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

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**DATE:** May 5, 2008  
**TO:** City Manager  
**FROM:** Planning & Development Services Department  
**APPLICATION NO.** OCP07-0026, Z07-0077      **APPLICANTS:** Michael Gaspari  
DVP07-0216  
**AT:** 614-624 Francis Avenue      **OWNER:** Michael Gaspari

**PURPOSE:** TO AMEND THE OFFICIAL COMMUNITY PLAN DESIGNATION OF THE SUBJECT PROPERTY FROM SINGLE/TWO UNIT RESIDENTIAL TO MULTIPLE UNIT RESIDENTIAL - LOW DENSITY

TO REZONE THE SUBJECT PROPERTY FROM THE RU6 – TWO DWELLING HOUSING ZONE TO THE RM1 – FOUR DWELLING HOUSING ZONE

TO VARY THE MINIMUM SIDE YARD SETBACK REQUIREMENT FROM 2.5 m TO 2.11 m (Eastern side) and 2.14 m (Western side) TO LEGITIMIZE THE LOCATION OF THE EXISTING BUILDING RELATIVE TO THE SIDE YARD SETBACK REQUIREMENTS OF THE RM1 – FOUR DWELLING HOUSING ZONE

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

**PROPOSED ZONE:** RM1 – FOUR DWELLING HOUSING ZONE

**REPORT PREPARED BY:** Corine (Cory) Gain, MCIP

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## **1.0 RECOMMENDATION**

THAT OCP Bylaw Amendment No. OCP07-0026 to amend Map 19.1 of the *Kelowna 2020* – Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 6 District Lot 14 Osoyoos Division Yale District Plan 3438 located at 614-624 Francis Avenue, Kelowna, B.C. from Single/Two Unit Residential to Multiple Unit Residential – Low Density **NOT** be considered by Council;

AND THAT Rezoning Application No. Z07-0077 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6 District Lot 14 Osoyoos Division Yale District Plan 3438 located at 614-624 Francis Avenue, Kelowna, BC from RU6 – Two Dwelling Housing Zone to RM1 – Four Dwelling Housing Zone **NOT** be considered by Council.

## **2.0 SUMMARY**

The applicant is proposing to legitimize an existing fourplex. Applications as follows have been submitted in conjunction with this proposal:

1. an Official Community Plan Amendment application to change the designation from Single/Two Unit Residential to Multiple Unit Residential – Low Density;
2. a rezoning application to change the zoning from RU6 to RM1; and
3. a development variance permit to vary the side yard setback requirement of the RM1



Zone from 2.5 m to 2.11 m on the western side and from 2.5 m to 2.14 m on the eastern side to accommodate the existing building.

A Development Permit to address the form and character of the development will be required prior to final adoption of the OCP and Zone amending bylaws and Council consideration of the Development Variance Permit.

### 3.0 ADVISORY PLANNING COMMISSION

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of February 26, 2008 and the following recommendation was passed:

THAT the Advisory Planning Commission **NOT** support Official Community Plan Amendment No OCP07-0026, for 614 and 624 Francis Avenue, Lot 6, Plan 3438, Twp. 26, Sec. 18 & Twp. 25, Sec. 13, ODYD by M. Gaspari, to amend the OCP from Single/Two Unit Residential to Multiple Unit Residential - Low Density.

DUE TO ABOVE MOTION NOT BEING SUPPORTED THE MOTIONS FOR Z07-0077 AND DVP07-216 WERE NOT HEARD.

### 4.0 BACKGROUND

The applicant constructed a duplex under Building Permit 2123 issued July 29, 1993. A summer kitchen was added to 624 Francis Avenue under Building Permit 4081 in November 1993. In conjunction with Building Permit 4081 the applicant provided an affidavit to confirm that the duplex would not be used other than as a "two family dwelling" unit; that "the summer kitchen facilities located on the lower floor would not be offered for rental purposes or means of revenue except for use by the family living on the main floor". Bylaw Enforcement procedures have been pursued over the course of several years; the culmination of which is the submission of the subject development applications.

It is duly recognized that there are a number of sites in this general area that have been converted to create fourplexes or duplex with suites. Some of these buildings have been zoned appropriately. The proposed change to legitimize the existing fourplex will not be out of character with the existing neighbourhood. The addition of suites into existing homes is recognized by the Official Community Plan as an acceptable way to increase neighbourhood density without a significant impact on form and character. It is however important that the objectives of the Official Community Plan and zoning bylaw requirements, especially with respect to parking, are met. Existing access from the rear lane provides the opportunity to provide the additional parking required.

The proposed development meets the requirements of the RM1 – Four Dwelling Housing Zone except as noted; an explanation of these items is provided immediately following the table:

**Table 1:**

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area (m <sup>2</sup> )	900.76 m <sup>2</sup>	700 m <sup>2</sup>
Lot Width (m)	21.34 m	20 m
Lot Depth (m)	42.21 m	30 m

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
<b>Development Regulations</b>		
Site Coverage	39% 49% <sup>A</sup>	40% (buildings) 50% (buildings, parking areas, and driveways)
Height	8 m 2 storeys	9.5 m or 2 ½ storeys
Front Yard	7.62 m	6.0 m
Rear Yard	16.92 m	7.5 m
Side Yard (West)	2.14 m <sup>B</sup>	2.5m ( 2 ½ storeys)
Side Yard (East)	2.11 m	
<b>Other Regulations</b>		
Minimum Parking Requirements	2 per dwelling unit = 8	2 per dwelling unit = 8
Section 8.19(b) No off-street parking in the front yard	Unpaved parking spaces in front yard must be removed <sup>C</sup>	No off-street parking shall be located in the required front yard
Private Open Space	Each unit has access to: Upper units: 28.65 m <sup>2</sup> (deck) Lower units: 72 m <sup>2</sup> <b>The rear yard must be divided to create separate private areas</b>	Private Open Space Req'd: 25 m <sup>2</sup> per unit
Landscaping	No Level 2 buffer has been provided along the front property line Level 3 buffer along the rear and side property lines is discontinuous	Buffer required: Level 2 (Front) and Level 3 (Rear & Sides)
Section 7.3 Refuse and Recycling Bins	Garbage cans currently not screened from view	Opaque screening from adjacent lots and streets required & All sides open to public view shall be screened by additional planting of shrub and groundcover material at least 1.5 m in height

<sup>A</sup> The calculation is based only on the paved parking/driveways. Any and all other parking provided in the front yard is contrary to Zoning Bylaw regulations and must be landscaped and removed from use as parking area.

<sup>B</sup> The applicant has requested a variance of side yard setback requirements to legitimize the location of the existing building relative to the setback requirements of the RM1 zone.

