

REPORT TO COUNCIL



Date: January 27, 2012
To: City Manager
From: Land Use Management, Community Sustainability (AW)
Application: OCP11-0018/Z11-0090 **Owner:** JB Developments Ltd., Inc. No. 0634315
Address: 373 - 375 Fizet Avenue **Applicant:** JB Developments
Subject: OCP Amendment & Rezoning Application
Existing OCP Designation: Single/Two Unit Residential
Proposed OCP Designation: Multiple Unit Residential (Low Density)
Existing Zone: RU6 - Two Dwelling Housing
Proposed Zone: RM1 - Four Dwelling Housing

1.0 Recommendation

THAT OCP Bylaw Amendment No. OCP 11-0018 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 47, Section 26, Twp. 26, ODYD, Plan KAP52738, located at 373 - 375 Fizet Avenue, Kelowna, BC from the Single/Two-Unit Residential designation to the Multiple Unit Residential (Low Density) designation not be considered by Council;

AND THAT Rezoning Application No. Z11-0090 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 47, Section 26, Twp. 26, ODYD, Plan KAP52738, located at 373 - 375 Fizet Avenue, Kelowna, BC, Kelowna BC from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone, not be considered by Council;

2.0 Purpose

This application seeks to rezone the subject property from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone to legalize an existing four-plex. The proposed zoning requires an amendment to the existing OCP future land use designation.

3.0 Land Use Management

The future land use designation of this property does not provide for a multi-family housing form of development. Staff are not supportive of adding Multiple Unit Residential (Low Density) housing into this area, the proposed amendment is not consistent with OCP policy and the

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subject property is not located within or near an Urban Centre. The subject property is located mid-block in an area that is broadly designated for Single / Two Unit development. Allowing Multiple Unit development to enter this area would set an undesirable precedent for further speculation and may destabilize the neighbourhood.

Staff are concerned that rezoning the property after development has already occurred does not allow for comprehensive consideration of structural design and siting of the multiple-unit development. Given that the building was previously constructed, design amendments are limited in terms of practical upgrades. The front elevation is dominated by driveways and garages, and the principal entrances to all four units are not easily identifiable and could benefit from additional façade improvements to enhance the pedestrian connection to the street.

4.0 Proposal

4.1 Background

The existing building was constructed and approved originally as a duplex. Since that time, the property has been the subject to Bylaw enforcement for operating as an illegal four-plex. Enforcement action has prompted the current owners to pursue this application to legalize the four-plex, it is not known when the illegal suites were constructed.

4.2 Project Description

The applicant is requesting to rezone the subject property from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone, which would allow for the legal operation of a four-plex. The proposed rezoning requires an OCP amendment to Multiple Unit Residential (Low Density).

The building was originally constructed as a side-by-side duplex, with a driveway and garage on either side of the lot. A side entrance is also provided on each side of the building, which now acts as entrances for added units. Parking for each unit is provided at the front of the property and in the garages. The application also requires an Urban Design Development Permit to review the form & character of the existing four-plex, which would be presented to Council at a later date.

4.3 Site Context

The adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Single/Two Family Residential
East	RU6 - Two Dwelling Housing	Single/Two Family Residential
South	RM3 - Low Density Multiple Housing	Multi-family housing
West	RU6 - Two Dwelling Housing	Single/Two Family Residential



Zoning Analysis Table		
CRITERIA	RM1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	700m ²	757m ²
Development Regulations		
Floor Area Ratio	0.6	0.58
Height	9.5m	Meets Requirement
Front Yard	6.0m	6.17m
Side Yard (west)	2.5m	3.61m
Side Yard (east)	2.5m	3.65m
Rear Yard	7.5m	11.83m
Other Regulations		
Minimum Parking Requirements	7 spaces	2-Three Bedroom Units = 4 spaces 2-One Bedroom Units = 2.5 spaces 7 spaces

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Evaluation Checklist (OCP Amendment Applications)¹

Evaluate development applications that require an OCP amendment on the basis of the extent to which they comply with underlying OCP objectives, including the following:

¹ City of Kelowna Official Community Plan, Policy No. 5.40.1, (Development Process Chapter)

- Does the proposed development contribute to preserving lands with slopes greater than 30%? *Yes.*
- Does the proposed development respect the OCP Permanent Growth Boundary (OCP Map 4.1)? *Yes.*
- Does the proposed development feature a mix of residential, employment, institutional, and/or recreational uses within individual buildings or larger development projects? *No.*
- Is the proposed development located in an Urban Centre? *No.*
- Does the proposed development increase the supply of affordable (as defined in the OCP) apartments or townhouses? *Uncertain. The units would likely be rented at a generally affordable rate.*
- Is the property serviced with water and City sanitary sewer at the time of application? *Yes.*
- Could the proposed project be built at no financial cost to the City? (This should consider operational and maintenance costs.) *Development Cost Charges to be paid at time of Building Permit review.*
- Would the proposed project help decrease the rate of travel by private automobile, especially during peak hours? *No.*
- Is there transit service within 400 metres of non-residential projects or major employment generators (50+ employees)? *Yes.*
- Does the proposed project involve redevelopment of currently under-utilized, urbanized land? *The OCP considers two-family development as the highest use of the land.*
- Does the proposed project result in the creation of substantially more public open space than would be available if the development were not to proceed (not including required open space dedications or non-developable areas)? *No.*
- Is there a deficiency of properties within the applicable Sector (see Map 5.4) that already have the required OCP designation? *No.*
- Does the project avoid negative impacts (shadowing, traffic, etc.) on adjoining properties where those adjoining properties are not slated for land use changes? *Potentially (to be dealt with through Development Permit process).*
- Is the project consistent with the height principles established in the OCP? *Yes.*

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Operable bedroom windows required as per the 2006 edition of the British Columbia Building Code (BCBC 06).
- Code consultant report required to deal with exiting and fire resistance ratings at time of building permit.
- Range hood above the stove and the washroom to vent separately to the exterior of the building. The size of the penetration for this duct thru a fire separation is restricted by BCBC 06, so provide size of ducts and fire separation details at time of Building Permit Applications.
- A fire rated exit corridor is required from the suites to the exterior c/w fire rated doors and exit in two directions as per BCBC. An additional exit may be required from the suites or the corridor which may affect the form and character of the building.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

- This application was brought in bylaw services for work done without permit and use contrary to allowable land use. Development Engineering Department

6.2 Fire Department

This home has 8 bedrooms within 4 suites accessed from one common corridor. A fire alarm system is required as per the BCBC.

