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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** October 17, 2001

**File No.:** HRA01-010

**To:** City Manager

**From:** Planning and Development Services Department

**Subject:**

APPLICATION NO. HRA01-010

OWNER: RICHARD AND BRIANA  
LONG

AT: 806 BERNARD AVENUE

APPLICANT: MICHAEL HILL AND  
BARBARA DAVIDSON

PURPOSE: TO ENTER INTO A HERITAGE REVITALIZATION AGREEMENT TO  
FACILITATE THE USE OF THE SUBJECT PROPERTY AS A  
PROFESSIONAL OFFICE, AN ARTIST STUDIO, A RESIDENCE, AND  
FOR ARTWORK SALES

EXISTING ZONE: CD10 – HERITAGE CULTURAL

REPORT PREPARED BY: KIRSTEN G. BEHLER

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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**1.0 RECOMMENDATION**

THAT Council authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for the property Lot 14, Block 12, D.L. 138, ODYD, Plan 202, located on Bernard Avenue, in the form of such agreement attached to and forming part of this bylaw as "Schedule A";

AND THAT the Heritage Revitalization Agreement be forwarded to a Public Hearing;

AND THAT final adoption of the Heritage Revitalization Agreement be considered subsequent to the requirements of the Inspection Services Department being completed to the Department's satisfaction.

**2.0 SUMMARY**

The applicants wish to enter into a Heritage Revitalization Agreement with the City of Kelowna in order to be allowed to use the subject property for a professional office, an artist studio, a residence, and for artwork sales. The property is a designated heritage property and is located in the CD10 – Heritage Cultural zone. Since the current zoning designation does not allow for professional offices, a Heritage Revitalization Agreement is required to add the respective use to the uses permitted on this property. The agreement will furthermore allow the applicants to post a sign in the front yard of the property.

### 3.0 COMMUNITY HERITAGE COMMISSION

The application has been considered by the Community Heritage Commission at the meeting of September 11, 2001, and the following resolution was passed:

That the Community Heritage Commission supports Heritage Revitalization Agreement Application No. HRA01-010 – 806 Bernard Avenue.

### 4.0 ADVISORY PLANNING COMMISSION

The application has been considered by the Advisory Planning Commission at the meeting of September 18, 2001, and the following recommendation was passed:

That the Advisory Planning Commission supports Heritage Revitalization Agreement Application No. HRA01-010 – 806 Bernard Avenue by Michael Hill and Barbara Davidson to enter into a Heritage Revitalization Agreement to allow the existing buildings to be used for an architectural office, a residence and an art studio.

### 5.0 BACKGROUND

#### 5.1 The Proposal

The subject property at 806 Bernard Avenue is known as the J.W. Hughes House. Together with his wife Ruth, J.W. Hughes, who owned the first commercial vineyard in the area, built the house in 1933 and occupied it until the mid-fifties. In 1995, the property was designated as a heritage site by bylaw No. 7622. At the same time, the property was rezoned to the H-3 (Heritage Residential Commercial – Arts, Crafts, Cultural) zone, which has been changed to the CD10 – Heritage Cultural zone under Zoning Bylaw No. 8000. In order to change the uses allowed under the CD10 zone, the applicants wish to enter into a Heritage Revitalization Agreement to be permitted to use the property for a professional office, an artist studio, a residence, and for the sale of artwork. The Heritage Revitalization Agreement would allow the use of the property for office use in addition to those currently allowed under the CD10 zone.

The applicants wish to use the main floor of the house as an architectural / technical consulting business. The business is anticipated to have a maximum of five staff members. Clients would visit the office on an infrequent basis approximately twice a week. The proposed artist studio would be located in the existing detached garage located at the rear of the lot. Artwork would be displayed for sale in the reception area of the consulting business, in the studio and in the rear yard. The residence, which will at least initially be occupied by the applicants, will be located on the second floor and will consist of a two-bedroom apartment with living room, bathroom and a newly added kitchen.

The proposal does not include any changes to the exterior of the building. Over the course of the next two years, the applicants are planning on completing some maintenance work, such as the replacement of the current roof shingles with shingles closer in colour to those used in 1933. The building will also be repainted in colours identical to the original colours of the buildings, if these can be determined. The front and rear porches will also be repaired. These renovations will require Heritage Alteration Permits prior to commencing any works.