<sup>C</sup> Unpaved parking spaces in front yard must be removed and the area landscaped with the appropriate landscape buffer as per Zoning Bylaw Section 7.6 (3.0 m wide vegetative buffer).

## 5.0 ZONING AND USES OF ADJACENT PROPERTY

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

## 6.0 DEVELOPMENT POTENTIAL

The subject property is currently designated "Single/Two Unit Residential" by the Official Community Plan and zoned RU6 – Two Dwelling Housing. The purpose of this zone is to provide for single detached housing and duplex dwellings and compatible secondary uses, on larger serviced lots. Multiple-unit residential development is not permitted in the RU1 – Large Lot Housing zone.

## 7.0 CURRENT DEVELOPMENT POLICY

### 7.1 Kelowna Official Community Plan (OCP)

Staff recommends that APC public process should be considered appropriate consultation for the purpose of Section 879 of the *Local Government Act*, and that the process is sufficiently early and does not need to be further ongoing in this case. Furthermore, additional consultation with the Regional District of Central Okanagan, other boards, councils or agencies listed in Section 879, is not required in this case.

Staff have reviewed this application, and it may move forward without affecting either the City's financial plan or waste management plan.

#### **Future Land Use**

The subject properties are designated "Single/Two Unit Residential". The proposal to change the OCP designation to Low Density Multiple Residential is required in order to rezone the property to the RM1 – Four Dwelling Housing zone.

#### **OCP Policies**

- 7.2.3 **Xeriscape Landscaping.** Encourage developers to incorporate xeriscape (drought resistant, low water requirement) concepts into development of landscape programs). *Verification from the Landscape Architect that the proposed landscaping and irrigation adheres to the Water Smart Guidelines for this region will be required to complete the Development Permit application submission.*
- 8.1.22 **New Housing Distribution.** Support a new housing distribution as outlined in Table 8.1 and Map 8.1, which represents the housing component of the growth strategy used to establish the 20 Year Servicing Plan and Financing Strategy.
- 8.1.31 **Rezoning to Higher Densities.** Consider supporting an OCP amendment and rezoning application for residential densities greater than those provided for on the Generalized Future Land Use Map 19.1 where a portion of the proposed units are available for affordable, special needs or rental housing identified to be in short supply (guaranteed through a Housing Agreement). To mitigate the neighbourhood impact of higher densities *a number of considerations are outlined in this section.*
- 8.1.35 **Land Utilization within Single Detached Areas.** Work towards achieving more efficient use of land within developed single-detached neighbourhoods by encouraging rezoning, subdivision and building permit applications that would allow for smaller lot sizes, secondary suites, minor boarding facilities, minor group homes, and duplexes etc. that are sensitively integrated into a neighbourhood.

- 8.1.44 **Integration.** Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighbourhood diversity and healthy communities.

7.2 Strategic Plan

Goal 3, Objective 7: "Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas".

8.0 **PLANNING AND DEVELOPMENT SERVICES COMMENTS**

8.1 Official Community Plan and Zoning Bylaw Amendments

As the subject property is designated as Single/Two Unit Residential the proposal cannot proceed without an OCP amendment. The Planning and Development Services Department does not support the change in OCP designation as this development has not been sensitively integrated with the existing neighbourhood; and therefore cannot support the proposed rezoning of the subject property. Further, OCP policy 8.1.31 has not been satisfied by this proposal; the applicant has not offered any of the units as affordable housing through a housing agreement.

The legitimization of the existing fourplex will have no impact on the form and character of the existing residential building.

8.2 Development Variance Permit

In considering Official Community Plan and Zoning Bylaw amendment applications the Planning and Development Services Department favours applications that do not require variances to zoning bylaw provisions. Applicants are expected, to the greatest extent possible, to work within the bylaw regulations to create a development consistent with good planning practice. In this case, the ability to meet the zoning bylaw side yard setback requirement is prohibited by the fact that the residential building already exists and was constructed at the setbacks stipulated by the existing RU6 zone. This is an example of an occasion when a variance may be justified, particularly because the variance is relatively small. The applicant is requesting a variance from 2.5 m to 2.11 m to the western side lot line and from 2.5 m to 2.14 m to the eastern side lot line.

The calculation of total site coverage is based only on the paved parking/driveways as show on the attached site plan. Any and all other parking provided on the property must be eliminated to achieve the maximum site coverage of 50%. In particular, the unpaved parking spaces in front yard must be removed and the area landscaped with the appropriate landscape buffer as per Zoning Bylaw Section 7.6 (3.0 m wide vegetative buffer).



**ALTERNATE RECOMMENDATION:**


THAT OCP Bylaw Amendment No. OCP07-0026 to amend Map 19.1 of the *Kelowna 2020* – Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 6 District Lot 14 Osoyoos Division Yale District Plan 3438 located at 614-624 Francis Avenue, Kelowna, BC from Single/Two Unit Residential to Multiple Unit Residential – Low Density, as shown on Map “A” attached to the report of Planning & Development Services Department, dated May 5, 2008, be considered by Council;

AND THAT Council considers the APC public process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act* as outlined in the report of the Planning & Development Services Department dated December 18, 2007;

AND THAT Rezoning Application No. Z07-0077 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6 District Lot 14 Osoyoos Division Yale District Plan 3438 located at 614-624 Francis Avenue, Kelowna, BC from RU6 – Two Dwelling Housing Zone to RM1 – Four Dwelling Housing Zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP07-0026 and 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 the Council's consideration of a Development Variance Permit DVP07-0216 for the subject property.



Shelley Gambacort  
Current Planning Supervisor

SG:cg

**ATTACHMENTS**

- A - Development Application Detail Report
- B - Location/Generalized Zoning Map
- C - Future Land Use Map
- D - Ortho Map (1:1,215)
- E - Ortho Map (1:467)
- F - Building Location Certificate/Site Plan
- G - Building plans and elevations (7 pages)

# Lots: 1

Seq	Out	In	By	Comment
	B.C. Assessment Authority (info only)			
2007-09-04	2007-09-04			
	Community Development & Real Estate Mgr			
2007-09-04	2007-09-28		SALEXANC	Land Comments for Inclusion in Council Report: Please contact the Land Agent for road dedications over 20 metres in width, land dedications and land transfers to or from the City of Kelowna, road closures and road reserves. Depending on the type of land transaction being contemplated, the processing time can vary from 3 weeks to 3 months. The Land Department requires a full size copy, together with an 8 ? x 11 copy, of any survey plans.
	Fire Department			
2007-09-04	2007-10-12		MNEID	Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw.
	The Fire Department needs min. 1.1m for access to the back yard.			
	FortisBC			
2007-09-04	2007-12-10			No response

