

# Memo



**Date:** June 18, 2010

**To:** City Manager

**From:** Community Sustainability Division

**File No:** Z10-0033

**Applicant:** New Opportunities For Women  
(NOW) Canada Society Inc.

**At:** 2609 Richter Street

**Owner:** New Opportunities For Women  
(NOW) Canada Society Inc.

**Purpose:** To rezone the subject property from the RU6 - Two Dwelling Housing zone to the RM3 - Low Density Multiple Housing zone to legalize the existing non-conforming uses on the site.

**Existing Zone:** RU6 - Two Dwelling Housing

**Proposed Zone:** RM3 - Low Density Multiple Housing zone

**Existing OCP Designation:** Multiple Unit Residential - low density

Report Prepared by: Paul McVey

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## 1.0 RECOMMENDATION

THAT Rezoning Application No. Z10-0033 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of; Lot 2, DL 135, O.D.Y.D., Plan 3929, located on Richter Street, Kelowna, B.C. from the RU6 - Two Dwelling Housing zone to the RM3 - Low 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 Variance Permit on the subject property;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Department being completed to their satisfaction;

## 2.0 SUMMARY

This proposal seeks to rezone the subject property from the existing RU6 - Two Dwelling Housing zone to the proposed RM3 - Low Density Multiple Housing zone in order to authorize the non-conforming uses that currently exist. As the siting of the building does not conform to the RM3 - Low Density Multiple Housing zone, a Development Variance Permit to address

the side yard setbacks and the total site coverage for buildings, driveways, and parking areas is required.

### **3.0 ADVISORY PLANNING COMMISSION**

The above noted application was reviewed by the Advisory Planning Commission at the meeting of May 25, 2010 and the following recommendation was passed:

THAT the Advisory Planning Commission support Rezoning Application No. Z10-0033, for 2609 Richter Street by NOW Canada to rezone to the RM3 in order to bring an existing legal non-conforming use into conformity with Zoning Bylaw 8000;

APC Anecdotal Comments;

The APC commented that overall, this meets many of the housing/social policies within the city and making the use conforming is commendable.

### **4.0 BACKGROUND/PROPOSAL**

The building that is located on the subject property was constructed in the 1960's. In the 1970's, there were several additions constructed that converted the dwelling into a duplex building. The building was operated as a boarding home at that time, in compliance with Zoning Bylaw 4500.

In 2002, the New Opportunity for Women Canada Society (NOW) purchased the facility to operate as the Alexandra Gardner Women and Children Safe Centre to provide a low barrier shelter for women and children. The shelter provides free services, regardless of age, race or circumstance, and assisted clients to work on their next steps to help them plan for a safe future. It was noted at that time that the facility was a legal non-conforming boarding house.

NOW wishes to rezone the subject property to the RM3 - Low Density Multiple Housing zone to legalize the use of the site as a congregate housing facility, a principal use in the RM3 zone. The property has a Future Land Use designation of Multiple Unit Residential - Low Density in the Official Community Plan. The proposed RM3 zone is consistent with that designation.

The applicant is not anticipating any external changes to the building at this time, although there may be renovations in the future. Any future changes to the form and character of the building will require a Development Permit application.

The proposed application meets the requirements of RM3 - Low Density Multiple Housing zone follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1052 m <sup>2</sup>	900 m <sup>2</sup>
Lot Width	19.8 m	30.0 m
Lot Depth	53.3 m	30.0 m
Note; existing lot	dimensions	
Development Regulations		
Site Coverage	33% buildings 55% bldg & parking ❶	40% bldg 50% bldg & parking
Total Floor area	509 m <sup>2</sup>	526 m <sup>2</sup> max
F.A.R.	0.48	0.5 max
Building Height	2 storey/7.5 m	2½ Storey/9.5m max
Front Yard	6.1 m	4.5 m or 6.0 m to a garage
Side Yard (south)	1.45 m ❷	4.5 m (2 - 2½ storey)
Side Yard (north)	0.70 m ❸	4.5 m (2 - 2½ storey)
Rear Yard	19.2 m	7.5 m
Other Requirements		
Parking Stalls (#)	7 stalls provided	1 stall per dwelling 1 stall per staff 1 stall per 3 bedrooms 6 stalls required
Private Open Space	meets requirements	7.5 m <sup>2</sup> of private open space per room

❶ Vary maximum site coverage for buildings, driveways and parking areas from 50% permitted to 55% proposed,