Vehicular access to the site is from the lane in the rear, where all parking will be provided. Two parking stalls for the residence will be located inside and in front of the garage, with the additional three parking spaces for the office and studio adjacent to the garage.

The proposal does not include any major landscaping changes. However, the applicants wish to plant perennials and annuals to achieve a garden style close to an English garden. They

endeavour to plant some of the varieties grown by J.W. Hughes, who was also known for sending flowers to Rotary Clubs throughout Western Canada, which then distributed them to hospitals.

The only sign proposed on the site will be a free-standing sign not exceeding 1.5m in height and 1.8m<sup>2</sup> in area to be located at the front of the lot at Bernard Avenue. The design of the sign has not been completed but will be compatible with other signs in the area, such as those of the Knowles House and the Heritage Law Group.

The application meets the requirements of the CD10 – Heritage Cultural zone as follows:

CRITERIA	PROPOSAL	CD10 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	560m <sup>2</sup>	460m <sup>2</sup>
Lot Width (m)	15.2m	13.0m
Lot Depth (m)	36.8m	30.0m
Site Coverage (%)	26%	40%
Total Floor Area (m <sup>2</sup> )		
- Professional Office	88m <sup>2</sup>	
- Residence	112m <sup>2</sup>	
- Garage	38m <sup>2</sup>	
Storeys (#)	2 storeys approximately 4m	9.5m / 2 storeys 4.5m for accessory buildings
Setbacks (m)		
- Front	13.6m	6.0m
- Rear	14.5m 2.5m	7.5m 1.5m for accessory building
- Side		
- West	1.3m❶	2.3m
- East	2.9m	2.3m
Parking Spaces	5	5

Notes:

❶ The side yard is legal non-conforming and does not require a variance, since Section 1.6 of Schedule 'B', Bylaw No. 8000, states that existing heritage buildings are considered conforming for purposes of siting and height.