6.3 Development Engineering

See Attached.

6.4 FortisBC - Electric

FortisBC has reviewed the attached referral. The proponent may be required to upgrade their electrical service to accommodate the additional units as indicated by their electrician. If this is the case, they'll be required to call 1-866-436-7847 to discuss servicing requirements with a FortisBC designer.

6.5 Bylaw Services

Illegal suite investigation for both sides of the existing duplexes.

7.0 Application Chronology

Date of Application Received: December 12, 2011

8.0 Alternate Recommendation

THAT OCP Bylaw Amendment No. OCP 11-0018 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 47, Section 26, Twp. 26, ODYD, Plan KAP52738, located at 373 - 375 Fizez Avenue, Kelowna, BC from the Single/Two-Unit Residential designation to the Multiple Unit Residential (Low Density) designation, as shown on Map "A" attached to the report of Land Use Management Department dated January 27, 2012, be considered by Council;

AND THAT Rezoning Application No. Z11-0090 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 47, Section 26, Twp. 26, ODYD, Plan KAP52738, located at 373 - 375 Fizez Avenue, Kelowna, BC, Kelowna BC from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone, be considered by Council;

AND THAT the applicant be required to hold a public information meeting, prior to the bylaws receiving first reading, in accordance with the *Local Government Act* and the City of Kelowna's Development Application Procedures Bylaw No. 10540;

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

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch and Black Mountain Irrigation being completed to their satisfaction.

AND FURTHER THAT final adoption be considered subject to a Building Permit application being made and prepared for issuance for the legalization of the existing dwelling units.

Report prepared by:



Alec Warrender, Land Use Planner

Reviewed by:



Shelley Gambacort, Director, Land Use Management

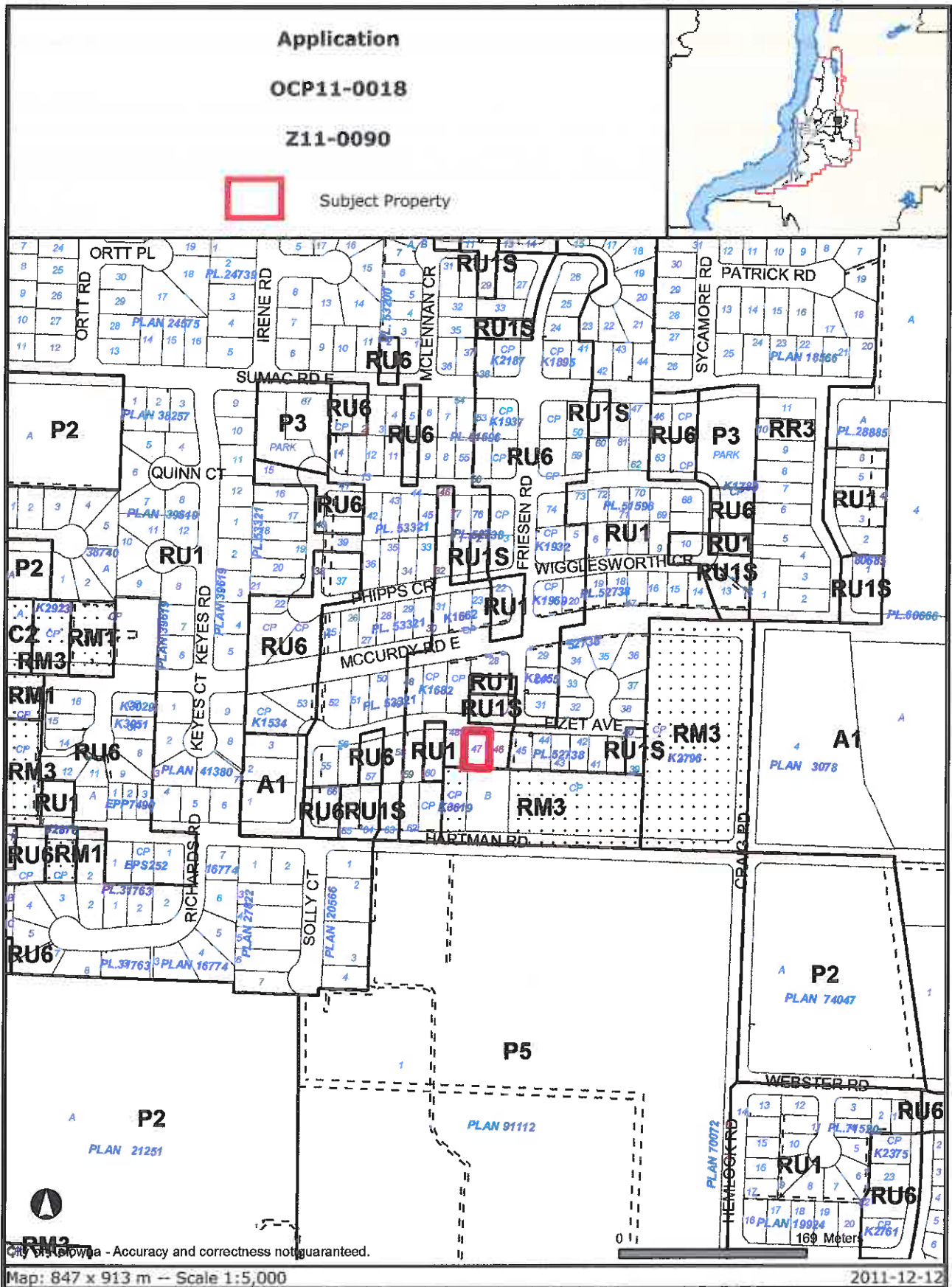
Approved for Inclusion



J. Paterson, General Manager, Community Sustainability

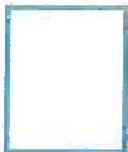
Attachments:

