Memo

Date:

May 4, 2011

To:

City Manager

From:

Land Use Management, Community Sustainability

Application: Z10-0104

Owners:

Eric & Margaret Nickel

Address:

1205, 1215, 1224, 1229 Richter St Applicant:

Garry Tomporowski Arch.

Subject:

Rezoning

Existing OCP Designation:

Multiple Unit Residential (Medium Density)

Existing Zone:

RU6 - Two Dwelling Housing

Proposed Zone:

RM5 - Medium Density Multiple Housing

1.0 Recommendation

THAT Rezoning Application No. Z10-0104 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lots 10-13 District Lot 138 ODYD Plan 1039, located on Richter Street, Kelowna, BC 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 road closure bylaw for the affected portion of laneway and dedication by the landowner of the identified road widening on Richter Street;

AND THAT the owner be responsible for all legal, professional, advertising, Land Title Office, and other fees and charges resulting from the road closure and road dedication associated with this application;

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

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch, Real Estate & Building Services Department, and Regional Services Department (TDM) being completed to their satisfaction.

2.0 **Purpose**

The applicant is proposing to rezone the subject properties from the RU6 - Two Dwelling Housing zone to the RM5 - Medium Density Multiple Housing zone in order to facilitate a 26-unit apartment building. A Development Permit for the form and character of the proposed development and a Development Variance Permit will be considered by Council at a later date and will move forward alongside final adoption of the zone amending bylaw.



3.0 Land Use Management

The proposal is a welcome addition to an area deserving of redevelopment and could serve to catalyze further investment in the neighbourhood. It is always difficult to achieve a viable land assembly in a single detached residential neighbourhood, so the applicant must be commended for their patience in this regard. An apartment at this location represents the highest and best use of the site and it is positive that the proposal takes advantage of the medium density zoning allowed by the Official Community Plan. The site, however, is somewhat constrained by the road dedication required along Richter Street and this has resulted in some proposed variances. It should be noted that the live/work opportunity is likely unique in Kelowna and that this proposal would be an opportunity for a likely under-served market.

The form and character of development and the associated variances requested by the applicant will proceed to Council in a separate report at a later date, however it should be noted that the proposed form of the building anchors the corner with a distinct design and utilizes at-grade entry for residential units (helping to animate the streetscape and meeting many goals of the OCP guidelines).

4.0 Proposal

4.1 Project Description

A four-storey apartment building with 26 units is proposed for the site, complete with a partially-underground parking level accessed by ramp from the rear lane. Most units are proposed complete with a live/work area for home based businesses, which is likely a unique opportunity in Kelowna. This represents the first application in the immediate area for apartment housing.

In accordance with the Traffic & Transportation Branch's intentions for Clement Avenue (4 lane arterial), the portion of lane extending north to Clement Avenue is proposed to be closed and exchanged for widening along Richter Street. A utility and pedestrian access right of way will be retained over the closed lane and the portion of lane extending south to Coronation Avenue is to remain permanently. This site configuration constraint has been successfully programmed by the project architect, however a few variances do result from the new property line configuration.

The proposed development compares with the Zoning Bylaw No. 8000 requirements for the RM5 - Medium Density Multiple Housing zone as follows:

Criteria	Required / Maximum	Proposed
Floor Area Ratio	1.1 + 0.2 bonus for under- building parking	Net Floor Area / Site Area = 2716.3 m² / 1980 + 228 m²
	= 1.3	= 1.23
Site Coverage (buildings)	40%	47.7% *
Site Coverage (buildings, driveways, and parking)	60%	66.2% *
Maximum Height	Lesser of 16.5 m or 4 storeys	15.6 m and 4½ storeys *
Front Yard (north, Clement Avenue)	6.0 m	6.0 m