❷ Vary minimum south side setback from 4.5m permitted to 1.45m proposed

❸ Vary minimum north side setback from 4.5m permitted to 0.7m proposed

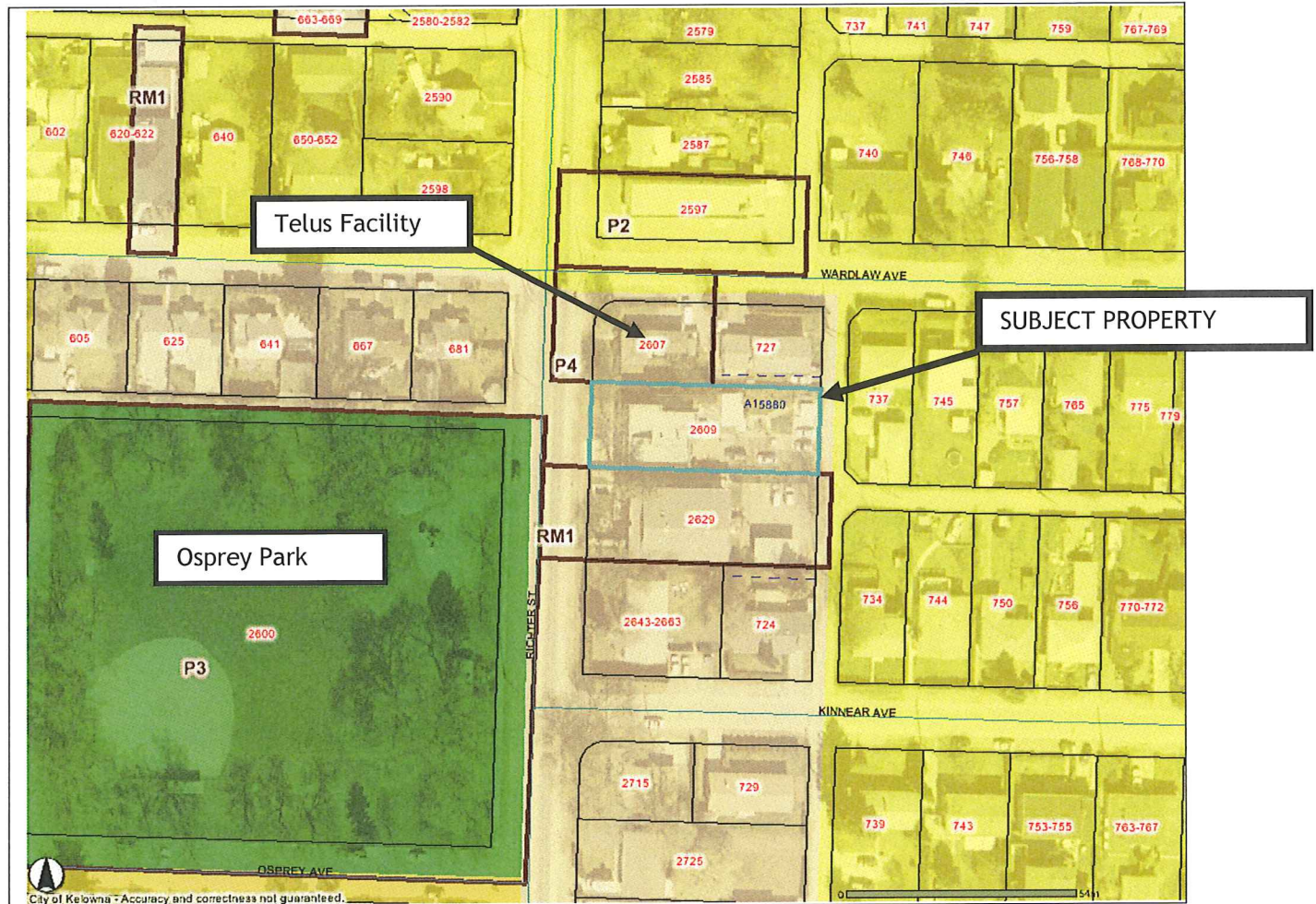


#### 4.1 Site Context

The subject property is located on the east site of Richter Street, south of Wardlaw Avenue. The site is generally flat, and has access from both Richter Street and the lane. The site is occupied by a two storey building.

Site Location Map

2609 Richter Street



The adjacent land uses are as follows:

- North RU6 - Two Dwelling Housing (residential)
- P4 - Utilities (Telus equipment facility)
- West RU6 - Two Dwelling Housing (residential)
- P3 - Parks and Open Space (Park)
- East RU6 - Two Dwelling Housing (residential)
- South RM1 - Four Dwelling Housing (Residential)

## 5.0 CURRENT DEVELOPMENT POLICY

The RM3 - Low Density Multiple Housing zone is being proposed for this property. The purpose of this zone is to provide a zone for low density multiple housing on urban services.

### 5.1 Kelowna 2020 - Official Community Plan

The proposal is consistent with the future land use designation of Multiple Unit Residential - Low Density in the Official Community Plan.

The Multiple Unit Residential - Low Density designation covers Townhouses, garden apartments, apartments, buildings containing three or more residential units. Complementary uses (i.e. care centres, minor public services/utilities, and neighbourhood parks), that are integral components of urban neighbourhoods would also be permitted.