Subject Property Map
Map "A" - OCP Amendment
Elevations/Site Plan
Floor Plans
Existing Landscape Plans
Development Engineering Branch Memorandum



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"



Subject Property to have Future Land Use designation changed from "SINGLE/TWO-UNIT RESIDENTIAL" to "MULTIPLE UNIT RESIDENTIAL (LOW DENSITY)"

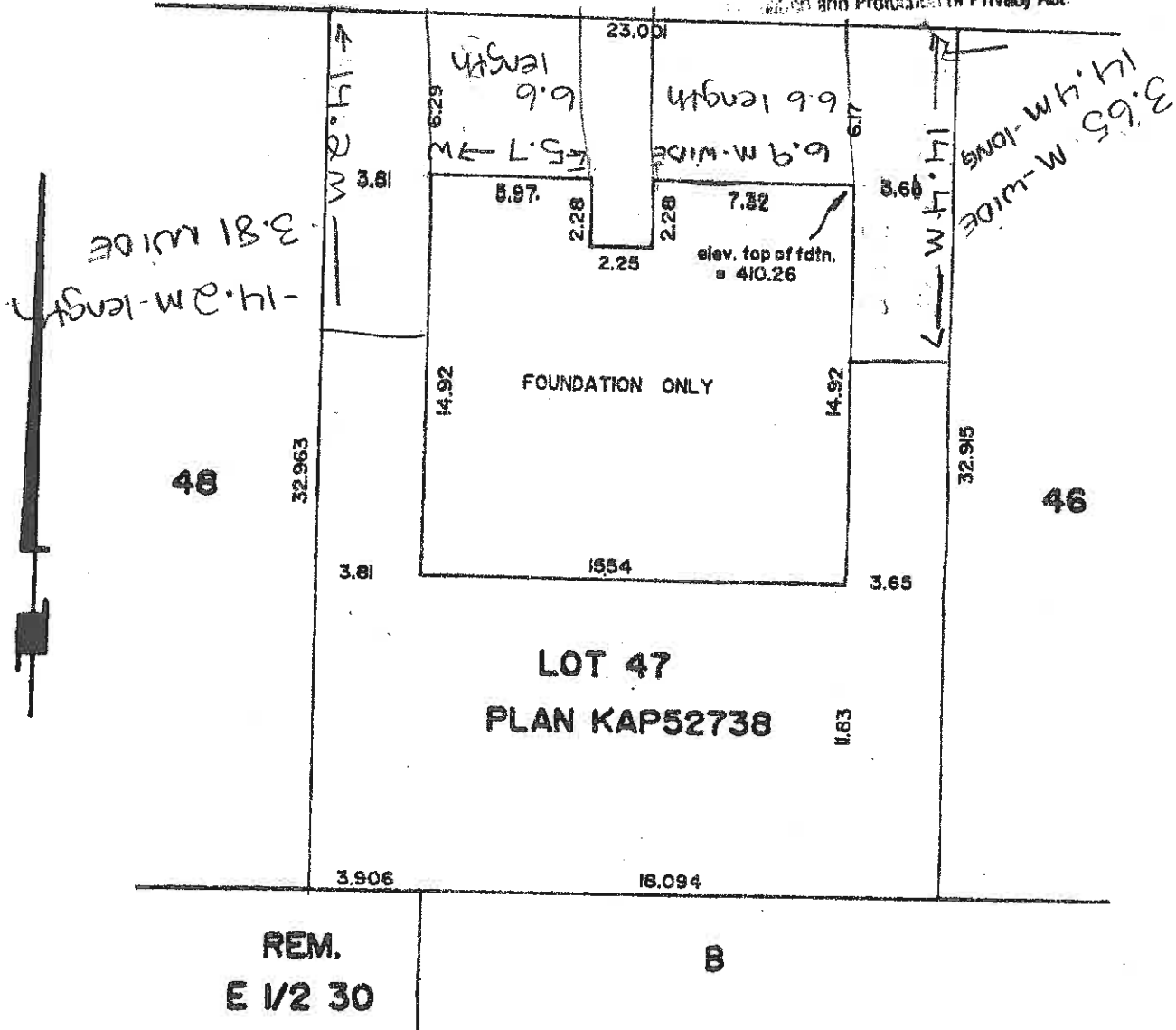
**B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION ON
LOT 47, PLAN 52738, SECTION 26, TOWNSHIP 26, O.D.Y.D.**

373-375 FIZET AVENUE

The City does NOT warrant the accuracy or reliability of this information and no representations are made by providing this copy. Any reliance on this information will be solely at YOUR OWN RISK and not that of the City.

