
CITY OF KELOWNA

MEMORANDUM

Date: June 18, 2003
File No.: HRA03-0001

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. HRA03-0001
AT: 2094 Abbott Street

OWNER: Cheryl and David Negrin
APPLICANT: Cheryl and David Negrin

PURPOSE: TO AUTHORIZE THE SUBDIVISION OF THE SUBJECT PROPERTY AND CONSTRUCTION OF A NEW HOUSE THAT WOULD NOT MEET THE RU1-LARGE LOT HOUSING STANDARD FOR LOT WIDTH OR SIDE YARD SETBACKS FOR THE PROPOSED NEW LOT

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Council authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for Lot A, District Lot 14, ODYD, Plan KAP47142, located at 2094 Abbott Street, in the form of such agreement attached to and forming part of this bylaw as "Schedule A";

AND THAT the Heritage Revitalisation Agreement be forwarded to a Public Hearing.

2.0 COMMUNITY HERITAGE COMMISSION

At the meeting of May 6, 2003 the Community Heritage Commission resolved:

THAT the Community Heritage Commission not support Heritage Revitalization Agreement Application HRA03-0001 – 2094 Abbott Street for the following reasons:

- number of variances requested excessive;
- negative impact on heritage integrity (proposed relocation and removal of the lowest floor of the existing building);
- dangerous precedent for subdivision within the Abbot Street Heritage Conservation Area;
- opposition from neighbours and residents' associations;

- proposed new location of existing building intrusive (too close to the street);
- proposed style of new building contrary to style of buildings in the neighbourhood;
- close proximity of proposed new and relocated buildings;
- potential loss of mature landscaping on property;
- need for clarification regarding plans for existing pond.

THAT the Community Heritage Commission's motion regarding Heritage Revitalization Agreement Application No. HRA03-0001 - 2094 Abbott Street be tabled to allow for the date of the meeting at which the CHC considers the application to be properly posted on the Heritage Proposal sign.

At the meeting of June 11, 2003 the Community Heritage Commission considered new information submitted by the applicants in relation to HRA03-0001. As the new information was submitted behind schedule, the Planning Department was unable to meet required posting dates. In consequence the Community Heritage Commission was unable to adopt the tabled resolution. The CHC however did however choose to retain the tabled resolution after consideration of all new information presented by the applicants.

Staff will attempt to have the Community Heritage Commission reconsider this item before the public hearing ensuring that all notification is posted as per bylaw requirements.

3.0 ADVISORY PLANNING COMMISSION

The above-noted application was initially reviewed by the Advisory Planning Commission at their meeting of May 6, 2003, where the application was deferred based on a request to have the applicant provide a comprehensive restoration plan prepared by a heritage consultant. This comprehensive restoration plan was to take into consideration the proposed relocation of the Hughes-Games house to the proposed corner lot; a more appropriate design/size of house for the new vacant lot; provision of a landscape plan showing what will be retained and what is proposed; the impact on the adjacent property; provision of a pro-forma analysis; and a formal Heritage Designation of Hughes-Games house.

On June 17, 2003, the Advisory Planning Commission once again reviewed Heritage Revitalization Agreement Application No. HRA03-0001, based on the additional information provided, and the following recommendation was passed:

THAT the Advisory Planning Commission supports Heritage Revitalization Agreement Application No. HRA03-0001, 2094 Abbott Street, Lot A, Plan 47142, Sec. 24, Twp 25, ODYD, David & Cheryl Negrin to facilitate a two lot single family subdivision of the subject property and to facilitate the relocation and restoration of the existing Hughes-Games House on the northerly proposed lot, subject to the use of the "*white art modern*" house design for the southerly lot.

4.0 SUMMARY

The applicant is seeking to enter into a Heritage Revitalisation Agreement with the City of Kelowna in order to relocate and restore the heritage house that currently exists on the subject property. The applicant is proposing to relocate the existing heritage house so as to accommodate the addition of second house onto the property and subdivision of the property. The property lies within the boundaries of the Abbott Street Heritage Conservation area and is listed on the Kelowna Heritage Register.