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Side Yard (west, Richter Street)	4.5 m for portions of a building not over 2½ storeys; 7.5 m for portions of a building in excess of 2½ storeys; 7.5 m from a flanking street (for all heights)	4.7 m to parkade foundation 7.5 m to building
Side Yard (east, lane and residence)	4.5 m for portions of a building not over 2½ storeys; 7.5 m for portions of a building in excess of 2½ storeys; 7.5 m from a flanking street (for all heights)	6.1 m for stairs and elevator (variance required for portion of building above 2 storeys) * 1.8 m for parkade foundation (variance required for portion of building adjacent to lane) *
Rear Yard (south, residence)	9.0 m; 7.5 m if lane present	1.6 m to parkade foundation * 9.0 m to building
Private Open Space	25.0 m ² per dwelling with more than 1-bedroom = 25 m ² @ 26 units = 650 m ²	Patios and decks: 508 m ² Courtyard: 165 m ² Total: 673 m ²
Continuous Building Frontage	40.0 m for a 3- or 4-storey building	39.2 m
Bike Parking	Class I @ 0.5 / dwelling = 13	Class I = 14
	Class II @ 0.1 / dwelling = 3	Class II = 8
Parking Stalls	1.5 stalls per 2-bedroom dwelling unit @ 26 units = 39 parking stalls including 4 visitor stalls (1 per 7 units) and 1 disabled stall (1 per 100 stalls)	39 stalls (disabled and visitor stalls must be labelled prior to DP issuance)
Small Car Parking Stalls	40% of required stalls @ 39 required stalls = 15 stalls	12 stalls
Parking Stall Size,	Standard: 2.5 × 6.0	Standard: Complies.
Parking Stall Size, Aisle Width, etc.	Standard: 2.5 × 6.0 Obstructed: 2.7 × 6.0	Standard: Complies. Obstructed: Complies.
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Aisle Width, etc.	Obstructed: 2.7 × 6.0	Obstructed: Complies.
Aisle Width, etc.	Obstructed: 2.7 × 6.0 Small: 2.5 × 5.0	Obstructed: Complies. Small: Complies.

4.2 Site Context

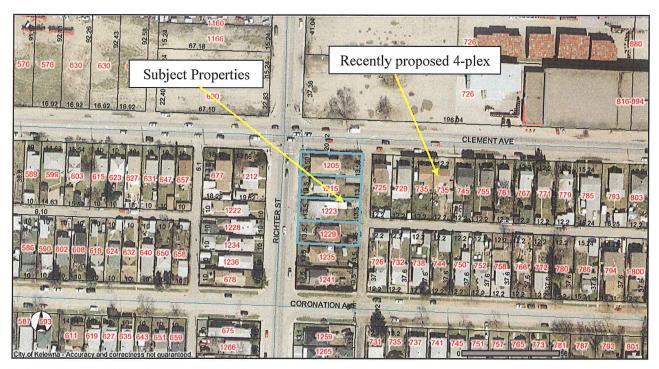
The subject properties are located in the City Centre Urban Centre and collectively have frontage on Richter Street and Clement Avenue. Land uses in the surrounding neighbourhood are diverse, in accordance with urban centre status, but generally industrial to the north, commercial and residential to the west, and residential to the south and east. Redevelopment potential along the Richter St corridor is high due to the OCP designation of Multiple Unit Residential (Medium Density). Specifically, the adjacent zones and land uses are:

North 12 - General Industrial (Okanagan Tree Fruit Cooperative)

South RU6 - Two Dwelling Housing (residences)

East RU2 - Medium Lot Housing (residences)

West RU6 - Two Dwelling Housing (residences)



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

The subject property is designated as Multiple Unit Residential (Medium Density) for future land use. Relevant policies are included below.

Growth Management Policies:

<u>Support an Increase in Multiple Units</u>. Support a gradual increase in multiple unit development toward a 47% single detached/duplex and 53% apartment/townhouse share of new residential development by 2020, with a multiple unit emphasis on ground-oriented housing.

<u>Develop a Compact Urban Form</u>. Develop a more compact urban form that maximizes the use of existing infrastructure, by increasing densities through development, conversion, and redevelopment within existing areas, particularly in designated Urban Centres, and by providing for higher densities within future urban areas. Encourage development to proceed in a logical, sequential order, concurrently with availability of required urban services.