FIZET AVENUE

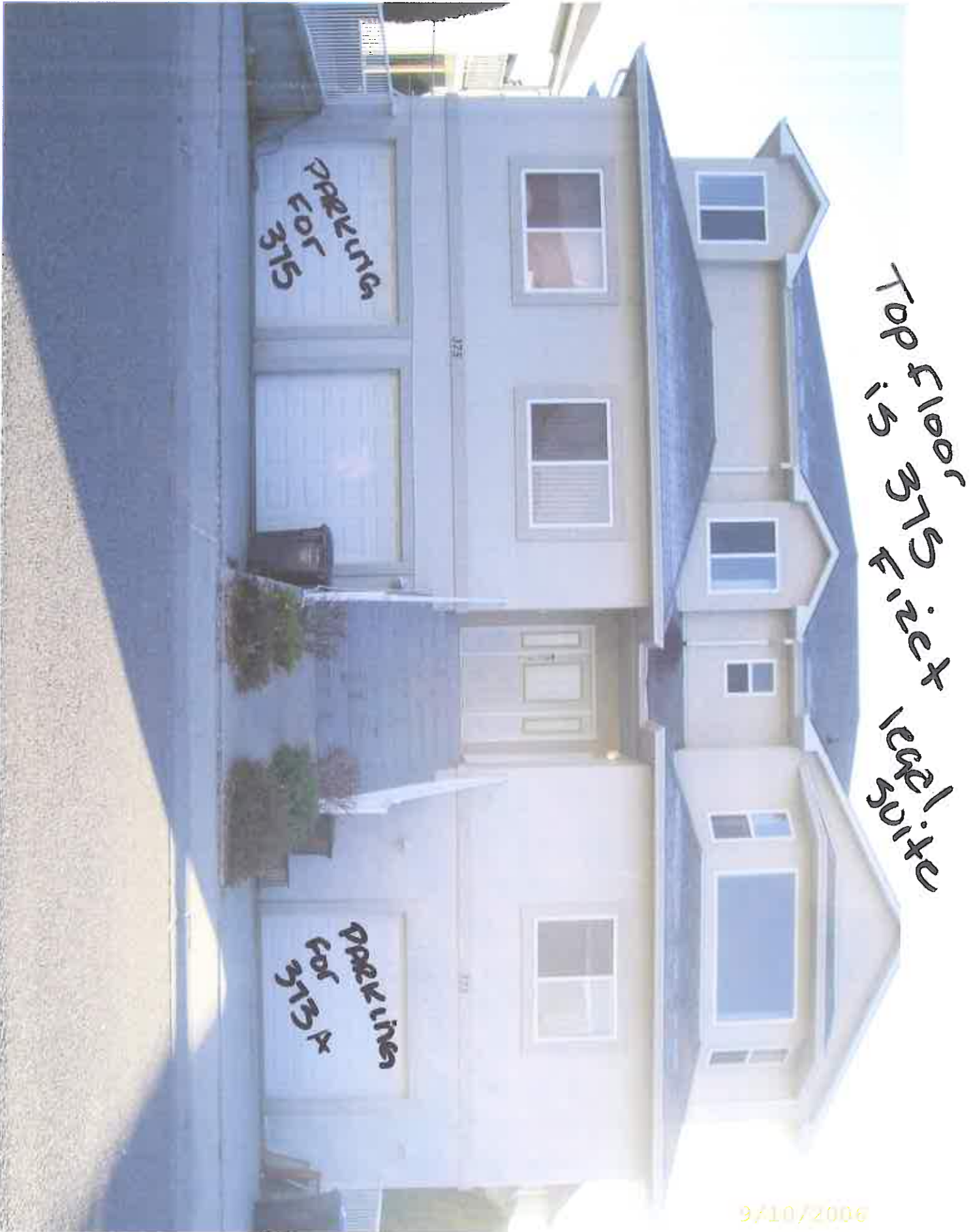
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THIS PLAN IS FOR THE USE OF THE BUILDING INSPECTOR AND/OR MORTGAGEE ONLY AND IS NOT TO BE USED FOR RE-ESTABLISHMENT OF PROPERTY BOUNDARIES

I HEREBY CERTIFY THAT THE ABOVE SKETCH SHOWS THE REGISTERED DIMENSIONS OF THE ABOVE DESCRIBED PROPERTY AND THE RELATIVE

T.E. Ferguson Land Surveying Ltd.



PARKING
FOR
375

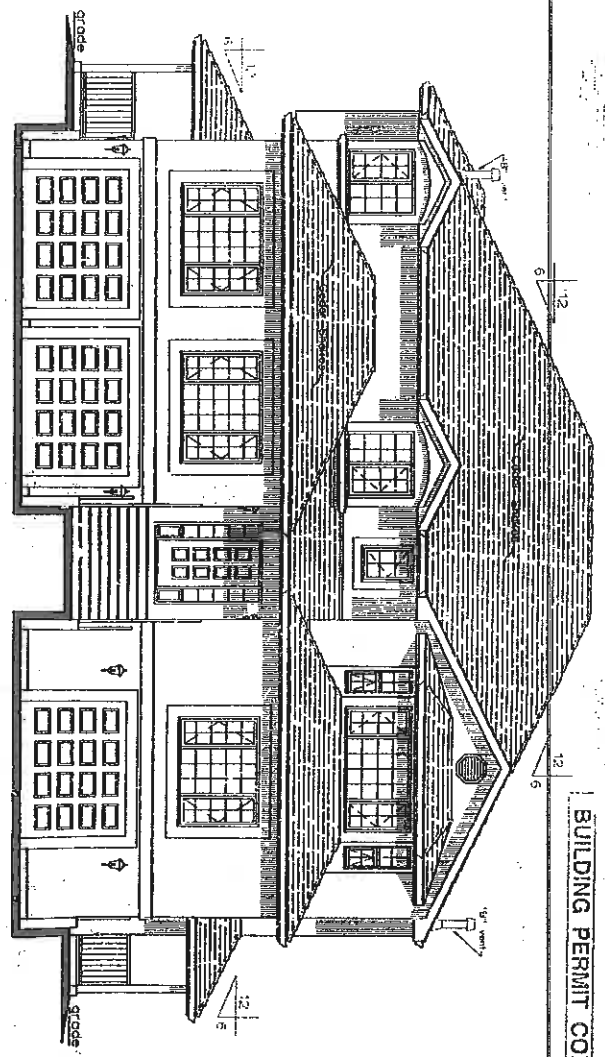
375

PARKING
FOR
375A

TOP FLOOR,
375, 1321 SITE

9/10/2006

BUILDING PERMIT COPY



FRONT ELEVATION

scale = 1/4" = 1'-0"

ALL CONSTRUCTION SHALL COMPLY WITH PART NINE OF THE BRITISH COLUMBIA BUILDING CODE (CURRENT EDITION)