Section 8 - Housing of the Official Community Plan contains the following policy direction;

**.36 Special Needs Facilities.** Encourage, in all neighbourhoods, residential facilities for people with special needs, as permitted under Zoning Bylaw regulations;

**.38 Ground-Oriented Housing.** Encourage the development of ground-oriented multiple unit housing as an affordable housing choice for the rental or ownership markets, including families with children, in those areas where Map 19.1 indicates necessary densities as being appropriate. Ground oriented housing is defined as housing where each dwelling unit has direct access to the unit and private open space at grade level;

**.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;

**.50 Housing in the Urban Corridor:** A more varied housing supply and means of increasing affordability should be actively sought for the neighbourhoods surrounding and including the Urban Town Centres and the Highway 97 corridor extending to the north boundary of the City, north, south and east of Highway 97 as it changes to a northerly direction.

## 6.0 TECHNICAL COMMENTS

### 6.1 Building & Permitting

Appears that no modification to the building is proposed, only parking issues, therefore no comment.

### 6.2 Development Engineering Branch

See attached.



6.3 Bylaw Services

No concerns

6.3 Fire Department

No objections

6.4 Public Health Inspector

No comment.

**7.0 LAND USE MANAGEMENT DEPARTMENT**

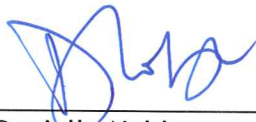
The New Opportunity for Women (NOW) Canada Society provides a valuable service to the community in providing homeless shelter housing for women and children at this location, as well to assist the clients with care and support to find housing and help in seeking employment.

The Official Community Plan notes the future land use of this site is Multiple Unit Residential, - Low Density. The proposed RM3 - Low Density Multiple Housing zone is consistent with that designation.

The current existing use of the dwelling as a boarding home was a principal permitted use in the Two-Family Residential (R-2) zone of Zoning Bylaw 4500. The boarding home use became a non-conforming use when Zoning Bylaw 8000 was adopted. The applicant is proposing to correct this legal non-conforming use by rezoning the property to the proposed RM3 - Low Density Multiple Housing zone, and operating the facility as congregate housing.

The NOW facility located on the subject property is close to the South Pandosy Urban Centre, and is located across Richter Street from Osprey Park. This location provides easy access to shopping, medical facilities, public transit, as well as other amenities that benefit women and children. There are other social housing agencies in the neighbourhood, most notably the St. Vincent de Paul housing facility located directly to the south of the subject property. The NOW site provides an essential service in addressing the emergency housing needs and associated serviced in the City and is an integral component of the City's social service network.

The applicant is not proposing any exterior changes to the existing building at this time. However, in the future should any changes to the form and character of the building be contemplated, it will be necessary to apply for a Development Permit at that time to address the form and character issues.



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Danielle Noble  
Manager, Urban Land Use

Approved for inclusion:



Shelley Gambacort  
Director, Land Use Management

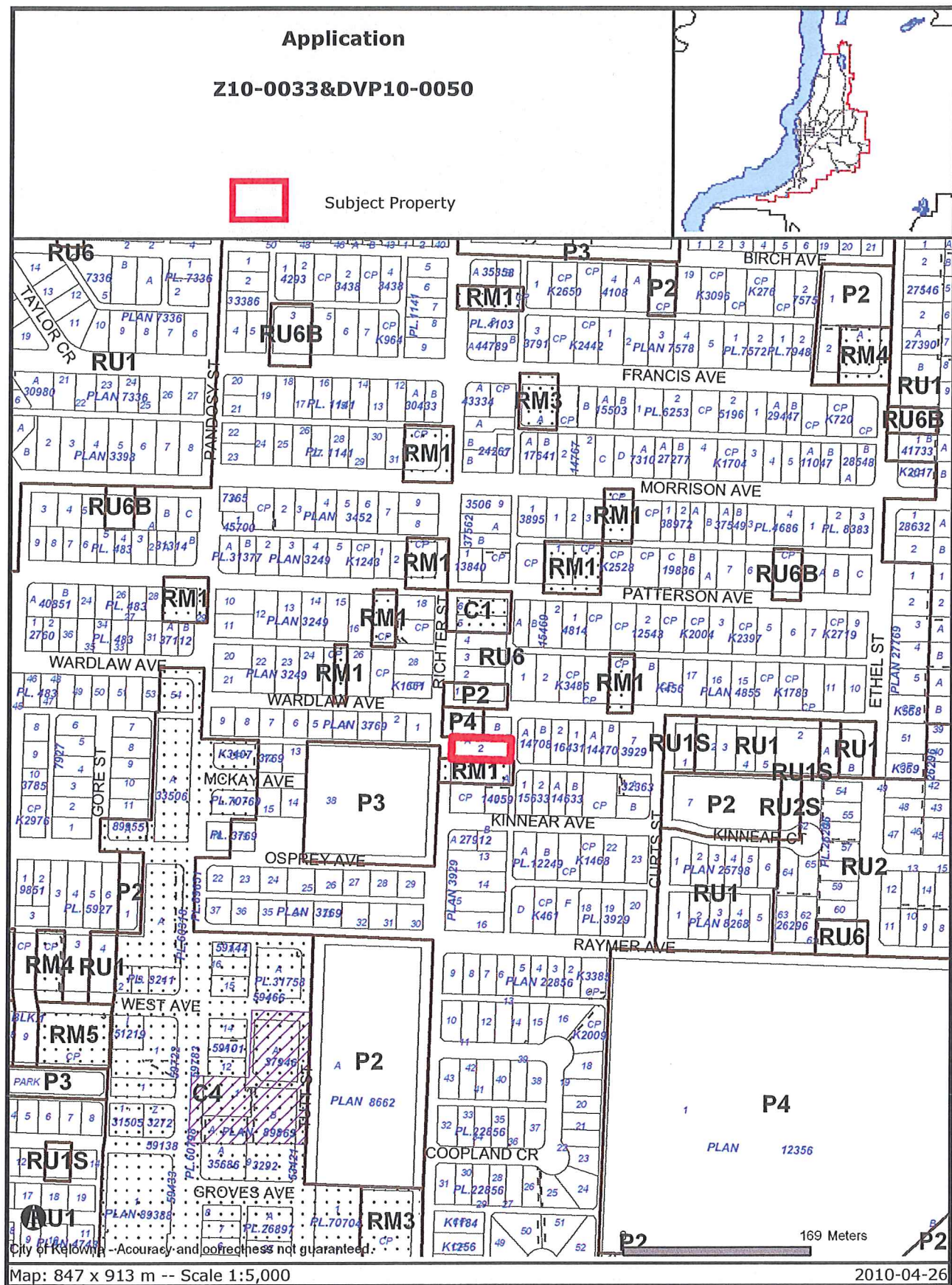
PMc  
Attach.

