purposes is **\$18,000.00**. If it is determined that upgrades to the existing water distribution system must be made to achieve the required fire flows, 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. 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. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system.
- (e) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.

2. Sanitary Sewer

- (a) The existing six lots are connected with sewer services. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. One service may be retained for the proposed development if it is suitable.
- (b) The applicant, at his cost, will arrange for service and main upgrades if required, as well as the capping of all existing unused services. Only one service will be permitted for this development. The estimated cost for construction for bonding purposes is **\$14,000.00**

3. Storm Drainage

- (a) It will be necessary for the developer to construct storm drainage facilities on Saucier Avenue to accommodate road drainage fronting the proposed development. The estimated cost is included in the Road upgrading item.
- (b) The developer must engage a consulting civil engineer to provide a storm water management plan for the 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 lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the lot and /or recommendations for onsite drainage containment and disposal systems. The on-site drainage system may be connected to an existing or proposed drainage system with an overflow service.
- (c) Provide a lot-grading plan.

4. Road Improvements

- (a) Harvey Avenue: Access closer to Harvey Avenue will require curb letdown and driveway removal and boulevard restoration. The work must be approved by Ministry of Transportation & Highways and constructed to their Standards.
- (b) The estimated cost of this construction for bonding purposes is **\$12,000.00**
- (c) Service upgrades will require road cuts and pavement restoration work within Harvey Ave. The work must be approved by Ministry of Transportation & Highways and constructed to their Standards.

Saucier Avenue fronting this development must be upgraded to a SS-R7 urban standard including barrier curb and gutter, monolithic sidewalk, piped storm drainage system including, manholes / drywells, pavement widening, landscaped boulevard complete with underground irrigation system, and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading

- (d) The estimated cost of this construction for bonding purposes is **\$40,000.00**

5. Road Dedication and Subdivision Requirements

The applicant is advised that a 2.203m road allowance widening will be required along the Saucier Avenue frontage to meet the minimum road right-of-way designation width of 18.00m. This widening may be accomplished by a dedication on the subdivision plan. The appropriate frontage setback will be required from this proposed right of way.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building must be installed in an underground duct system, and the building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

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.

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.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

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.

10. Bonding and Levy Summary

(a) Bonding

Harvey Ave frontage improvements	\$ 12,000.00
Saucier Ave frontage improvements	\$ 40,000.00
Service upgrades	\$ 32,000.00
<b>Total Bonding</b>	<b>\$ 84,000.00</b>

**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 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.

11. Development Permit and Site Related Issues

- (a) The development variance permit to vary the maximum height requirement from 4-storeys to 4 1/2-storeys does not compromise Works and Utilities requirements.
- (b) The developer must obtain the necessary permits and have all existing utility services disconnected prior to moving existing houses.

12. 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. 6% GST will be added.

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Steve Muenz, P. Eng.  
Development Engineering Manager  
JF/jf