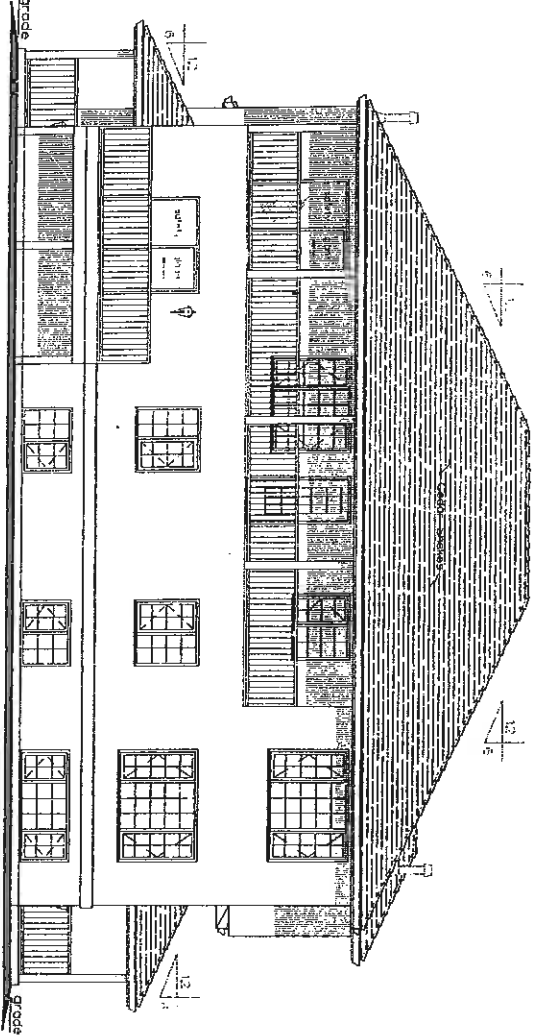
NOTE

Package of the requirements of the design and other supporting structural and specifications, shall with to the National Building Code. This these parts are approved when issued by engineering practices, and conform to the intent of the Code. It is further that local authorities may require or require's report to confirm the design. If this report is required, it is the responsibility of the owner or builder to provide the same.

NOTE

All inlets in exterior and bearing walls to be 2x10's unless otherwise specified. All bedroom windows to have a minimum ground snow load of 40 PSF (19 kN per M²). All bearing corners of girder trusses and support beams are to be posted to foundation.

- stucco projections and stucco cording
- to be constructed from 2x4 on flat with 1/4" plywood over corner bead
- corners stucco wire stucco finish over
- stucco finish over exposed to be applied to a minimum of 15 degrees for drainage



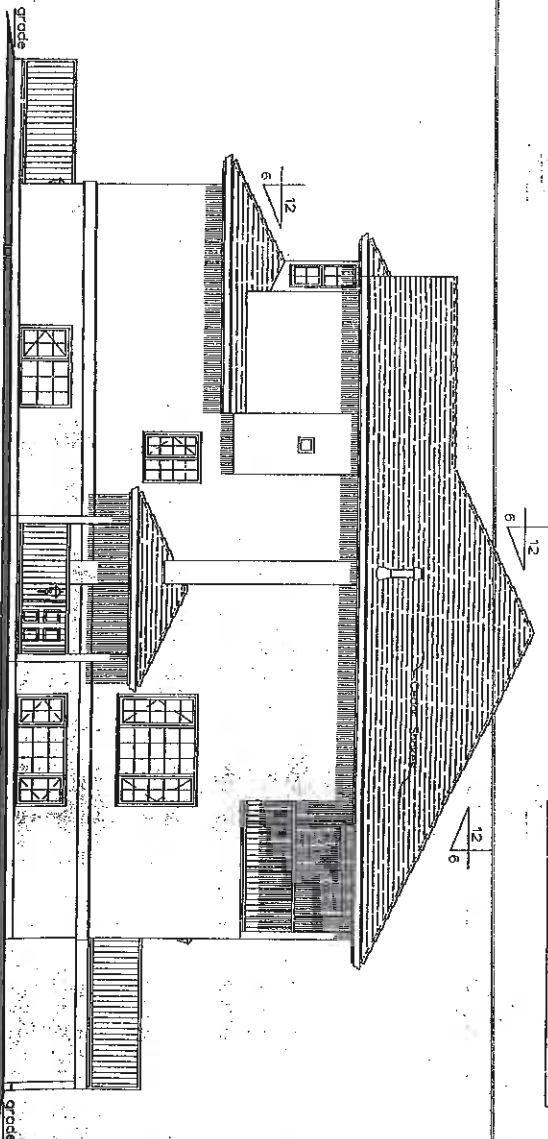
REAR ELEVATION

scale = 1/4" = 1'-0"

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<p>WEINMASTER HOME DESIGN</p>	<p>SHEET TITLE: ELEVATIONS</p>
	<p>SCALE: AS NOTED</p>
<p>DRAWN BY: J.W.</p>	<p>SHEET 5</p>
<p>SHEET 6</p>	<p>OF SHEETS</p>