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**Attachments:**

Subject Property Map  
Building plans and Site Plan  
Applicant rationale letter  
Development Engineering Comments  
Sustainability Checklist

**Date Application Accepted**  
April 26, 2010



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.





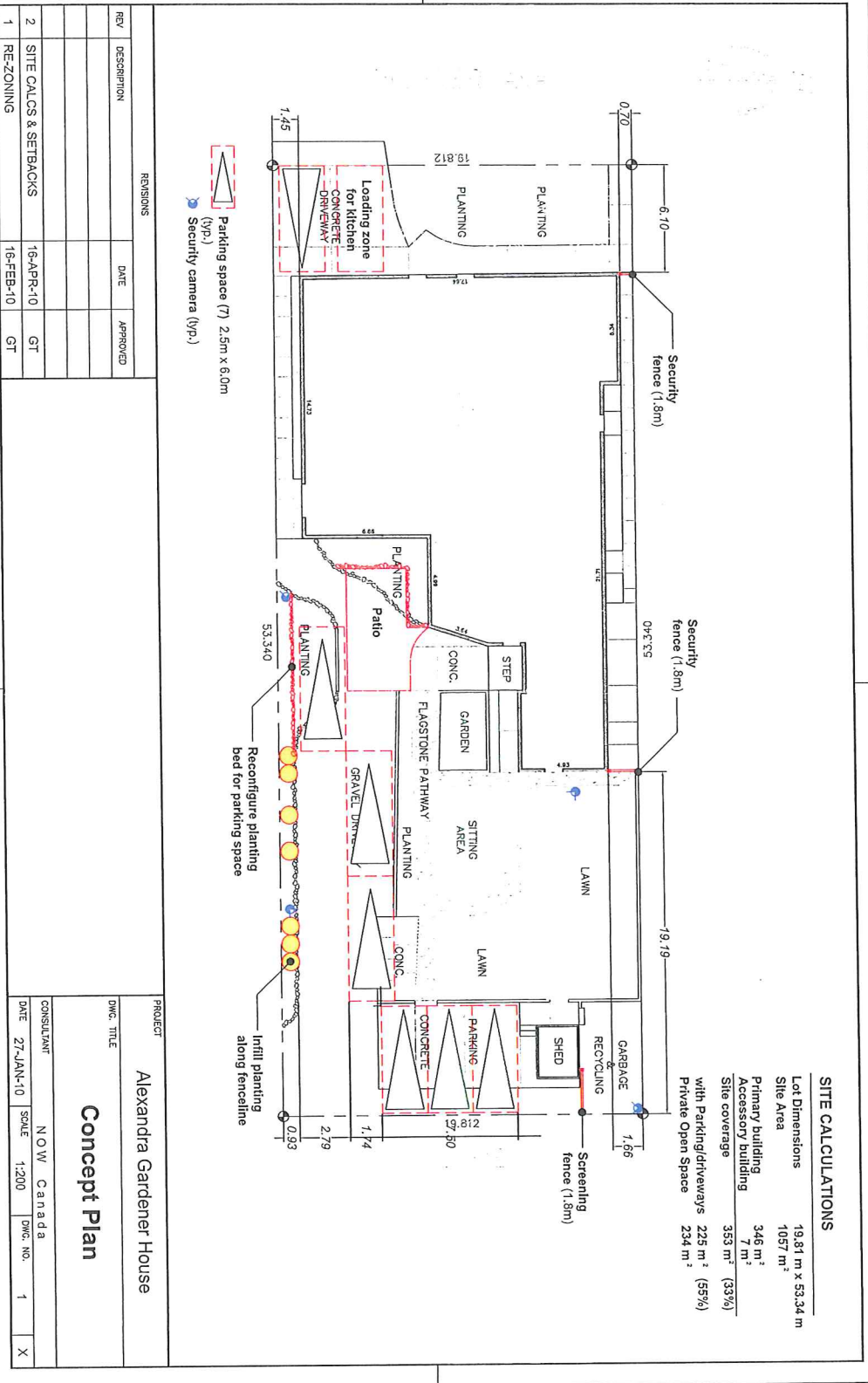
## Documents Submitted in Support of Application for Rezoning and Development Variance Permit