File: Z07-0077

Seq	Out	In	By	Comment
	Inspections Department			
	2007-09-04	2007-09-27	RREADY	Building permit required c/w as-built drawings, suite to be upgraded to current requirements of BCBC 2006.
	Mgr Policy, Research & Strategic Plannin			
	2007-09-04	2007-10-09		The subject property is designated as Single / Two Unit Residential in the OCP and the proposed conversion from the existing duplex to a duplex with suites would require an OCP amendment.
				It is noted that there are a number of sites in this general area that have been converted to allow a four-plex or duplex with suites so the proposed change would not be out of character with the neighbourhood. The addition of suites into an area is an acceptable way to create more dense neighbourhoods without a significant impact on that neighbourhood. In this, case the duplex already exists so the addition of suites will not affect the exterior form and character. However, the addition of suites will require additional parking. There was no site plan attached to this circulation to verify if the parking will be sufficient. With lane access there should be an opportunity to create that parking in the rear.
				It is recommended that these applications be supported, subject to confirmation that there is sufficient parking available on site.
	Park/Leisure Services Dir. (info only)			
	2007-09-04	2007-09-04		
	Parks Manager			
	2007-09-04	2007-09-20	TBARTON	The City of Kelowna Boulevard Maintenance By-Law No. 5708-84 requires the residents to be responsible to weed, water and mow the boulevards adjacent to their properties. They will also be responsible for maintaining the boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris.
	Public Health Inspector			No comment
	2007-09-04	2007-09-24		
	RCMP			No response
	2007-09-04	2007-12-10		
	School District No. 23			No response
	2007-09-04	2007-12-10		
	Shaw Cable			No response
	2007-09-04	2007-12-10		
	Telus			TELUS has No Comment regarding this Application.
	2007-09-04	2007-10-12		
	Terasen Utility Services			No response.
	2007-09-04	2007-12-10		
	Works & Utilities			see documents tab
	2007-09-04	2007-11-13		

Remarks



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

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**Date:** November 7, 2007  
**File No.:** Z07-0077 DVP07-0216 OCP-0026  
**To:** Planning & Development Services Department (CG)  
**From:** Development Engineering Manager  
**Subject:** 614-624 Francis Ave                      Lot 6 Plan 3438                      RM1

The Works & Utilities Department have the following comments and requirements associated with this application to rezone from RU-6 to RM-1.

1.     Domestic Water and Fire Protection

The existing property is serviced with two 19mm diameter copper water services. Water metering must comply with the City Plumbing Regulation and Water Regulation bylaws.

2.     Sanitary Sewer

Our records indicate that this property is serviced with a 100mm-diameter sanitary sewer service complete with inspection chamber. The service should be adequate for this application.

3.     Road Improvements

Francis Avenue must be upgraded to a full urban standard along the full frontage of this property, including curb and gutter, sidewalk and pavement widening and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The City wishes to defer the upgrades to Wardlaw Avenue fronting this property. Therefore, cash-in-lieu of immediate construction is required.  
The cash-in-lieu amount is determined to be **\$ 8,525.00**

The rear lane fronting this property must be upgraded to paved standard.  
The City wishes to defer the upgrades to lane fronting this property.  
Therefore, cash-in-lieu of immediate construction is required.  
The cash-in-lieu amount is determined to be **\$ 5,875.00**

4.     Development Permit and Site Related Issues

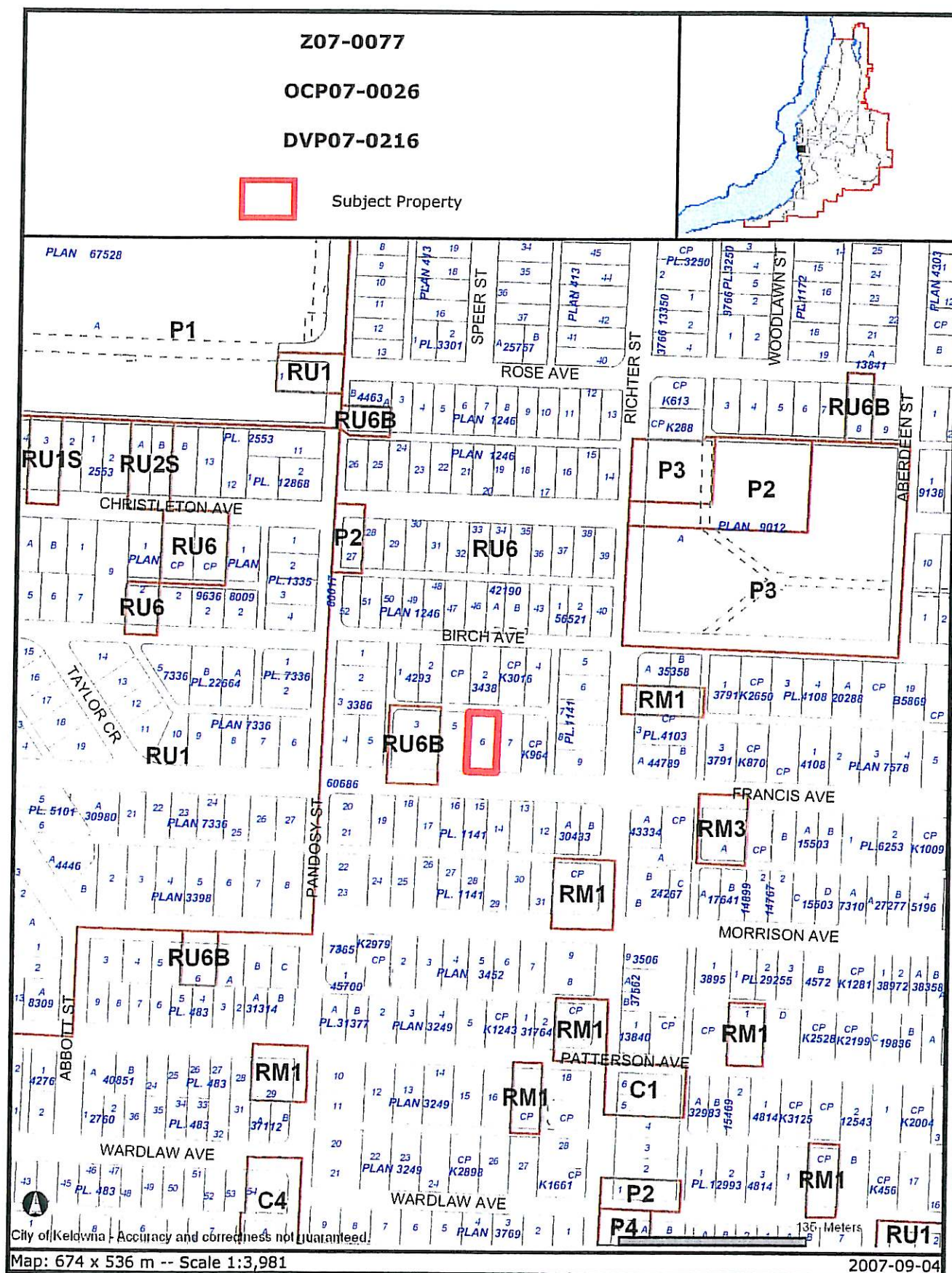
The requested variance to reduce the side yard setbacks from the required 1.50m to 1.20m, does not compromise Works and Utilities servicing requirements.