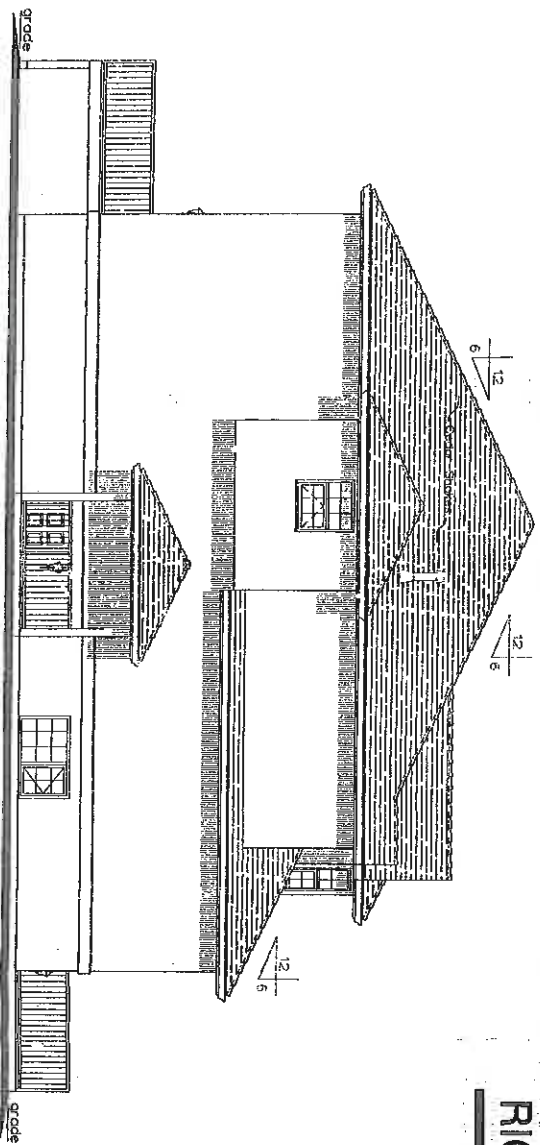
BUILDING PERMIT COPY



RIGHT ELEVATION

scale = 1/4" = 1' 0"

ALL DIMENSIONS SHOWN ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED
DRAWN BY: J. W.



LEFT ELEVATION

scale = 1/4" = 1' 0"

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SCALE: AS NOTED

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SHEET

OF 6

SHEETS

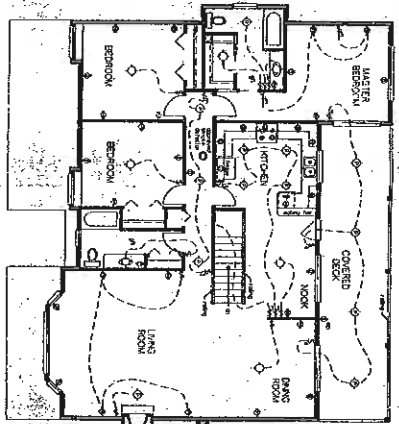
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ELECTRICAL PLAN

scale = 1/8" = 1' 0"

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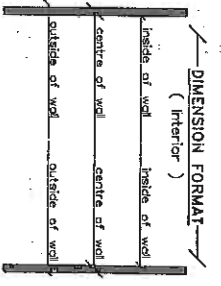


ELECTRICAL LEGEND

SYMBOL	DESCRIPTION
○	Outlet
○	Light
○	Weather Proof Light Fixture
○	Road Light
○	Recessed
○	Recessed
○	1/4" Light
○	Weather Fixture
○	PJ Switch
○	Living Circuit for
○	Heat Lamp For Combustion
○	and non-combust
○	50 Volt Direct Outlet
○	240 Volt Direct
○	Weather Proof Outlet
○	Direct Outlet - See Circuit
○	Switch
○	3 Way Switch
○	4 Way Switch

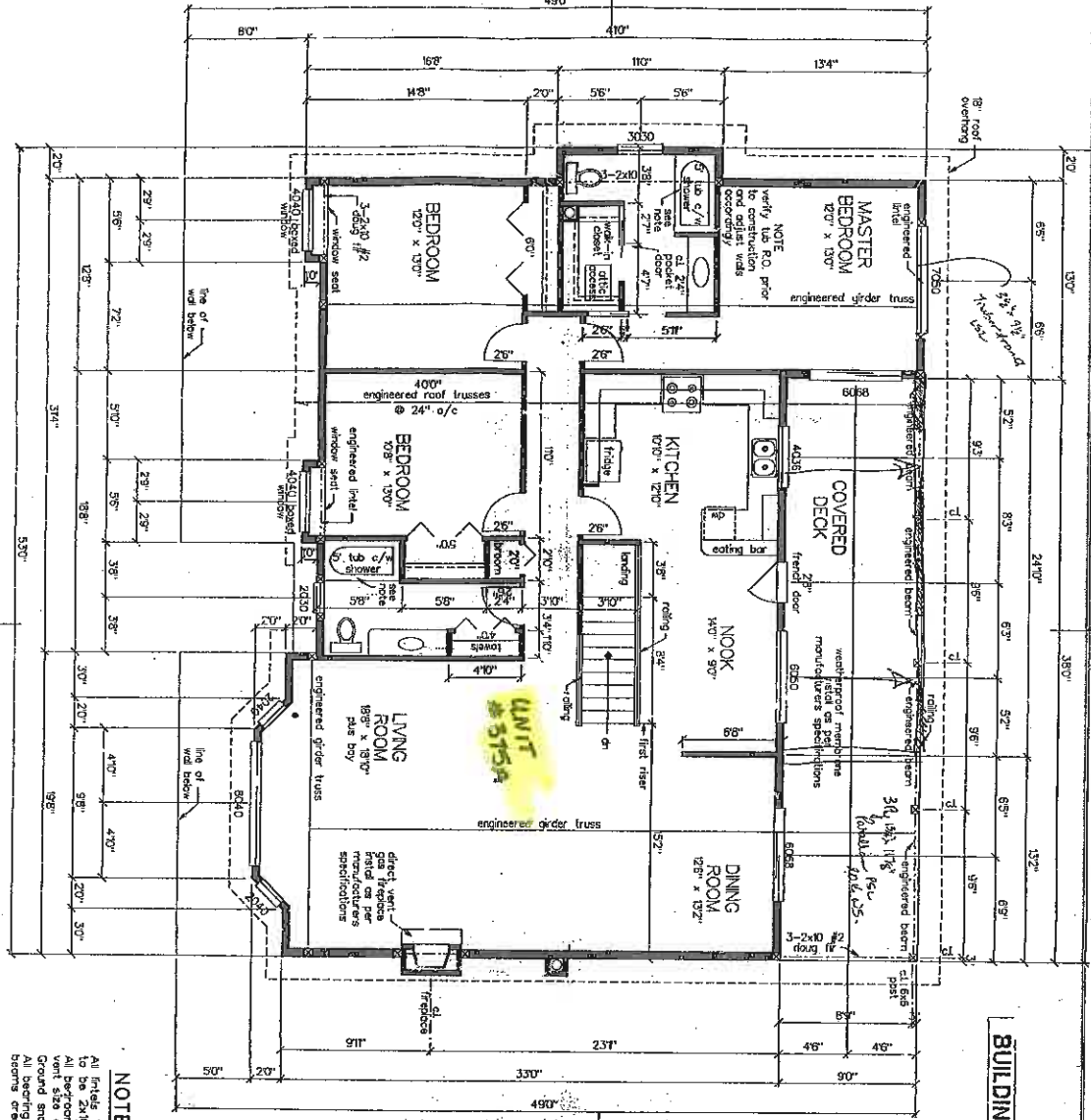
NOTE
 ALL CONSTRUCTION SHALL COMPLY WITH PART NINE OF THE BRITISH COLUMBIA BUILDING CODE (CURRENT EDITION)