Housing Policies:

<u>Infrastructure Availability</u>. Give preference to supporting new housing in areas where required services already exist or can be provided most economically and efficiently.

<u>Apartments and Townhouses</u>. Encourage development to contribute to the City's goal of, over the 2000 - 2020 timeframe, having 53% of new residential units be in the form of apartments, townhouses (and cluster housing), or other multiple unit buildings.

<u>Ground-Oriented Housing</u>. 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.

6.0 Technical Comments

Building & Permitting Branch. 1) Demolition Permit required for the existing structures. 2) A minimum Geodetic Elevation of 343.66 is required for all habitable spaces including the parking garage. If the building is lifted to meet the 343.66 this may affect the code classification of the building in the code analysis supplied at time of building permit application as well as the form and character of the building. 3) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits for new construction. 4) A Geotechnical report is required to address the sub soil conditions and potential impact on neighbouring properties. A Geotechnical peer review may be required at time of building permit application. 5) Parking floor ventilation grates are not shown on the provided elevations or referenced on the plans. Are these ventilation grates adjacent to neighbouring properties and are they baffled to control mechanical noise? 6) Spatial calculations proving compliance with BCBC 2006 or an alternative solution may be required for the glazing located over the handicap ramp and exit stairs coming from the parking garage. This may affect form and character of the building if compliance is not achievable. 7) Multi floor interconnected public corridor is not compliant with the British Columbia Building Code. This does not affect the form and character of the building but requires an alternative solution or continuous floor separations prior to issuance of building permit. 8) Spatial calculations required at time of building permit for the internal public corridor. 9) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

Development Engineering Branch. See attached memorandum.

<u>Fire Department</u>. Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. The water mains are to supply a minimum of 150ltr/sec as outlined in the Subdivision Bylaw. Additional comments will be required as the property is developed and at the building permit application. A fire department lock box will be required at the primary entrance. Flow switch indicators are to be installed on the standpipes. Fire alarm annunciator is to be located on the exterior of the primary entrance.

FortisBC. No comments.

<u>Infrastructure Planning Department</u>. No comments.

<u>Interior Health Authority</u>. This proposal appears to provide a number of valuable options from a healthy built environments perspective, including increased housing density and a decreased reliance on single vehicular traffic due to its proximity to commercial and retail opportunities. Further, the option for home-based businesses can provide opportunities for people to work from home, eliminating the need for commuting.

RCMP. No comments.

<u>Real Estate & Building Services Department</u>. Please contact the Manager, Real Estate Services, for 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.

<u>Shaw Cable</u>. Owner/developer to install an underground conduit system per Shaw Cable drawings and specifications.

<u>Subdivision Approving Officer</u>. Development Planner to direct applicants requiring Road Dedications to the Subdivision Approvals Branch for set-up and processing of an application for technical subdivision.

Transportation Demand Management. A future transit stop is required eastbound on Clement Avenue, adjacent to this proposed development. To accommodate sufficient space for wheelchair access and transit passenger seating, the applicant must construct at their expense, a 3 meter by 1 meter concrete pad (incorporating a minimum six inch concrete depth with wire mesh reinforcement) behind the existing sidewalk, between the two most easterly stairway access points on the north development frontage. If this pad encroaches on private property, a public access easement agreement will be required to enable city staff to carry out appropriate maintenance activities. The applicant is also requested to provide at their expense, a suitable pedestrian bench which can be located on the new concrete pad. Please feel free to contact me if you have any questions - Dave Colquhoun, Transit Specialist, Regional Services.

<u>Telus</u>. TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.

Terasen. No comments.

7.0 Application Chronology

Pre-application Consultation

April 2010 - December 2010

Date Application Received

December 22, 2010

Advisory Planning Commission

February 15, 2011

The proposal was reviewed by the Advisory Planning Commission and it was resolved:

THAT the Advisory Planning Commission support Rezoning Application No. Z10-0104, for 1205 Richter Street to rezone the subject properties from the RU6 - Two Dwelling Housing zone to the RM5 - Medium Density Multiple Housing zone in order to allow for a 26-unit apartment building.