5.     Access, Manoeuvrability and Parking Requirements

The required number of parking modules must meet bylaw requirements.

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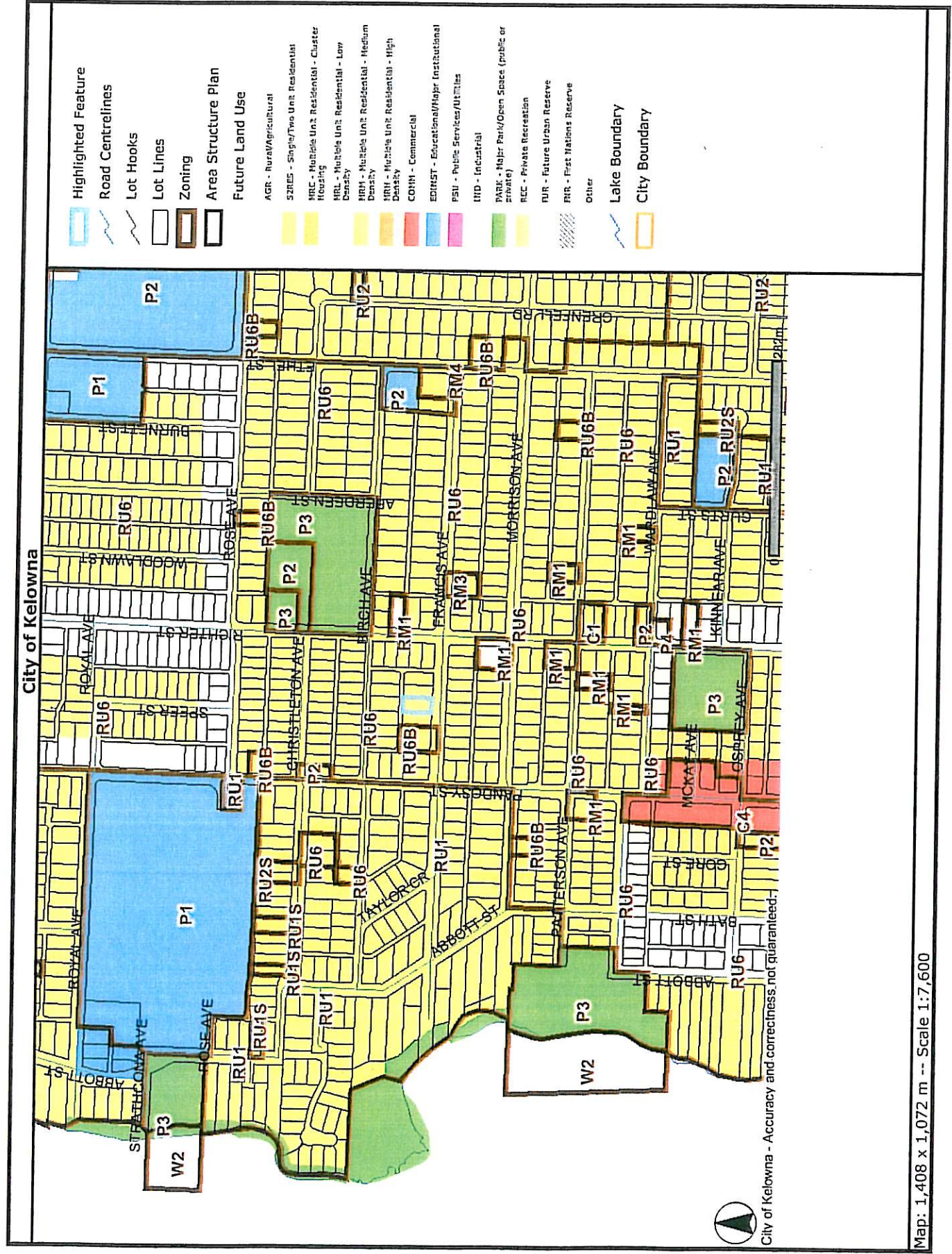
Steve Muenz, P. Eng.  
Development Engineering Manager  
JF/jf



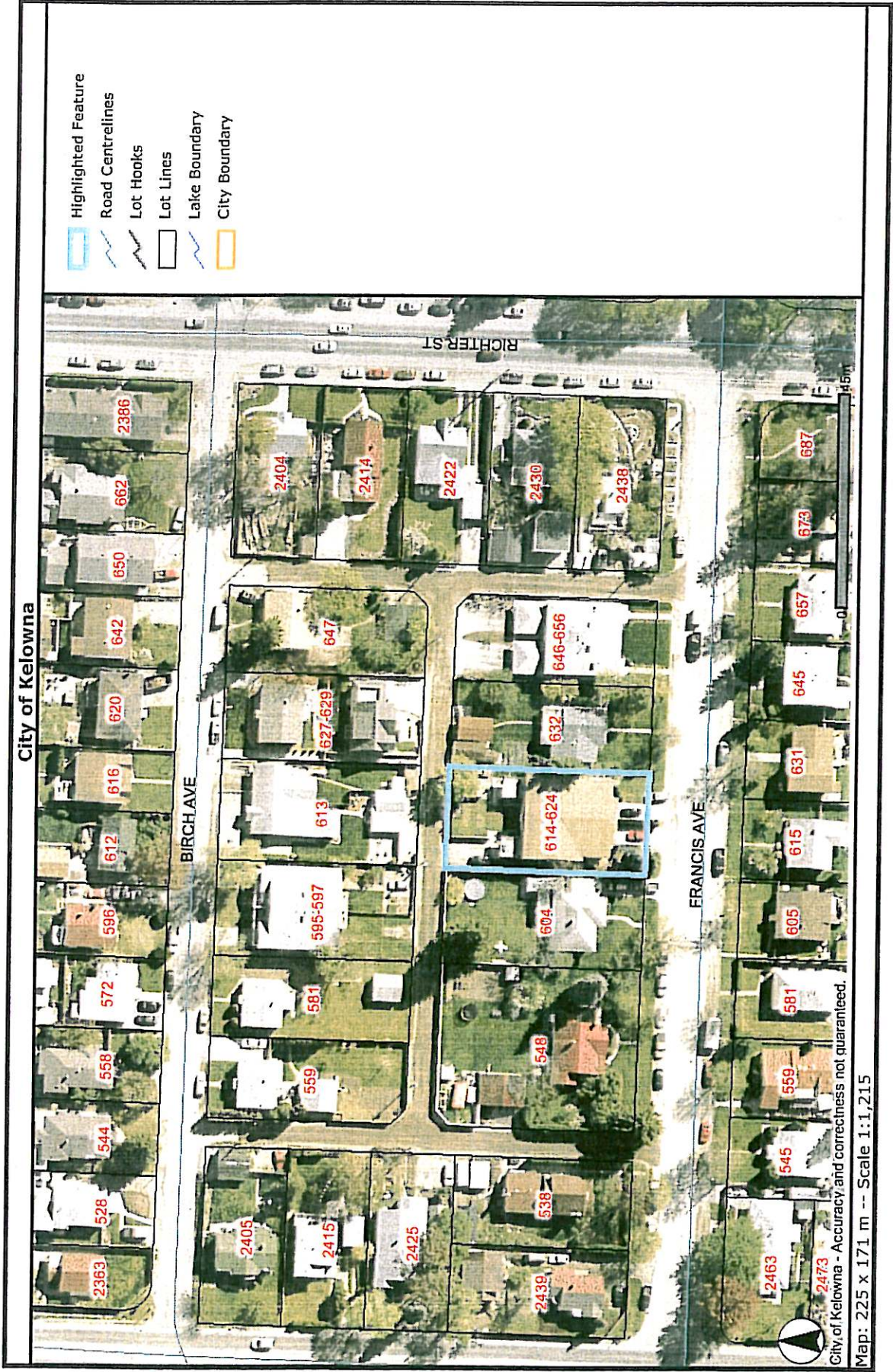
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
 The City of Kelowna does not guarantee its accuracy. All information should be verified.