NOTE
 Outlet and fixture locations shown on this plan are in compliance with the National Building Code, and are to be used only as a guide. Local, Provincial or State codes take precedence and installations shall conform accordingly.



NOTE

All inlets in exterior and bearing walls to be 2x4s unless otherwise specified. Vent shall be 2x4s for fire resistance. Ground snow load of 40 PSF (1.8 kN per M. 2.) All bearing columns of girder trusses and support beams are to be posted to foundation.



1783 Sq. Ft.

UPPER FLOOR PLAN

scale = 1/4" = 1' 0"

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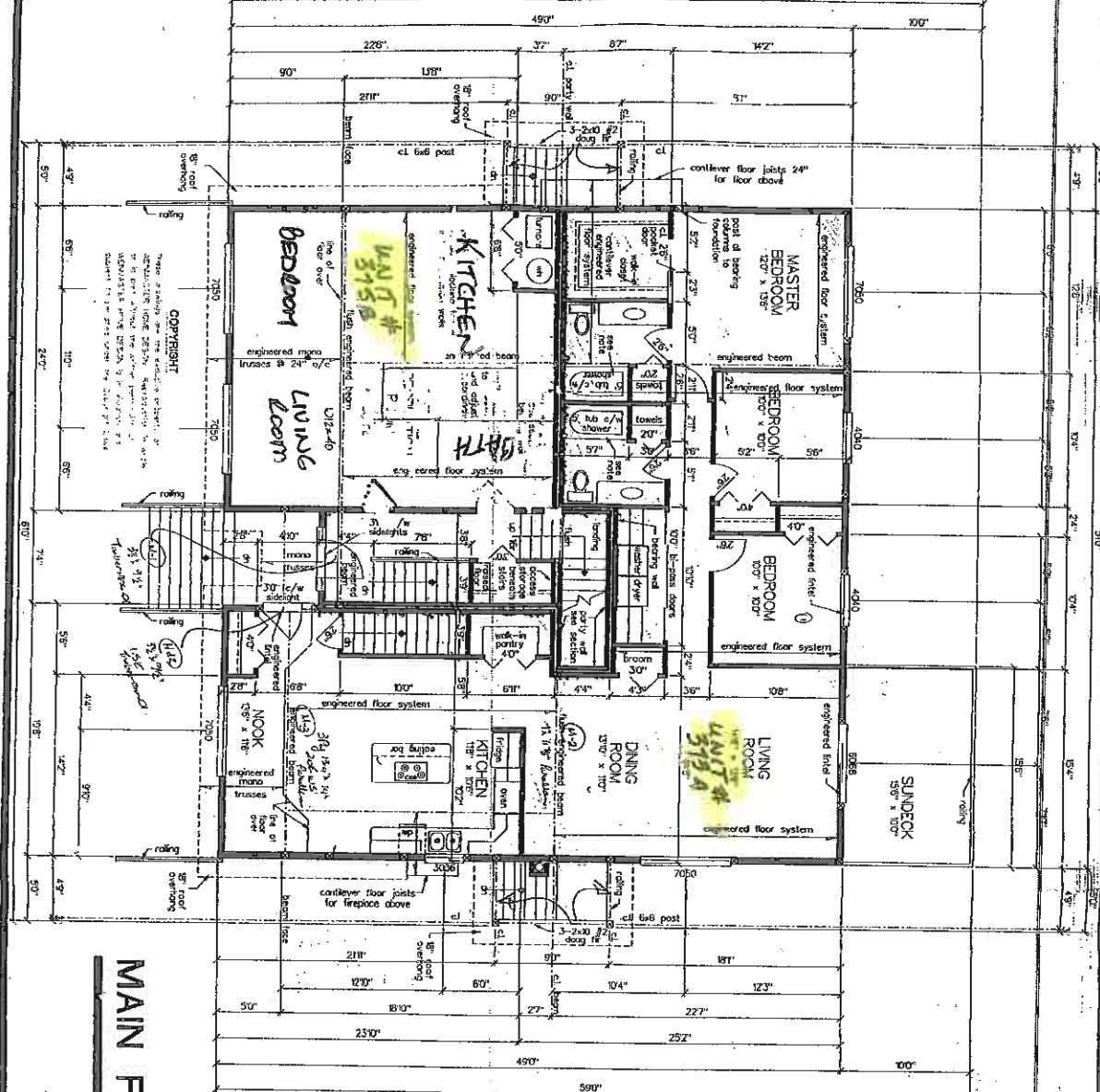
WEINMASTER HOME DESIGN

SHEET TITLE: UPPER FLOOR

SCALE: AS NOTED

DRAWN BY: J. W.

SHEET 3 OF 6



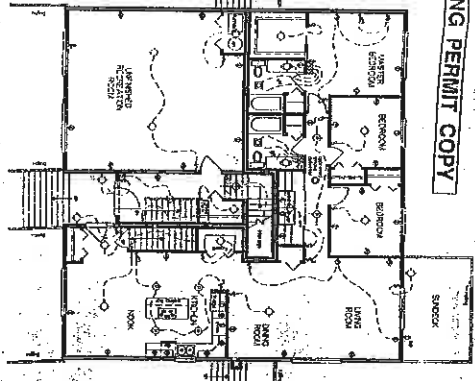
ELECTRICAL PLAN scale = 1/8" = 1'-0"

BUILDING PERMIT COPY

NOTE
 Outline and fixture locations shown on this plan are in accordance with the approved building department permit. This plan is for informational purposes only and is not to be used for construction. The contractor shall verify all dimensions and conditions and construct accordingly.