All Technical Comments Rec'd

February 17, 2011

Application Refinement

February 2011 - May 2011

Report prepared by:

Ándrew Browne, Planner II

Reviewed by:

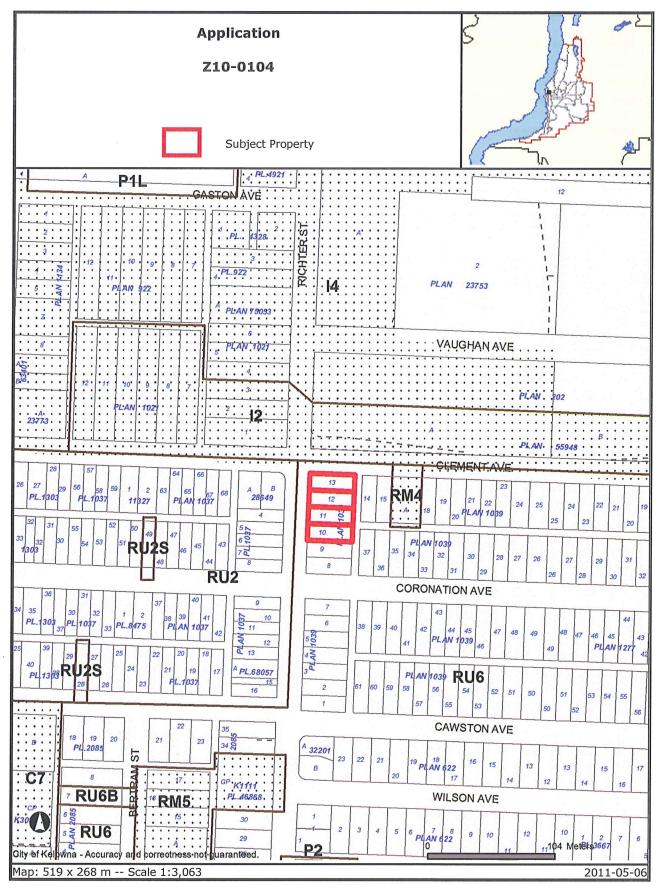
Approved for inclusion:

Danielle Noble, Manager, Urban Land Use Branch

Shelley Gambacort, Director, Land Use Management

Attachments:

Subject property and zoning map
Development Engineering Branch technical comments
Perspectives
Site plan
Elevations



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.



CITY OF KELOWNA

MEMORANDUM

Date:

February 10, 2011

File No.:

Z10-0104

To:

Land Use Management Department (AB)

From:

Development Engineering Manager (SM)

Subject:

Lots 10 - 13 Plan 1039

Richter & Clement Urban Residence

Development Engineering Services have the following comments and requirements associated with this application to rezone to RM5. 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

1. Domestic Water and Fire Protection

- (a) The existing lots are serviced with small diameter 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 fire hydrants and one new larger metered water service. The estimated cost of this construction for bonding purposes is \$55,000.00
- (c) If it is determined that further upgrades to the 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.
- (e) Boulevard landscaping, complete with underground irrigation systems, must be integrated with the on-site irrigation systems.
- (f) 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.

Sanitary Sewer

(a) The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish the required size of the new service. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal of all existing small diameter services and the installation of a new larger service from the main within Richter Street. The estimated cost of this construction for bonding purposes is \$35,000.00

3. Storm Drainage

(a) The developer must engage a consulting civil engineer to provide a storm water management plan which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of a lot grading plan, identify minimum basement elevation (MBE), overland drainage routes, floodplain elevations and setbacks, and provision of a storm drainage service for the lot and /or recommendations for onsite drainage containment and disposal systems. The on-site drainage systems may be connected to the rear lane piped drainage system with an overflow service The estimated cost of this construction for bonding purposes is \$10,000.00