# MAP 'A'

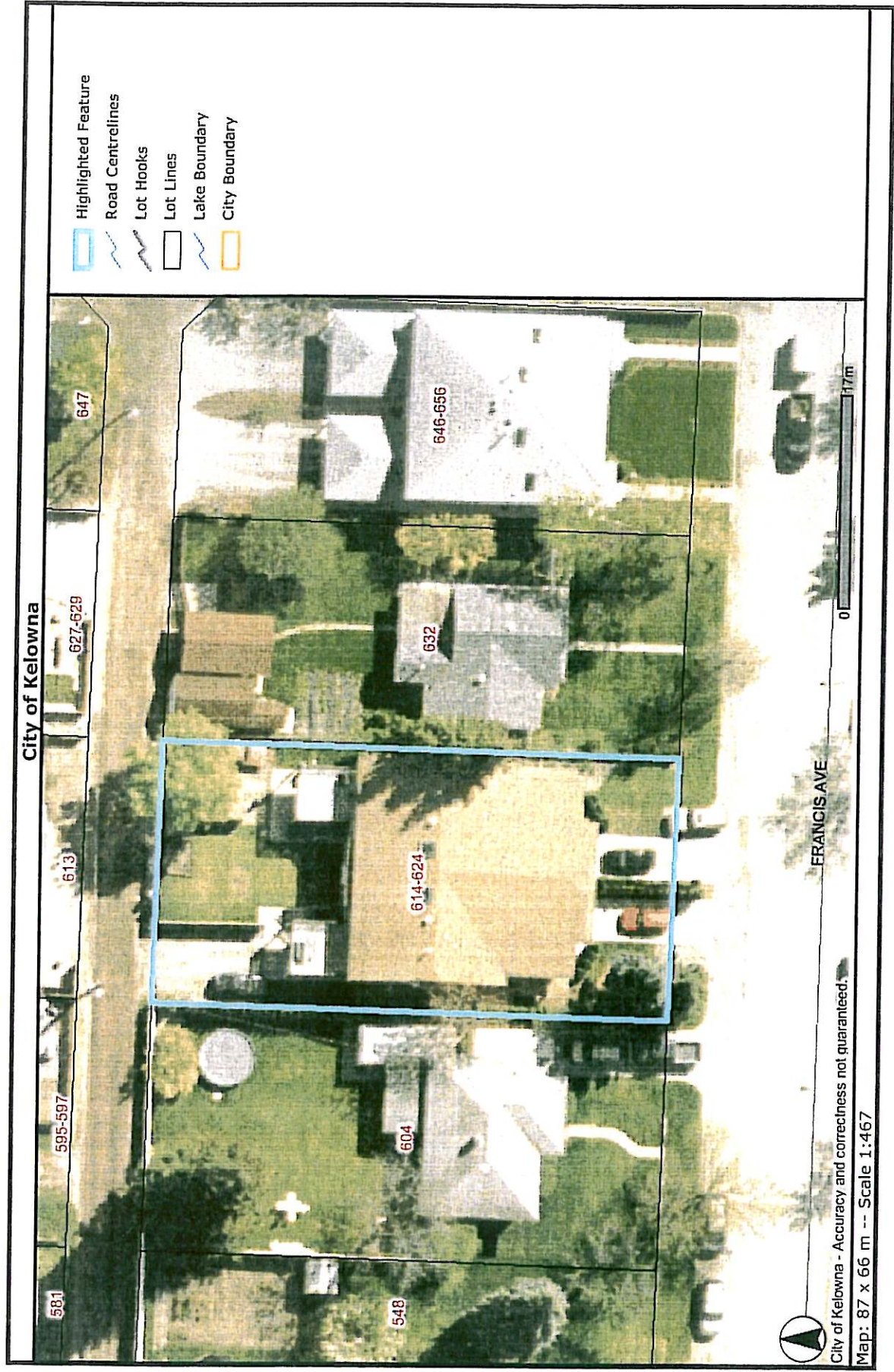






This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.