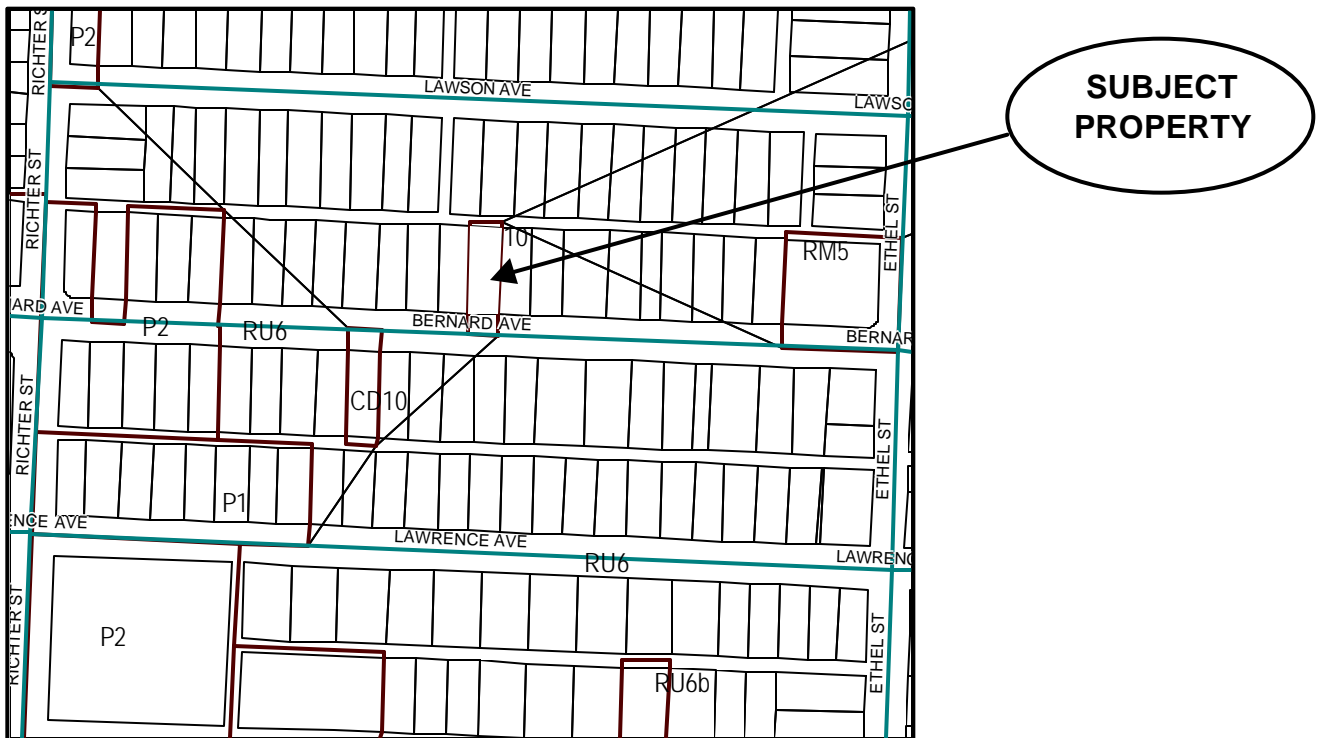
## 5.2 Site Context

The subject property is located in the Downtown Urban Town Centre, on the north side of Bernard Avenue between Richter Street and Ethel Street. The neighbourhood is characterized by single detached residential dwellings. Another property in this block is zoned CD10 – Heritage Cultural. Two properties east of the subject property have been subject to Heritage Revitalization Agreements in 2000, one to be used as a law office, and one as office space for non-profit organizations. In addition to these properties, five properties in this block of Bernard Avenue have home based businesses.

Adjacent zones and uses are, to the:

- North - RU6 – Two-Dwelling Housing - Single-detached house
- East - RU6 – Two-Dwelling Housing – Single-detached house
- South - RU6 – Two-Dwelling Housing - Single-detached houses, some with home based businesses
- West - RU6 – Two-Dwelling Housing - Single-detached house with home based business

## Site Location Map



### 5.3 Existing Development Potential

The property is zoned CD10 – Heritage Cultural. The purpose of this zone is to provide for the preservation of lands and buildings with heritage value for low density residential uses and secondary commercial uses related to arts and cultural activities that are compatible with residential neighbourhoods. Single detached, semi-detached and duplex housing are permitted as principal uses, and permitted secondary uses are bed and breakfast homes, minor and intermediate care centres, major and minor home based businesses, general retail services and secondary suites.

The proposed architect / technical office exceeds the provisions of a major home based business. The number of clients anticipated to visit the office meets the guidelines for a home based business. However, while a major home based business cannot include more than one employee who is not a member of the household, the proposed consulting business will have a total of five employees, one of whom will be live in the house at least initially.

### 5.4 Current Development Policy

#### 5.4.1 Kelowna Official Community Plan

One of the goals for Kelowna as specified in the Official Community Plan is to respect our heritage and preserve special features of our past for the benefit of present and future generations. The OCP includes a number of tools that allow the City to encourage and support the preservation of properties with heritage value, one being to enter into Heritage Revitalization Agreements (HRA). An HRA allows the City to consider on a site-specific basis the adaptive re-use and continuing protection of heritage properties.

#### 5.4.2 Kelowna Strategic Plan (1992)

One of the objectives of the Strategic Plan is to encourage the preservation of important heritage buildings and areas within the City. Heritage Revitalization Agreements help meet this objective by allowing the adaptive re-use and thus the preservation of properties with heritage value.

### 6.0 TECHNICAL COMMENTS

The application has been circulated to various departments and agencies, and the following relevant comments have been submitted:

#### 6.1 Inspection Services Department

Solid core door required between office and resident entry. Basement to be separated 3/4 hr rating including door. Parking stall in studio cannot be accessed if vehicle in front of doors. This situation is acceptable, since parking spaces may be arranged in tandem for single detached housing.

#### 6.2 Parks Manager

1. All entry feature signs for the proposed development to be located on private property and not on city Blvd. This includes any landscape treatment.
2. No landscape is shown in front. Why not some? The applicants indicated that they wish to plant perennials and annuals to achieve a garden style close to an English garden.
3. All trees planted in sidewalk and not in grass Blvd will require a vault and grate; and, all trees in grass Blvd to use root shield barriers for acceptance.
4. The following applies for all boulevard (BLVD) landscape and park and is standard information required on a landscape plan:
  - A. Planting plan to include a proper plant materials list:
    - i) Latin name
    - ii) common name
    - iii) size at planting
    - iv) plant symbol key
    - v) indicate existing trees
  - B. Plant material specifications are as follows:
    - i) Deciduous Tree - caliper @300mm above rootball (min. 60mm)
    - ii) Deciduous Shrub - spread (min. 450mm)
    - iii) Coniferous Tree - height (min. 2.5m)
    - iv) Coniferous Shrub - spread (min. 450mm)
    - v) Seed/Sod Mix according to location and proposed activity use.
  - C. Shrub beds require plastic edge beside all areas abutting a city sidewalk of city land to prevent migration of mulch.
  - D. Scale of plan and north arrow clearly indicated on plan.
  - E. All plant materials (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
5. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.