4. Road Improvements

- (a) Widening of Richter Street as well as the related curb return will require the construction of a new curb and gutter, pavement widening, 2.5m sidewalk along the full frontage of this development. Also required will be a landscape boulevard complete with street trees and an underground irrigation system, the re-location or adjustment of utility appurtenances including the catch-basin and street lighting. The estimated cost of this construction for bonding purposes is \$50,500.00
- (b) Clement Avenue must be upgraded to a urban standard along the full frontage of this proposed development, including a barrier curb and gutter, 2.0m sidewalk, street lighting, storm drainage system modifications including catch basin relocates and upgrades to the side inlet standard, pavement widening, landscaped boulevard complete with street trees and underground irrigation system, street lighting re-location and adjustment of utility appurtenances if required to accommodate the upgrading construction. The estimated cost of this construction for bonding purposes is \$70,500.00
- (c) The City will commence the preliminary road design work for the Clement Avenue widening and the Richter Street intersection improvements by November 2011.

 The developer's consulting civil engineer shall contact the Development Division to obtain the cross-section standards as well as the vertical alignment details and elevations for the new sidewalk and curb fronting this development. This information will establish the on-site grading elevations and will ensure that access points for this development will match the frontage streetscapes.
- (d) Service upgrades and the required disconnects shall be completed by the developer prior to the commencement of any road improvements.
- (e) Traffic control signal modifications, as well as revised road line markings will be required. The cost for this relocation and line markings will be through the DCC Account.

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Grant Statutory Rights Of Way if required for utility services.
- (b) Provide an additional highway allowance widening of 2.5m along the full frontage of Richter Street, Include a 6m x 6m corner truncation.
- (c) The existing abutting lane is indicated as being closed. Transferring of various ownerships is to be dealt with the Community Development & Real Estate Manager.
- (d) Provide a 4.5m statutory right-of way over the existing storm main within the proposed lane closure. A public access walk way will be constructed within this statutory right-of-way.
- (e) Lot consolidation.
- (f) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

6. <u>Electric Power and Telecommunication Services</u>

(a) Electrical and telecommunication services to this site as well as the local distribution wiring must be installed in an underground duct system. The proposed new 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. Street Lighting

Street lighting including underground ducts must be installed on all fronting roads. The cost of this requirement is included in the roads upgrading item.

8. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the Development Engineering Services for review and marked "issued for construction" by the City Engineer before construction may begin.

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) <u>Bonding</u>

Water servicing and hydrant requirements	\$ 55,000
Sanitary Servicing Requirements	\$ 35,000
Storm Servicing Requirements	\$ 10,000
Richter Street frontage improvements Clement Avenue frontage improvements	\$ 50,500 \$ 70,500

Total

\$221,000.00

NOTE: The bonding amount 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.

11. <u>Development Cost Charge Reduction Consideration</u>

If development cost charges are applicable to this public development, the proposed construction on Clement Avenue is eligible to receive a DCC credit for a portion of the pavement widening and storm system improvements. DCC credit cannot exceed the actual DCC assessed by the City.

12. <u>Development Permit and Site Related Issues</u>

Refer to Files DP10-0175 and DVP10-0176 for comments pertaining to site development.

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 Off-Site Construction Cost plus HST) in the amount of \$5,308.80 (\$4,740.00 + 568.80 HST)

Steve Muenz, P. Eng.

Development Engineering Manager

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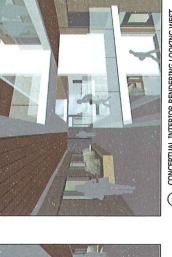
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(8) CONCEPTUAL INTERIOR RENDERING LOOKING NORTH EAST

Scale: N.T.S.

BIRDS EYE VIEW LOOKING SOUTH EAST



9 CONCEPTUAL INTERIOR RENDERING LOOKING WEST



Garry Tomperewski Architect L 243—1889 Springfield Rd Kelemon, Britah Columbia, VIT 943 Fez. (220) 979—4386 Telephone: (220) 979—1988

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Kelowna, BC

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