This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



# British Columbia Land Surveyors BUILDING LOCATION CERTIFICATE

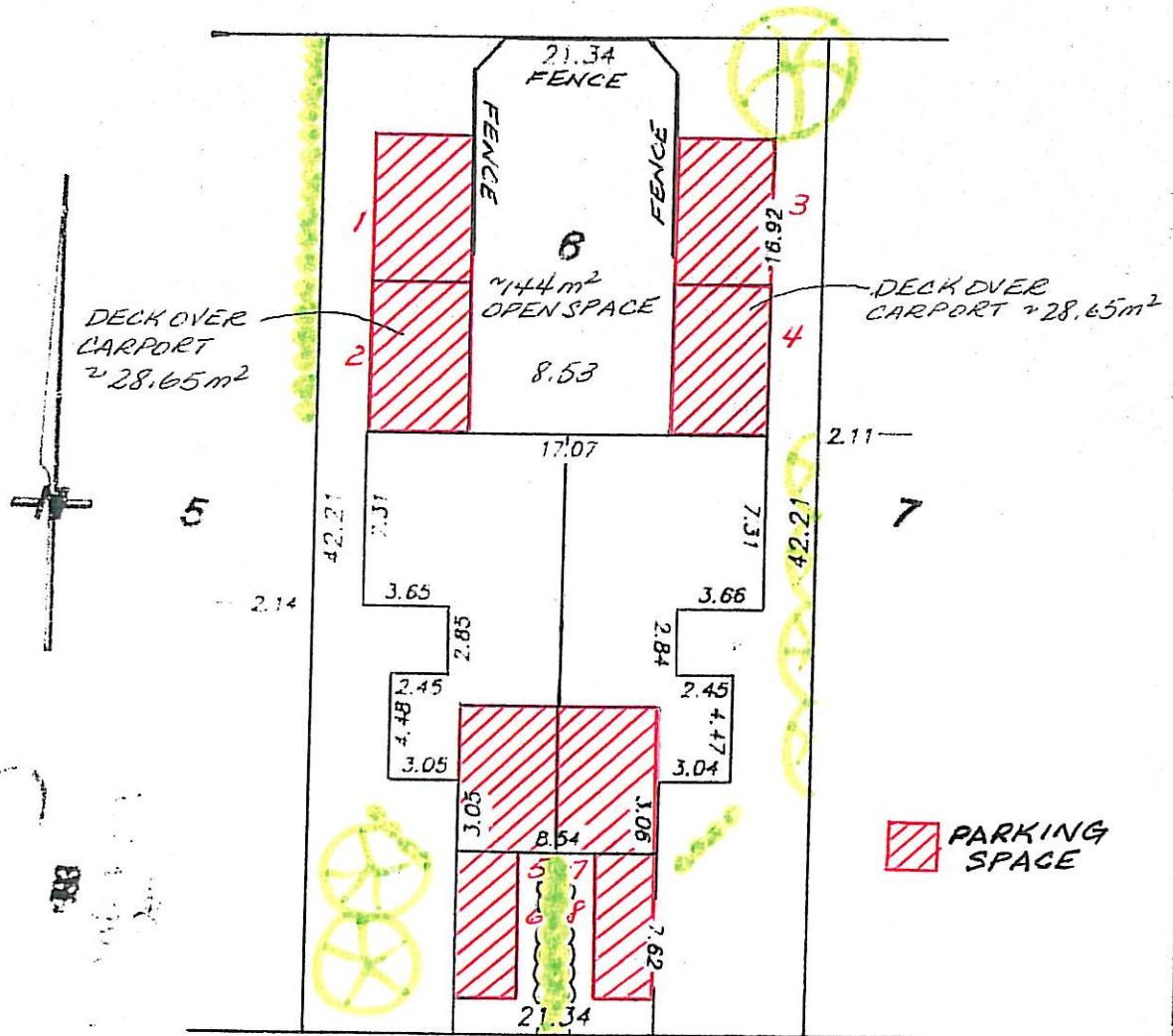
This is to state that on the 11th day of August 19 93 a survey was performed under my  
superintendence on the property described as follows:

614 Francis Avenue Lot 6, Sec.13, Tp.25, ODYD, Plan 3438.

The building(s) erected on the said property is (are) wholly within the boundaries thereof, and does (do) not encroach on adjoining  
properties. The accompanying sketch shows with its acceptable tolerances the size of the building and property, and their relative  
positions. This sketch is not to be used for the establishment of property boundaries.

Distances shown are in metres and decimals thereof.  
Scale 1:300 Metric.

*614-624 Francis Ave*  
*B.P. # 2123*  
**Lane**



**Francis Avenue**

**FRITSCH LAND SURVEYING INC.**  
Legal & Engineering Survey Consultants

Copyright: No part of this drawing may be reproduced or stored in a retrieval system or  
transmitted in any form or by any means, electronic, mechanical, photocopying, recording,  
or otherwise, without the prior written permission of the copyright owner.  
This document is not valid unless originally signed and sealed.