Lot 2, Plan 3929, D.L. 135, ODYD (2609 Richter Street)

- Site Plan
- Photos – Existing Building
- Floor Plans (First and Second Storeys)
- B.C. Land Surveyor's Certificate

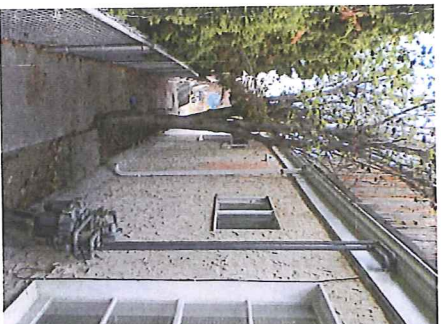
Submitted by New Opportunities for Women Canada Society

April 22, 2010





FRONT ELEVATION



NORTH SIDE YARD



SOUTH SIDE YARD



REAR ELEVATION



REAR ELEVATION



# B. C. LAND SURVEYOR'S CERTIFICATE

ON LOT 2, PLAN 3929,  
D. L. 135, O.D.Y.D.

SCALE 1:300 All distances are in metres

CLIENT : DONNA & BILL WALKER  
FILE No. 99-039  
FB/PG 288/47

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED  
AND SEALED

© THIS PLAN IS PROTECTED BY COPYRIGHT  
NO PERSON MAY COPY OR ALTER THIS CERTIFICATE WITHOUT  
PRIOR CONSENT OF R. R. RUNNALLS AND ASSOCIATES  
THE DIMENSIONS SHOWN ON THIS CERTIFICATE ARE NOT TO  
BE USED TO DEFINE PROPERTY BOUNDARIES

Certified correct this 27th day of July, 1999.

R. R. Runnalls

B.C.L.S.

R. R. RUNNALLS & ASSOCIATES

land surveyors

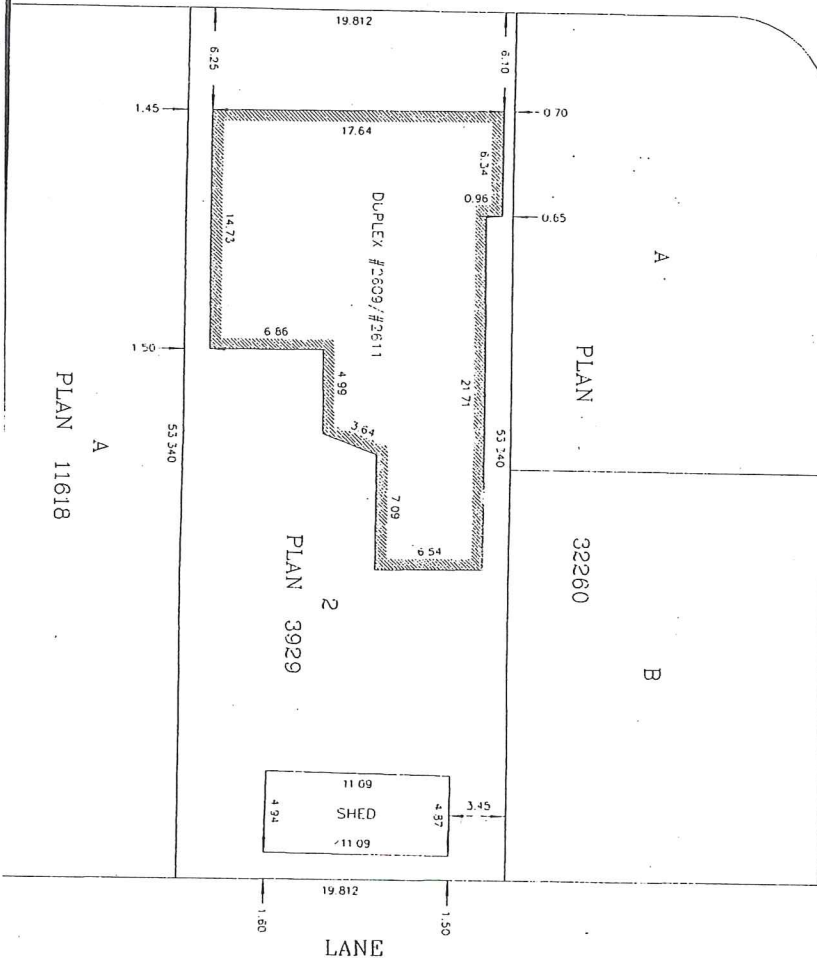
#2 - 1470 Water Street Phone (250) 763-7322  
Kelowna, B.C. V1Y 1J5 Fax (250) 763-4413  
E-mail: runnalls@bc.symphonic.co