6. BLVD maintenance (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.
7. All BLVD tree maintenance is responsibility of Parks Division.
8. Planting plan to include all u/g utility locations in BLVD.

#### 6.3 Works & Utilities

##### 1. Domestic Water and Fire Protection:

This development has one existing 13mm diameter water services and must have a water meter. This configuration may be retained.

##### 2. Sanitary Sewer:

This property is currently serviced by the municipal sanitary sewer system. This service presently cuts through the neighbouring lot. This service requires a private easement be registered to allow this to remain or the service should be relocated to eliminate this trespass.

##### 3. Access and parking:

The proposed configuration indicating three parking stalls meets the associated bylaw.

#### 6.4 West Kootenay Power

Unless a service upgrade is required, WKP has no requirements.

#### 6.5 Shaw Cable

Owner/contractor to supply/install conduit system as per Shaw Cable drawings and specifications. This is only required if the applicants are required to relocate overhead services to underground, which is not the case with the subject property.

## 6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has no concerns with the uses proposed through the Heritage Revitalization Agreement. The agreement would add the architect / technical office as a permitted use on the subject property. All proposed uses can be accommodated without altering the physical appearance of the house or negatively impacting the neighbourhood. The applicants are committed to maintaining the house and making necessary renovations within the next two years that will not alter the heritage character of the property. The OCP encourages the use of Heritage Revitalization Agreements as a means of facilitating the adaptive re-use and continuing protection of heritage buildings. Such uses create an effective transition zone to the downtown while preserving the historical identity of the neighbourhood.

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Andrew Bruce  
Current Planning Manager

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Development Services

KGB  
Attach.

**FACT SHEET**

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| <b>1. APPLICATION NO.:</b>   | HRA01-010   |
| <b>2. APPLICATION TYPE:</b>  | Heritage Revitalization Agreement   |
| <b>3. OWNER:</b><br>· ADDRESS<br>· CITY<br>· POSTAL CODE   | Richard and Briana Long / Brett Jaffe<br>806 Bernard Ave.<br>Kelowna, BC<br>V1Y 6P5   |
| <b>4. APPLICANT/CONTACT PERSON:</b><br>· ADDRESS<br>· CITY<br>· POSTAL CODE<br>· TELEPHONE/FAX NO.:  | Michael Hill and Barbara Davidson<br>23 – 545 Glenmeadows Rd.<br>Kelowna, BC<br>V1Y 1W8<br>763-2800 / 763-2801                        |
| <b>5. APPLICATION PROGRESS:</b><br>Date of Application:<br>Date Application Complete:<br>Servicing Agreement Forwarded to Applicant:<br>Servicing Agreement Concluded:<br>Staff Report to CHC:<br>Staff Report to APC:<br>Staff Report to Council: | August 21, 2001<br>N/A<br>N/A<br>August 31, 2001<br>August 31, 2001<br>October 17, 2001   |
| <b>6. LEGAL DESCRIPTION:</b>   | Lot 14, Block 12, D.L. 138, ODYD, Plan 202  |
| <b>7. SITE LOCATION:</b>   | Downtown Urban Town Centre, on the north side of Bernard Avenue between Richter and Ethel Streets                                     |
| <b>8. CIVIC ADDRESS:</b>   | 806 Bernard Avenue<br>Kelowna, BC   |
| <b>9. AREA OF SUBJECT PROPERTY:</b>  | 560m <sup>2</sup>   |
| <b>10. EXISTING ZONE CATEGORY:</b>   | CD10 – Heritage Cultural  |
| <b>11. PURPOSE OF THE APPLICATION:</b>   | To enter into a Heritage Revitalization Agreement to allow office use in addition to the other permitted uses on the subject property |
| <b>13. MIN. OF TRANS./HIGHWAYS FILES NO.:</b><br><b>NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY</b>   | 02-081-19426  |
| <b>14. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b>  | N/A   |



**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Location Map
- Site Plan
- Floor Plans – proposed
- Floor Plan – existing residence
- Photographs
- Schedule A:  
Heritage Revitalization Agreement