NOTE
 All lighting, electrical and heating symbols are shown in accordance with the National Electrical Code (NEC) and the National Fire Protection Association (NFPA) Handbook. The symbols are shown in accordance with the National Electrical Code (NEC) and the National Fire Protection Association (NFPA) Handbook.

NOTE
 Dimensions of the components of this design are shown in parentheses. Dimensions are shown in feet and inches. Dimensions are shown in feet and inches. Dimensions are shown in feet and inches.



ELECTRICAL LEGEND

○	Outlet
○	Switch
○	Lighting
○	Panel
○	Breaker
○	Transformer
○	Conduit
○	Wire
○	Ground
○	Water
○	Gas
○	Other

MAIN FLOOR PLAN scale = 1/4" = 1'-0"

4780 Sq. Ft.

WEINMASTER HOME DESIGN

SHEET TITLE: MAIN FLOOR
 SCALE: AS NOTED
 DRAWN BY: J.W.
 SHEET 2 OF 6 SHEETS



Reviewed by: [Signature]

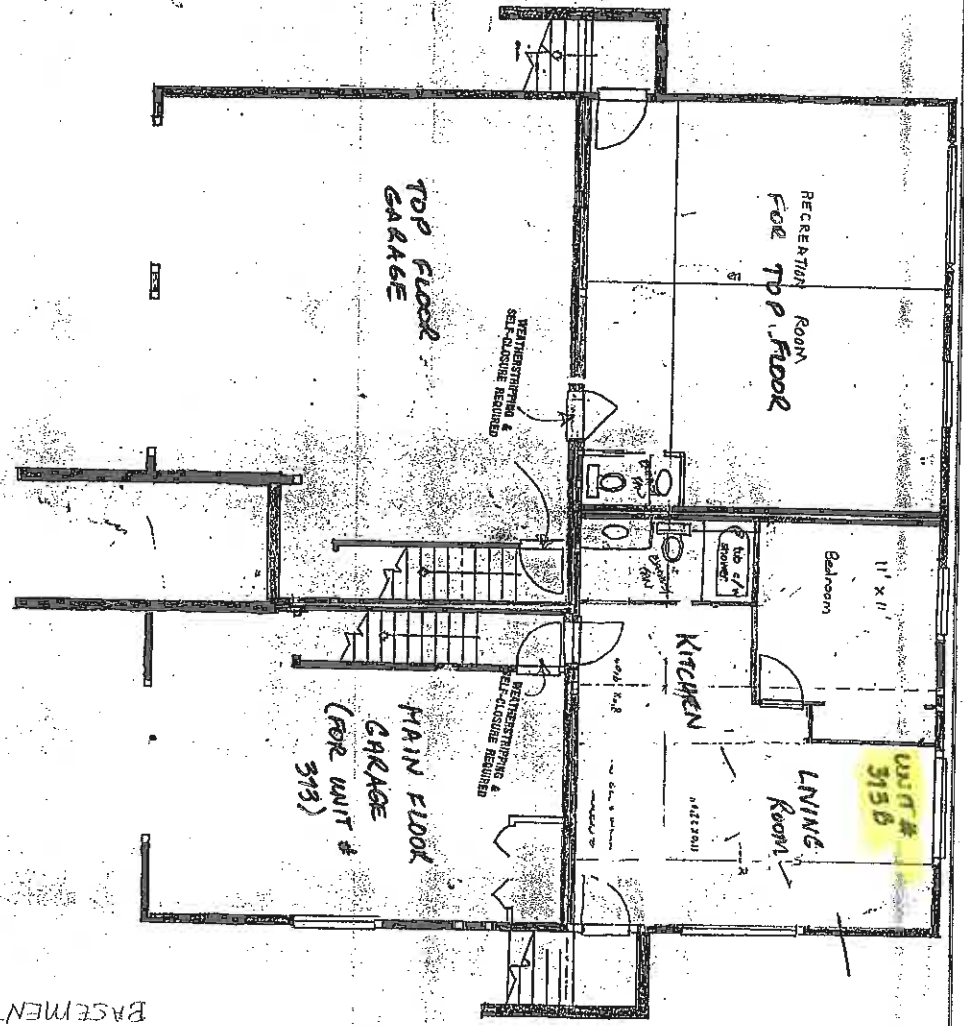
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51

Reviewed
by City of Spokane
Planning Services

LOWER FLOOR

BASEMENT



CITY OF KELOWNA
MEMORANDUM

Date: January 17, 2012
File No.: Z11-0090
To: Land Use Management (AW)
From: Development Engineer Manager (SM)
Subject: 373-375 Fizet Ave. – LOT 47, PLAN 52738, Sec. 26, twp. 26. ODYD

FILE COPY

The Works & utilities Department comments and requirements regarding this application to rezone from RU6 to RM1 are as follows:

1. Domestic water and fire protection.

This development is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for these items. All charges for service connection and upgrading costs are to be paid directly to the BMID.

2. Sanitary Sewer.

The existing 100mm. sanitary sewer service may be adequate to serve the proposed development. Should a new service be required, the installation of the new service and the decommissioning of the existing will be at the applicant cost

3. Drainage.

The property has a storm drainage pumping system along with a Covenant registered on the property. It is recommended that the owner provides confirmation from a qualified Engineer that the pump and capacity of the system are still in accordance with the original report.

4. Power and Telecommunication Services.

Underground electrical and telecommunication services are provided to the property line.

5. Road improvements.

The frontage of Fizet Road is currently built to a standard that is consistent with the requested zone; this application does not trigger any further frontage upgrades.



Steve Muenz, P.Eng.
Development Engineering Manager