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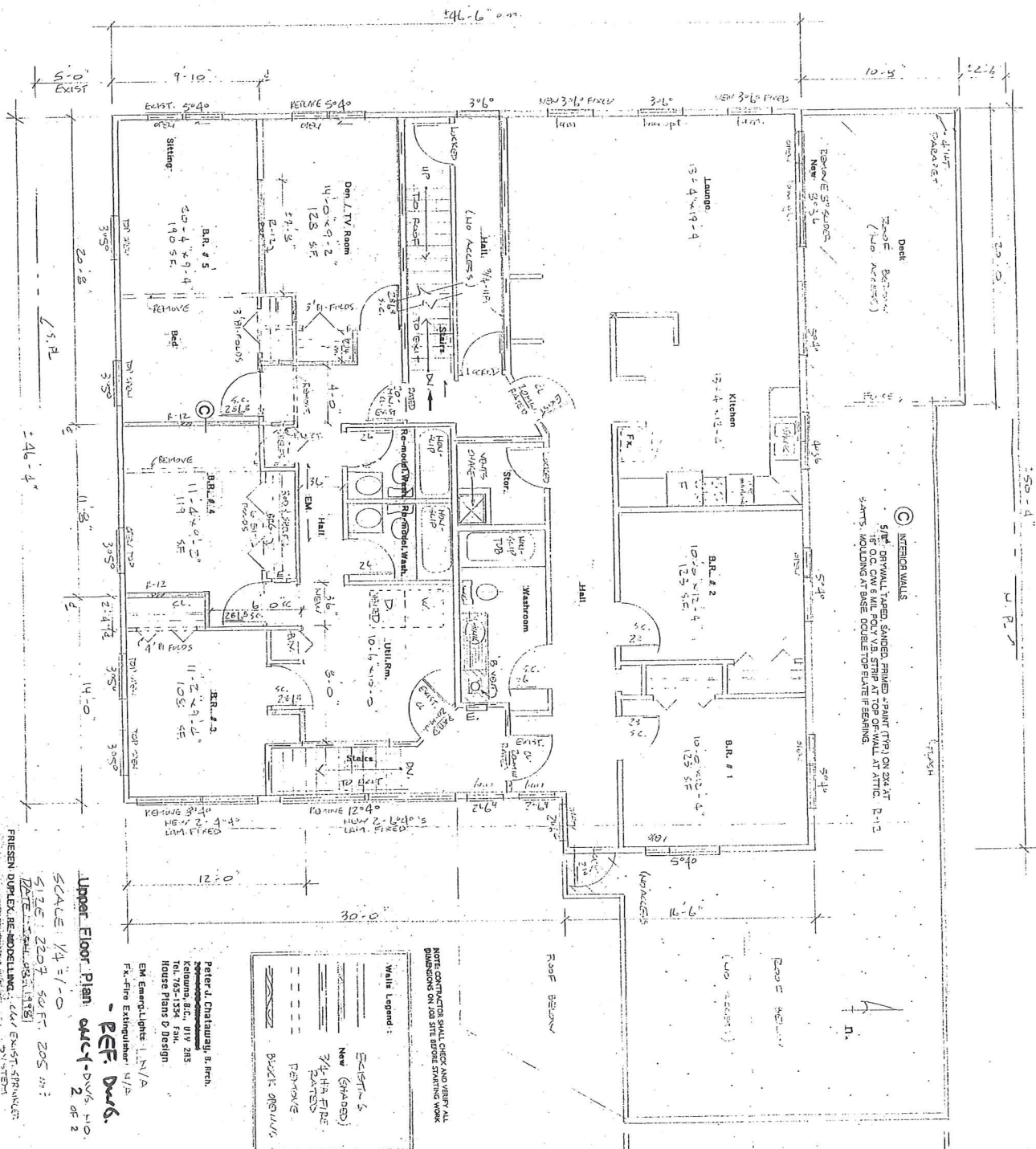
RICHTER STREET

WARDLAW AVENUE



2609 Kestrel St.





Upper Floor Plan  
 SCALE: 1/4" = 1'-0"  
 DATE: 2007.04.18  
 FRIESEN DUPLEX RE-MODELLING, 16441 EXIST. STRAUBER  
 2009/2011, Richter St., Kelowna, B.C.