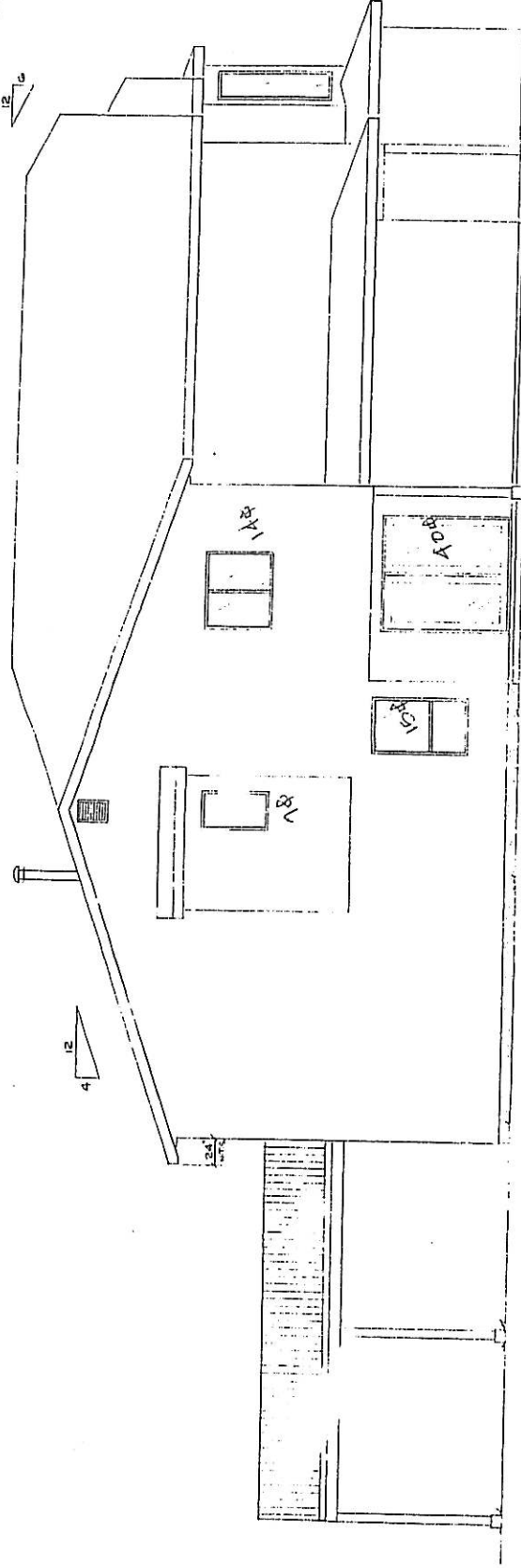
*[Signature]*

BRITISH COLUMBIA LAND SURVEYOR

The 11th of August 19 93

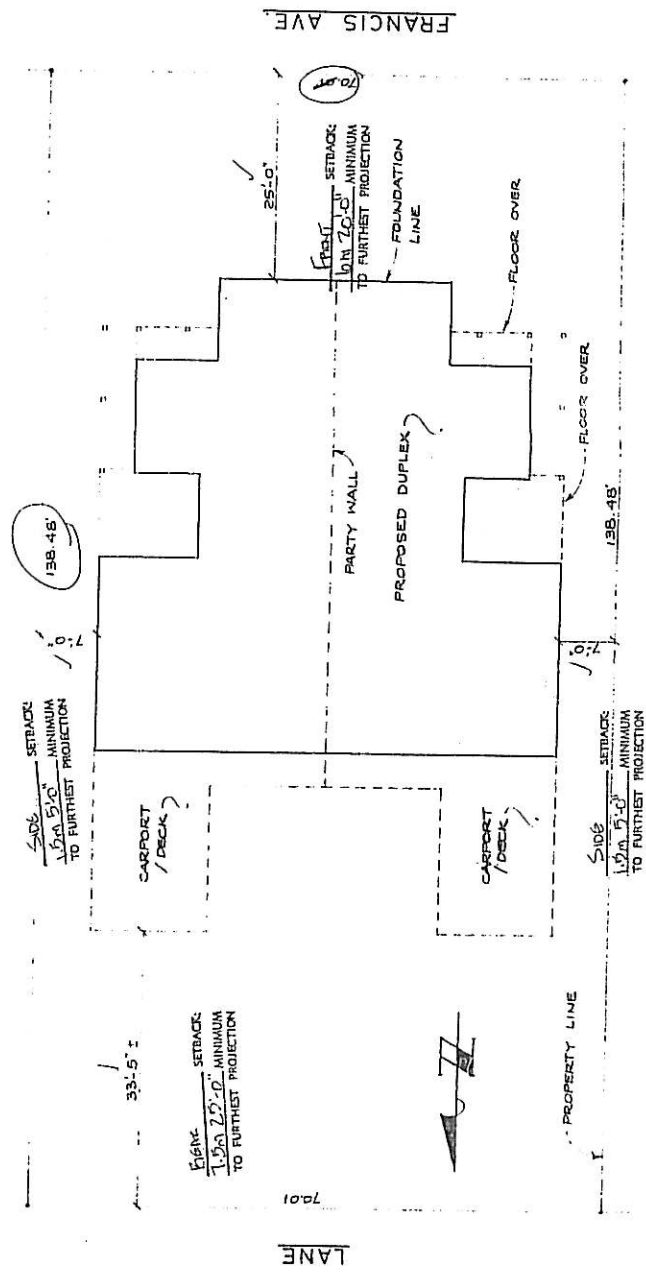
93281(70,33)





**LEFT ELEVATION** (RIGHT ELEVATION IS IDENTICAL IN REVERSE)

SCALE: 1/4" = 1'-0"



**PLOT PLAN**

SCALE: 1" = 10'

L.O.D. 7.5' - 15' - 55' 1.64  
 V.A.L. 78' x 17.5' = 1015#  
 = 71.1m2

✓ U.P. 76#

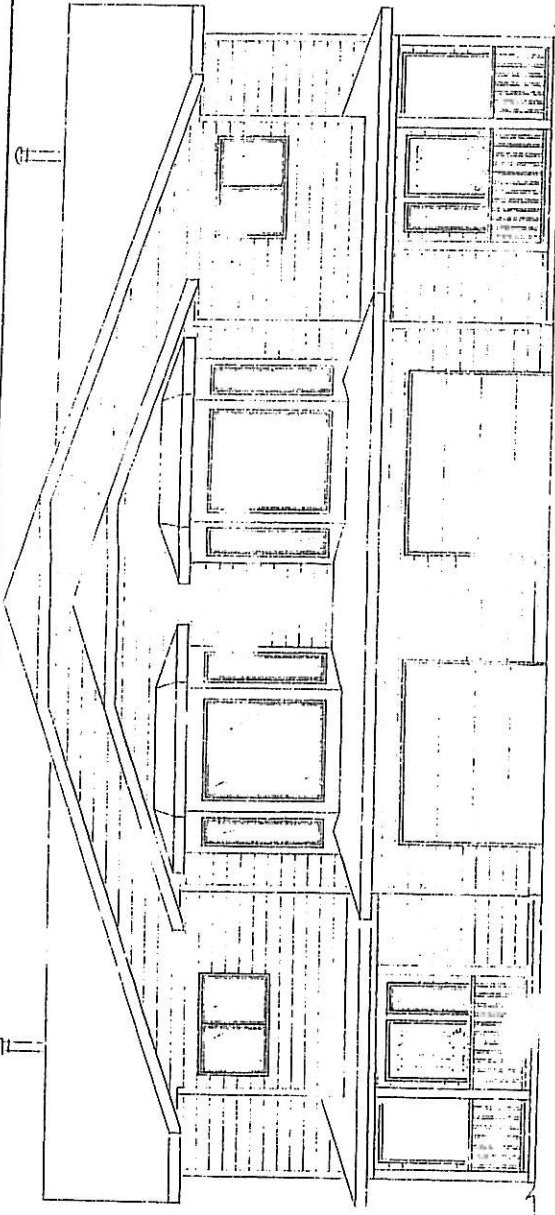
LEGAL DESCRIPTION

LOT 6  
 PLAN 3438  
 SEC. 13  
 T.P. 25  
 O.D.Y.D.

LOT SIZE 9,694.98#  
 LOT COVERAGE 3,808#  
 COVERAGE % 39%  
 GROSS FL.R. AREA 5,268#  
 FL.R. AREA RATIO .543  
 BUILDING HEIGHT 26.5'

