

Public HearingNovember 27, 2001

A Public Hearing of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, November 27, 2001.

Council members in attendance were: Deputy Mayor R.D. Cannan, Councillors A.F. Blanleil, C.B. Day, B.D. Given, R.D. Hobson, J.D. Nelson and S.A. Shepherd.

Council members absent: Mayor Walter Gray and Councillor B.A. Clark.

Staff members in attendance were: Acting City Manager, R.L. Mattiussi; Deputy City Clerk, A. Flack; Current Planning Manager, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

1. Deputy Mayor Cannan called the Hearing to order at 7:00 p.m.
2. Deputy Mayor Cannan advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, shall authorize Heritage Revitalization Agreements, and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on November 8, 2001, and by being placed in the Kelowna Daily Courier issues of November 19 & 20, 2001, and in the Kelowna Capital News issue of November 18, 2001, and by sending out or otherwise delivering 227 letters to the owners and occupiers of surrounding properties between November 8 & 9, 2001.

3. INDIVIDUAL BYLAW SUBMISSIONS

3.1 **Richard & Briana Long; Brett Jaffe (Michael Hill & Barbara Davidson)**

- 3.1 Bylaw No. 8752 (HRA01-010) – Richard & Briana Long; Brett Jaffe (Michael Hill & Barbara Davidson) – 806 Bernard Avenue - THAT Council authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for the property legally described as Lot 14, Block 12, D.L. 138, ODYD, Plan 202, located on Bernard Avenue, Kelowna, B.C., in the form of such agreement attached to and forming part of this Heritage Revitalization Agreement Authorization Bylaw as “Schedule A”.

Staff:

- The subject property is known as the J.W. Hughes House. The house was originally built in 1933 and was occupied by the Hughes family until the mid 1950s. In 1995 the property was designated as a heritage site.
- The Heritage Revitalization Agreement (HRA) deals with the use of the property and as such allows for a professional office, an artist studio and the sale of artwork. The business would have no more than 5 employees on site. The HRA also provides for a residential unit on the second floor where initially the applicants propose to live.
- Parking requirements can be met on-site and will be provided from the lane in the rear.
- The property is currently zoned CD10 – Heritage Cultural which allows for a mix of residential and light commercial uses but does not permit the proposed office use. Rather than rezoning the property, given that the site is designated for heritage it was determined that the best way to allow the office use was through an HRA.
- The applicant is committed to replacing the roof and some exterior renovations that will require a Heritage Alteration Permit.
- The application was reviewed and supported by both the Advisory Planning Commission and the Community Heritage Commission.

The Deputy City Clerk advised that no correspondence or petitions had been received.

Deputy Mayor Cannan invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

Michael Hill, applicant:

- Intend to also try to incorporate some of the flower stocks that Mr. Hughes was famous for when he was alive.
- Will be continuing on with trying to restore the original theme to the exterior of the building.

There were no further comments.

3.2 Park Avenue Properties Inc. (New Town Planning Services Inc)

- 3.2 Bylaw No. 8753 (HRA01-011) – Park Avenue Properties Inc. (New Town Planning Services Inc.) – 2056 Pandosy Street - THAT Council authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for the property known as 2056 Pandosy Street, Kelowna, B.C., Lot 2, Blk. 8, DL 14, O.D.Y.D., Plan 348, in the form of such agreement attached to and forming part of this Heritage Revitalization Agreement Authorization Bylaw as Schedule “A”.

Staff:

- The subject property along with others in the area is under development pressures. A previous application to rezone the subject property along with two adjacent properties for development with boarding and lodging homes was denied. A subsequent application to rezone the subject property to P2 was changed mid-stream based on input from the neighbourhood and the two Advisory Commissions. The Heritage Revitalization Agreement (HRA) is the mechanism that the applicant has been forced into.
- The proposed HRA would permit use of the house for psychiatric adult day care and counselling services that would be run by the Okanagan Similkameen Health Region. The HRA provides for the facility to operate Monday through Friday between the hours of 8 a.m. to 7 p.m. with no more than 25 clients on the premises at any one time and no more than 5 staff at any one time. The facility would provide no overnight services to the client base.
- The HRA is for a property where the building is not the heritage resource. The size and character of the property is what is being protected given that the property is within the Abbott Street Heritage Conservation Area.
- The proposed signage measures 15” x 30” and would be mounted on the side of the house.
- The applicant has provided 8 parking stalls in the rear of the property, which exceeds bylaw requirements, because of concerns raised through the Advisory Planning Commission and the Community Heritage Commission about the ability to provide enough parking for the staff and clients.
- Most clients would rely on public transportation or be driven to the facility.
- The rezoning portion of the fee from the application to rezone the property to P2 - Education and Minor Institutional has been credited toward the HRA which is a more expensive process leaving an additional approximately \$1,900 that had to be paid by the applicant. Do not recommend any change to the way the fees have been applied.

The Deputy City Clerk advised that the following correspondence had been received:

- Letter of opposition from Dr. Broome stating that the existing building and its occupants are functioning in an illegal capacity in an illegal building that should never have been granted occupancy; the proposed development is essentially creating a “health college” in a residential neighbourhood and would adversely affect neighbouring property values and activities.

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Deputy Mayor Cannan invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

Keith Funk, applicant:

- Indicated he had nothing to add but reserved the right to respond to comments from the gallery.

Peter Chataway, president, Central Okanagan Heritage Society:

- The Central Okanagan Heritage Society (COHS) supports use of the HRA as a tool to protect the subject property.
- Would have preferred a residential component for a caretaker's unit in the project.
- There is a social need for this project in the community.
- Pleased to see what is finally proposed after all the other proposals for the property.