**New  
O  
pportunities for  
W  
omen  
Canada Society**

**PO Box 22060, Capri Centre PO, Kelowna, BC, V1Y 9N9**  
**Phone: (250) 763-3876 Fax: (250) 868-3876**  
**Email: [info@nowcanada.ca](mailto:info@nowcanada.ca)**

Community Sustainability Division  
City of Kelowna  
1435 Water Street  
Kelowna, B.C.

April 15, 2010

**Attention: Ms. Shelley Gambacourt, Director of Land Use Management**

Dear Ms. Gambacourt:

**Re: Rezoning Application for Lot 2, Plan 3929, D.L. 135, ODYD (2609 Richter Street)**

Please find enclosed an application and supporting documentation from Now Canada Society for the rezoning of the above noted legal lot from RU-6 (Two Dwelling Housing ) to RM 3 (Low Density Multiple Housing). The purpose of this rezoning application and the accompanying development variance permit application is to bring into conformity an existing non conforming use .The RM 3 zone permits congregate housing which is the use which best describes the existing and proposed use of the above described lot.

The lot is presently occupied by the Alexandra Gardner Women and Children Safe Centre (AGSC) which is a twenty bed, low barrier homeless shelter for women and children. The shelter provides free services, regardless of age, race or circumstance and assists clients to work on their next steps to help them plan for a safe future. The AGSC also offers extra accommodation by providing sleeping mats during the winter months.

Various services are provided through the AGSC including:

- A warm, clean, safe and non judgmental environment.
- Three meals a day.
- 24 hour on –site support.
- Individualized case planning such as assistance in finding housing, help in seeking employment, help in accessing medical treatment.
- Laundry facilities.
- Referrals to NOW Canada programs and other community services.

The facility is staffed by a minimum two staff at all times.

The facility includes:

- Eight bedrooms.
- Six bathrooms.

- One primary kitchen and a 24 hour kitchen for use by clients.
- Dining room.
- Lounge area and family room.
- Offices for employees.
- One self contained dwelling unit.
- Laundry room and other support facilities.

The AGSC has been operating as a women's and children's safe centre since February 2002.

The facility was identified as a non conforming use by the City of Kelowna in 2003 (See attached letter from Andrew Bruce, Development Services Manager, dated October 6<sup>th</sup>, 2003). NOW Canada Society Inc. wishes to apply for the rezoning at this time to bring the existing use into conformity with City of Kelowna Zoning By-law 8000 as recommended by the City of Kelowna in the above noted letter. Another factor prompting the rezoning at this time is that NOW Canada Society wishes to undertake various physical improvements to the AGSC in order to improve the quality of the services provided through the facility. The leadership of NOW Canada Society wishes to ensure that the use is a legally conforming use prior to undertaking the improvements.

The following is offered as rationale for the rezoning:

- The application follows a recommendation by the City of Kelowna's Development Services Manager in 2003 to apply for the rezoning of the site to bring the existing use into conformity with City of Kelowna Zoning By-law 8000.
- A review of the City of Kelowna Official Community Plan indicates that the lot containing the AGSC is designated as Multiple Unit Residential Low Density which permits an RM 3 (Low Density Multiple Housing) zone. The draft OCP now in preparation also proposes the retention of low density multiple housing on the lot.
- A precedent for non single and two family uses has been established on lots adjoining the lot occupied by the AGSC. The adjoining lots are zoned RM 1 (Four Dwelling Housing) to the south and P-1 (Major Institutional) to the north.
- The AGSC provides an essential service in addressing the emergency housing needs and associated services in the City and is an integral component of the City's social service network.

Should you have any questions concerning this application please contact the undersigned. NOW Canada Society appreciates the City's consideration of this application.

Yours truly,



Liz Talbott, Executive Director  
NOW Canada Society

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

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**Date:** June 9, 2010  
**File No.:** Z10-0033 DVP10-0050

**To:** Land Use Management Department (PMcV)

**From:** Development Engineering Manager

**Subject:** 2609 Richter Street                      Lot 2 Plan 3929                      RM3

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Development Engineering have the following comments and requirements associated with this application to rezone from RU-6 to RM-3.

1. Domestic Water and Fire Protection

Our records indicate that this property is serviced with a 25mm copper water service as well as a 19mm copper water service. The current by-law requires that only one service be permitted for this application. **The disconnection of the existing services and the tie-in of a larger new service can be provided by City forces at the applicant's expense.**

2. Sanitary Sewer

Our records indicate that this property is serviced with a 100mm-diameter sanitary sewer service. An inspection chamber (IC) complete with brooks box must be installed on the service at the owner's cost as required by the sewer-use bylaw.