Alameda Lot  
 Lot Area 4600 = 3877.4#

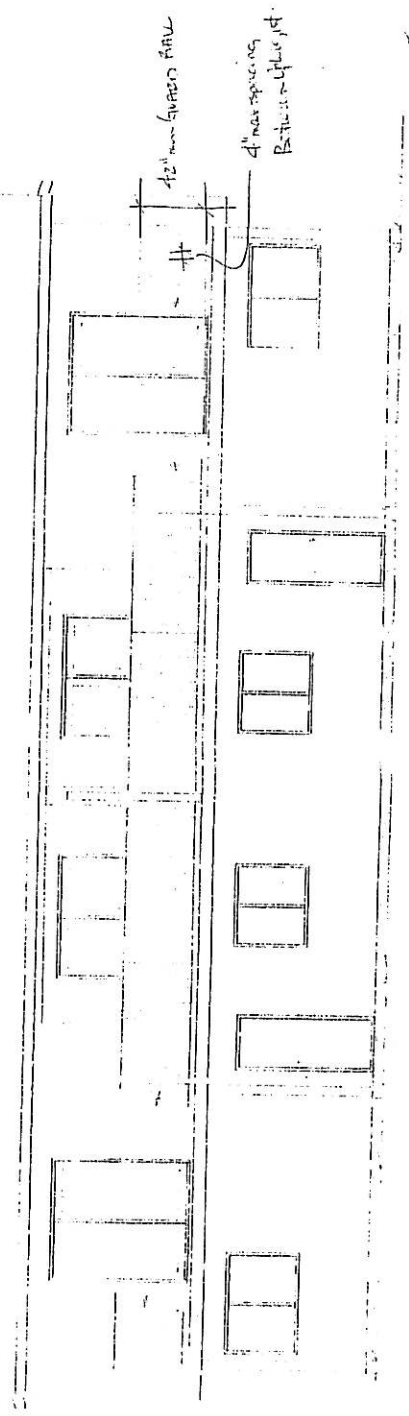
LANE



FRONT ELEVATION

SCALE: 1/4"

APPROVED  
FOR THE PART OF BUILDING PERMIT # 2125  
THESE DRAWINGS SHALL REMAIN ON SITE  
AVAILABLE TO CITY BUILDING INSPECTORS

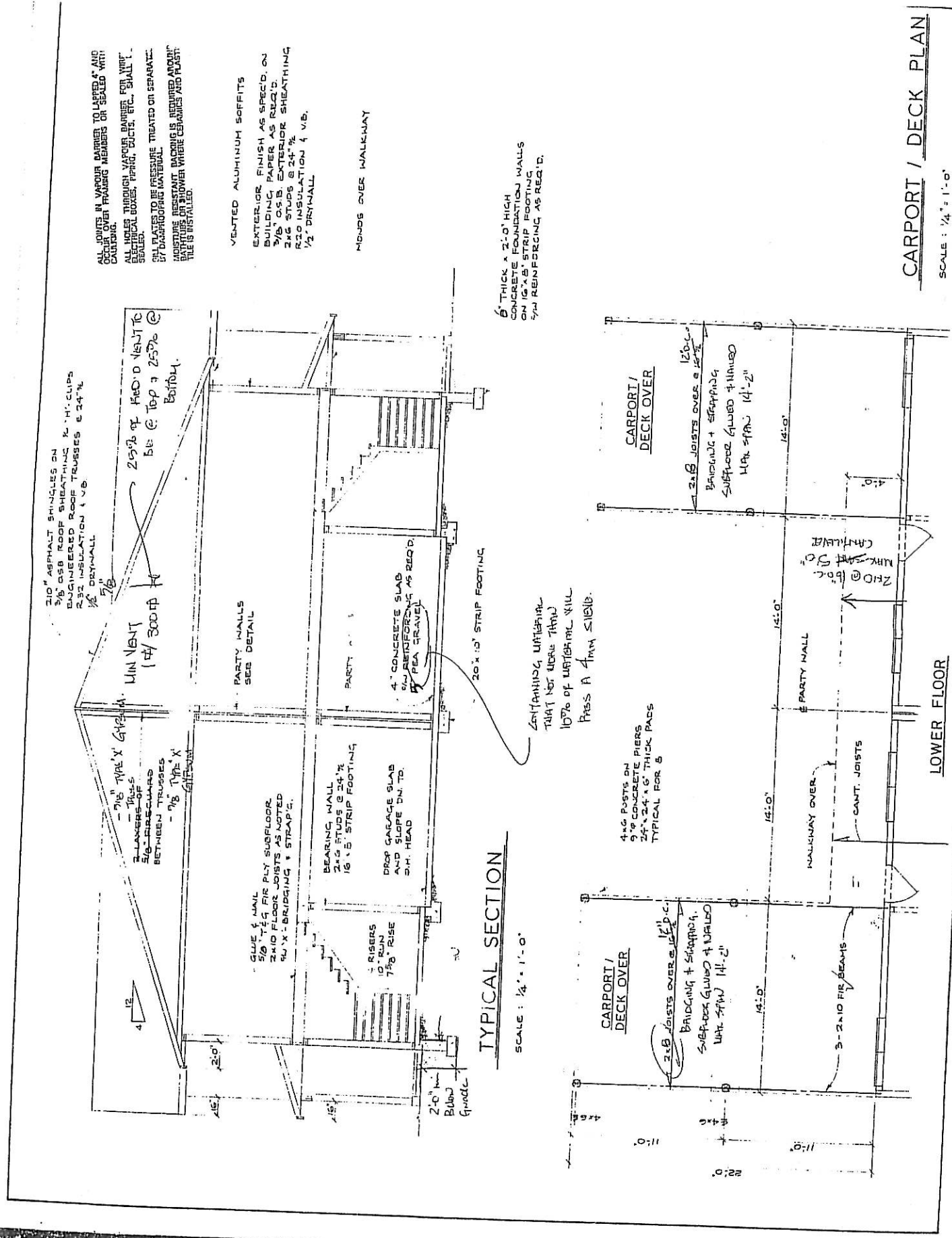


REAR ELEVATION

SCALE: 1/4" = 1'-0"

42" max. window frame  
4" max. spacing  
Between window frames

Mike G. G. G.



ALL JOINTS IN VAPOR BARRIER TO LAP 6" AND CAULKED.  
 ALL JOINTS IN FRAMING MEMBERS OR SEALED WITH CAULKING.  
 ALL HOLE THROUGH VAPOR BARRIER FOR VENT ELECTRICAL BOXES, PIPING, ETC., SHALL BE SEALED.  
 ALL PLATES TO BE PRESSURE TREATED OR SEPARATE MOISTURE RESISTANT BACKING IS REQUIRED AROUND ALL JOINTS IN FRAMING MEMBERS WHERE CERAMICS AND PLASTER IS TO BE INSTALLED.

VENTED ALUMINUM SOFFITS  
 EXTERIOR FINISH AS SPEC'D. ON BUILDING PAPER AS REQ'D.  
 3/8" OSB EXTERIOR SHEATHING  
 2x6 STUDS @ 24" OC  
 2x4 INSULATION @ 24" OC  
 1/2" DRYWALL

MOJOS OVER WALKWAY

6" THICK 2'-0" HIGH CONCRETE FOUNDATION WALLS ON 10"x8" STRIP FOOTING 5/8" REINFORCING AS REQ'D.

TYPICAL SECTION

SCALE: 1/4" = 1'-0"

CARPORT / DECK PLAN

SCALE: 1/4" = 1'-0"