Pauline Draper, representing her husband who owns 2034 Pandosy Street:

- Supports the use of this property but not sure the HRA is the right way to go.
- Has some concerns about the 25 people maximum versus the 10 people maximum permitted for boarding and lodging homes.

Lisa Broughton, 2063 Doryan Street:

- Totally opposed. Her rear yard backs onto the subject property. Overlooking the parking area and mental health facility will devalue her property.

Joyce Broome:

- She and her husband own the medical office at 486 Cadder Avenue on the south side of the subject property. The neighbourhood's main concern when their application was being processed was that approval would open the door for other similar uses to encroach into the residential area. Concerned that the neighbourhood will blame her if this application is approved, even though City staff had indicated that no other medical use would be permitted unless it was on a corner lot on Pandosy.
- Not opposed to having a mental health facility next door but opposed to the proposed size of the facility and concerned about parking.
- The programs will be for people with compulsive disorders like anorexia. A lot of the people taking these programs will be driving not taking public transit.
- Parking will be inadequate. The facility has 3 meeting rooms that can each accommodate 25 people. The applicants are basically setting up a health college. Programs could be run every hour each with 25 people plus the 5 full time staff on top of which there are doctors who go in and out of the programs on a regular basis.
- Suggest that the applicant should be providing parking for 25 vehicles and that the parking lot should be designed by an engineer to ensure vehicles can turn around on site so as not to have to back out onto Pandosy.
- This group moved in before they had permission to occupy the facility and they were allowed to stay on the condition that there would be no more than 8 people on the premises at a given time yet there has consistently been more.
- Circulated a listing of the programs that are running in the building and what time they are running at, noting the list is updated every week.

Staff:

- If the proposed facility was pursued under normal rezoning, the parking would not be enough. For the most part, people requiring care and counselling do not drive. The object has been to try through the HRA to retain the character and look of the building and accommodate the on-site parking with minimal disturbance.
- There is ability for a car to make a turning movement on site albeit with some manoeuvring.

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- Occupancy would be limited to no more than 30 people at a time; 25 clients and 5 staff including visiting doctors. City Bylaw Enforcement staff would act on complaints of over-occupancy. City Bylaw Enforcement staff have visited the site over the past year and have enforced the current limit of no more than 8 people at a time. Building Code issues would have to be addressed before a new Occupancy Permit would be issued allowing the increased capacity.
- If the owners are found to be in breach of the agreement, the HRA can be terminated in which case use of the property would revert back to that permitted under the RU1 zoning.
- The existing access to the subject property functions like a residential driveway and so no restrictions on turning movements in or out of the driveway are recommended.

Dave Williams, secretary for FRAHCAS:

- Read a letter on behalf of the Kelowna South-Central Association of Neighbourhoods advising that KSAN is unable to comment on this application because there is a matter before the courts between the owners of 2056 Pandosy and the Kelowna Partners Society of which KSAN is a founding member.

Ian Galt, 585 Burne Avenue:

- Main concern is parking. There are no signs restricting parking on Burne Avenue and since this health care facility went into operation, vehicles have been parking daily on both sides of Burne Avenue to mid-way up the street between Pandosy and Richter.
- The driveway to the subject property is very narrow. Concerned that clients trying to drive in while others are trying to drive out will only add to congestion in the area.
- Cannot see how all the clients and staff will be able to park in the on-site parking area.

Valerie Hallford, president of FRAHCAS:

- Endorsed the comments made by Joyce Broome.
- Read a letter from Friends and Residents of the Abbott Street Heritage Conservation Area Society (FRAHCAS) stating their support for the HRA was given when the operation was limited to maximum 8 persons at a time and on the understanding that the operation would remain like that. FRAHCAS did not realize there would be groups of 25 people on the property at one time.
- Overflow parking is already causing problems on residential streets in the area.

Lisa Broughton, 2063 Doryan Street:

- Would be less opposed if the applicant was to plant some shrubbery or other landscaping to screen her view of the parking area on the subject property.
- A few weeks ago a man with a hard hat on was prowling around the property and he said something about putting in an easement.

Staff:

- The applicant is required to dedicate a 3 m widening along Pandosy Street. The man was likely there to survey the circumference of the property in order to determine the location of all the survey pins.

Keith Funk of New Town Planning, representing the applicant:

- To his understanding the programs are for people dealing with depression not eating disorders so most clients would be dropped off or taking public transit.
- The applicant is providing almost double the parking requirements without disturbing the mature landscaping on the site. Additional parking stalls could be achieved but that would mean taking out a tree.
- The HRA is transferable with the property.
- The application has consistently been for maximum 25 clients and 5 staff. The present care givers have been very careful to keep the occupancy at no more than 8 while waiting for this to be approved.

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- Movements in and out of the driveway from Pandosy will probably be a problem at some time alright but that exists with any property with driveways out onto arterials. The driveway is long and vehicles can move around in the parking lot with no problem.
- The exterior of the building will essentially be unchanged. The operation inside will have groups of people being counselled. Once the doors are closed it makes no difference how many people are inside. If occupancy had to stay at the current 8 client maximum, the facility could not be on the subject property.

Staff:

- The driveway could potentially be widened so that 2 cars can pass.
- The Pandosy Street widening occurred about the same time as this operation got going. The road widening eliminated all the on-street parking on Pandosy so that probably had an impact on parking on the side streets.

Joyce Broome:

- The programs could be better organized and spread out so that there are only 8 people instead of 25 people on the premises at a time.

Keith Funk of New Town Planning, representing the applicant:

- Spreading the programs out would increase costs of service.

Valerie Hallford, president of FRAHCAS:

- The HRA is too loosely worded with respect to the number of people that would be permitted. Thought the restriction was per-day not at-a-time.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 8:54 p.m.

Certified Correct:_____
Deputy Mayor Cannan

BLH/am

Deputy City Clerk