**The applicant will be required to sign a Third Party Work Order for the cost of the water and sanitary service upgrades.**

For estimate inquiry's please contact John Filipenko, by email [jfilipenko@kelowna.ca](mailto:jfilipenko@kelowna.ca) or phone, 250-469-8581.

3. Road Improvements

Richter Street must be upgraded to a urban standard along the full frontage of this property, including curb and gutter, storm drainage facilities, sidewalk and pavement widening. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be **\$8,875.00 not including utility service costs**

4. Development Permit and Site Related Issues

The requested variances for setback and site coverage, do not compromise our servicing requirements.

5. Access, Manoeuvrability and Parking Requirements

The required parking modules must meet bylaw requirements.

---

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



# SUSTAINABILITY CHECKLIST

## REZONING APPLICATION

### for Commercial or Multi-Unit Development



#### ECONOMIC SUSTAINABILITY

Proximity to Urban or Village Centre  
(IF APPLICABLE, SELECT ONE FROM LIST)

- Less than 400 metres (1-4 minute walk)
- 400 - 800 metres (5-10 minute walk)
- 800- 1200 metres (10-15 minute walk)
- 1200-2400 metres (15- 30 minute walk)

Points

5	
4	
3	4
2	
1-2 2-5	5
2	
1	
ECONOMIC TOTAL	15 9

Development Will Create Permanent Employment beyond Construction Phase

- Part-time
- Full-time

Waste Management Plan (including materials found at site)

Zoning Supports Minor or Major Use of Home-Based Business

#### ENVIRONMENTAL SUSTAINABILITY

##### GREEN SPACE

Environmentally-Sensitive Areas Permanently Protected  
(through a covenant, park dedication, etc.)

or

No Disruption of an Environmentally Sensitive Area

No Extension of Existing City Infrastructure

- Water
- Sewer
- Roads

Redevelopment of a Brownfield Site (existing development site)

##### AIR QUALITY

Proximity to Transit Stop (IF APPLICABLE, SELECT ONE FROM LIST)

- Less than 400 metres (1-4 minute walk)
- 400 - 800 metres (5-10 minute walk)
- 800 - 1200 metres (10-15 minute walk)
- 1200 - 2400 metres (15-30 minute walk)

Points

2-5 or 5	5
1-3	3
3	3

Tree Retention Plan

or

Tree Retention Plan Not Applicable (less than 5 trees on site)

5	
4	
3	5
2	
2	2

**SUSTAINABILITY CHECKLIST**  
**REZONING APPLICATION**  
**for Commercial or Multi-Unit Development**



**ENVIRONMENTAL SUSTAINABILITY *cont'd***  
**WATER QUALITY & QUANTITY**

**Points**

Hydrogeological Assessment Completed  
 (for the protection and management of groundwater and surface water)  
*or*  
 Hydrogeological Assessment Not Applicable

**ENVIRONMENTAL TOTAL**

2	2
20	20

**SOCIAL SUSTAINABILITY**

Site 1200 metres or less (15 minute walk) to:

**Points**

- Daycare/School
- Medical Facilities
- Parks
- Shopping
- Restaurant/Café

Housing Agreement for Affordable Housing, Purpose Built Rental  
 Development *or* Housing Includes Secondary Suite(s)

**SOCIAL TOTAL**

2	2
2	2
2	2
2	2
2	2
5	
15	10

**CULTURAL SUSTAINABILITY**

**Points**

NO OCP Amendment Required  
*or*  
 Staff Supported OCP Amendment  
 (conforms to long-term community planning)  
 Archaeological Site Identified and Recommendations for Conservation  
 Followed  
*or*  
 No Disruption of an Archaeological Site

**CULTURAL TOTAL**

10	10
5	5
15	15
1-5	2
70	56
100%	80 %

**BONUS POINTS:** Other Sustainability Measure(s), including but not limited to :  
 • Rehabilitation of a Contaminated Site  
 Please provide details on attached form.

**TOTAL POINTS**

**FINAL**

**SUSTAINABILITY CHECKLIST  
REZONING APPLICATION  
for Commercial or Multi-Unit Development**



**FURTHER DETAILS:**

Name:

**Reset Form**

Organization:

Project Name or Location:

Thank you for taking the time to complete the City of Kelowna Sustainability Checklist. If you have completed the form using Adobe Acrobat Standard or Pro, you will be able to save your copy to your computer. Please note that if you have completed the form using Adobe Acrobat you will not be able to save your copy to your computer; however we will receive a completed copy via email.

In either case once you have completed this form, press "Submit Form" below. Please also either print the Checklist and return the printed form to the attention of the Land Use Planner managing your file, or carbon copy (cc) them in the email that you submit.

Thank you!

**Submit Form**