5.0 BACKGROUND

The subject property is located in the Abbott Street Heritage Conservation Area and the house occupying the lot is listed on the Kelowna Heritage Registry. The house, built in 1939, is known as the Hughes-Games House. It was home from 1939-51 to William B. Hughes-Games, one of Kelowna's Mayors during this period. The house lies at the corner of Abbott Street and Cadder Avenue with the rear yard of the house abutting Okanagan Lake.

5.1 Proposal

Cheryl Negrin purchased the Hughes-Games house in July of 1998 and has indicated to staff that she has spent in excess of \$100,000 in efforts to improve the structural integrity of the house since this time. However, problems with the structural integrity of the house have persisted. The applicant has hired two engineers (Craig Hostland and Paul Heinrichs) to assess the structural integrity of the house. Both Engineers have reported that the cost to repair the structure would exceed the structural value of the building.

The applicant has since commissioned two contractors to provide estimates for the work required to repair the structural inadequacies of the building. Table 3.0 below lists the contractors commissioned by the applicant and the estimates they provided. Both estimates include the cost of raising the house from its foundation.

Table 1.0

<u>Contractor</u>	<u>Estimate</u>
Del Sol Developments Ltd. (Kelly Benedet)	\$188,320.00
Pelorous Construction Inc. (Barry Wratt)	\$233,500.00

City of Kelowna Inspections Supervisor Gerry Moller inspected the house in mid-January 2002 and has indicated to staff that the contractor estimates for the required repairs may not be unreasonable taking into account the number of unknowns that exist with regards to the condition of the existing foundation and soil conditions.

Under a previous rezoning application and heritage alteration permit the applicant sought to rezone the subject property (Rezone from RU1 to RU2) in order to facilitate a two-lot subdivision on the subject property. The applicants also applied for a demolition permit to remove the existing house from the property with the intention of constructing two new single family homes in a heritage style. The demolition permit was denied by the Inspection Services Department pending a resolution of zoning and heritage conservation issues on the site.

The applicants have since reached a compromise with the Planning and Development Services Department. The applicants are proposing to move the Hughes-Games house onto a new foundation to restore its structural integrity. The applicant has also requested that the Planning and Development Services Department support a subdivision of the lot that would allow the construction of a second single family dwelling. The proposed subdivision would create two lakefront lots, however, the proposed new lots are irregularly shaped and would not meet zoning requirements for lot width. The applicants are intending to preserve as much of the existing landscaping on the lots as possible. The location and size of the existing landscaping is indicated on the site plan submitted by the applicant.

The applicants have also proposed that as an incentive for their voluntary Heritage Designation of the Hughes-Games House, the City of Kelowna consider future tax reductions. Staff have taken note of this request, however, are of the opinion that the Heritage Revitalisation Agreement in and of itself is an adequate incentive for Heritage Designation.

The application compares to the requirements the City of Kelowna Zoning Bylaw No. 8000 for RU1 zones as follows:

Table 2.0

CRITERIA	PROPOSAL	RU1 REQUIREMENTS
Existing Dimensions		
-Existing Lot Width	31.3m	34.0m (Required For Subdivision)
-Existing Lot Depth	61.07m	30.0m (Required For Subdivision)
-Existing Lot Area	1868m ²	1100m ² (Required For Subdivision)
Proposed Dimensions for Negrin Lot (Lot 2)		
-Lot Width	See schedule "A" ❶	17.0m (Corner Lot)
-Lot Depth	See schedule "A"	30.0m
-Lot Area	882m ²	550m ²
Proposed Dimensions for Hughes-Games Lot (Lot 1)		
-Lot Width	See schedule "A" ❷	17.0m (Corner Lot)
-Lot Depth	See schedule "A"	30.0m
-Lot Area	986m ²	550m ²
Proposed Negrin Residence Setbacks:		
-Front Yard	20m (approx.)	4.5m
-Side Yard North	2.0m ❸	2.3m
-Side Yard South (flanking)	4.5m ❹	4.5m (6.0 for Garage or Carport)
-Rear Yard	15m	15m (RMA)
Proposed Setbacks for Hughes-Games House		
-Front Yard	6.0m	4.5m (6.0m to Garage or Carport)
-Side Yard North	2.3m	2.3m
-Side Yard South	3.35m	2.3m
-Rear Yard	35m (approx.)	15.0m (RMA)
Propose Building Site Coverage		
-Negrin Residence	40%	40%
- Hughes Games House	37%	40%
Proposed Building Height (Storeys)		
-Negrin Residence	2	2.5
-Hughes-Games House	2	2.5

The following is a breakdown of variances requested in conjunction with HRA03-0001 (In reference to Table 2 of this report):

- ❶ The applicant is proposing to vary the lot width from 17.0m required to 9.8m proposed (front of proposed lot facing Abbott Street).
- ❷ The applicant is proposing to vary the lot width from 16.5m required to 12.9m proposed (rear of proposed lot adjacent to Okanagan Lake).
- ❸ The applicant is proposing to vary the northern side yard setback for Lot 2 (proposed) from 2.3m required to 2.0m proposed.

④The applicant is proposing to vary the southern side yard setback for Lot 2 (proposed) from 6.0m required to 4.5m proposed.

5.2 Site Context

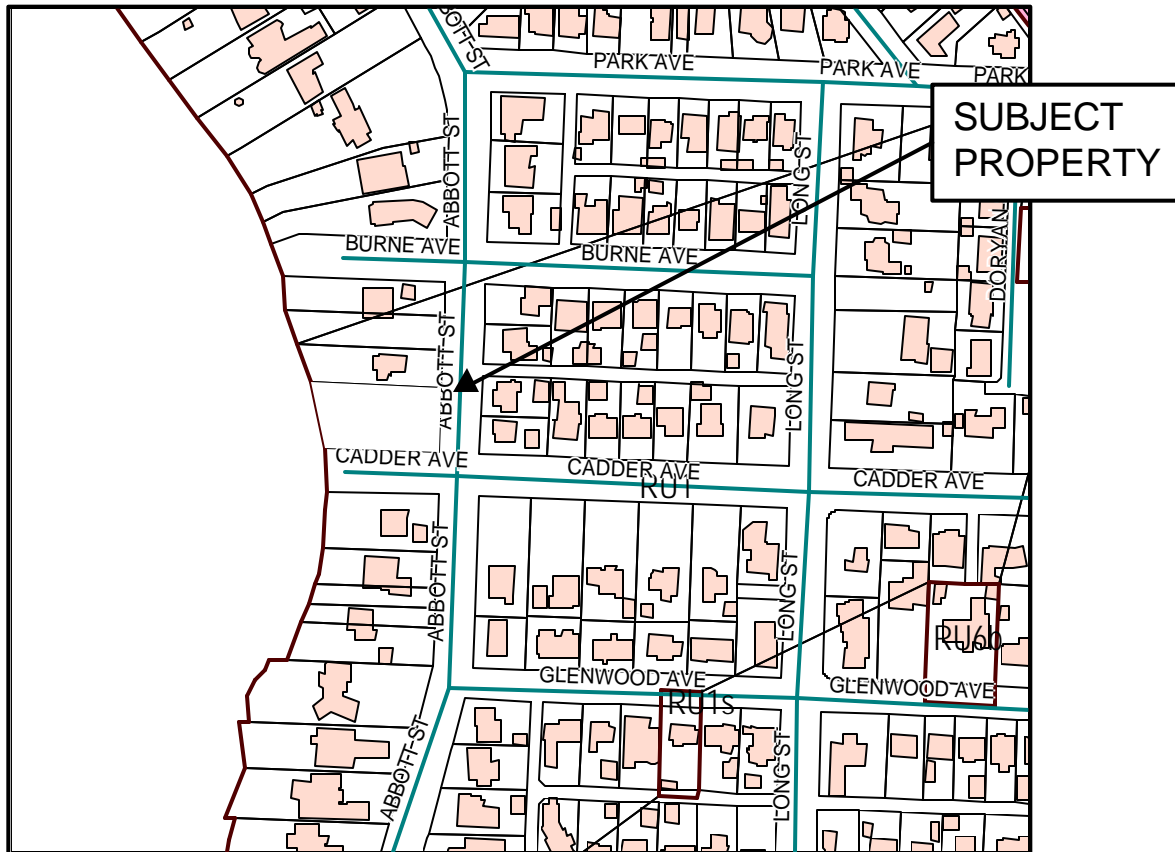
The subject property is located in Abbott Street Heritage Conservation Area, which is included in the Central City Sector Plan. The property lies on the northwestern corner of Abbott Street and Cadder Avenue and the rear of the property borders on Okanagan Lake. The surrounding lots to the north/east/south are all zoned RU1 – Large Lot Housing.

Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing – Single Family Dwelling
- East - RU1 – Large Lot Housing – Single Family Dwelling
- South - RU1 – Large Lot Housing – Single Family Dwelling
- West - RU1 – Okanagan Lake

5.3 Site Location Map

Subject Property: 2094 Abbott Street



6.0 CURRENT DEVELOPMENT POLICY

6.1 Kelowna Official Community Plan

The proposal is consistent with the designation of Single/Two Family Residential in the Official Community Plan future land use designation. The Single/Two Family Residential designation covers single detached homes for occupancy by one family, single detached homes with a secondary suite, semi-detached buildings used for two dwelling units, and complementary uses (OCP, Chapter 8). The OCP also encourages a focus towards achieving more efficient use of land within single-detached neighbourhoods and supports land use approaches where residential densities increase as proximity to the core of Urban Centres increases. The proposal is consistent with the Kelowna's Official Community plan in that it keeps with the single-family character of the neighbourhood and also adds density to an area that is in relatively close proximity to the City Centre.

6.2 City of Kelowna Strategic Plan (1992)

The City of Kelowna Strategic Plan encourages the preservation of important heritage buildings and areas within the city (Objective 1.6). The Strategic Plan also encourages the development of a more compact urban form by increasing densities through infill and re-development within existing urban areas and providing for higher densities within future urban areas (Objective 1.1). The proposal is consistent with these objectives.

6.3 Abbott Street and Marshall Street Heritage Conservation Area Development Guidelines (1997)

The purpose of these guidelines is to maintain the existing single or two family residential and historical character of the Abbott Street and Marshall Street Heritage Conservation Areas. They encourage new development or additions to existing development, which are compatible with the form and character of the existing context, and advocate retention and renovation of existing development.

The proposal is generally consistent with the Abbott Street and Marshall Street Heritage Conservation guidelines with a few exceptions. The guidelines emphasise the relation of the buildings on the block and predominantly deal with features as seen from the street. The applicants have submitted two design options for consideration. Option 1 is a new craftsman style house and Option 2 is an art modern style house.

The house shown as Option 1 does not relate to any of the characteristics of the existing dwelling, it does generally pick up design elements from other houses on that block of Abbott Street.

The proposal shows the entry for the proposed new house on Cadder Avenue, which is inconsistent with the existing placement of the pedestrian entry on Abbott Street. The Hughes-Games House will continue to be oriented towards Abbott although it will be moved closer to the front of the property from its current location. The applicant has indicated that every attempt will be made to retain all the trees and gardens on the lot as per heritage guidelines. Additionally it was also identified that the proposal may be inconsistent with the heritage guidelines that deal specifically with the subdivision element of the proposal. Section 4.8 of the guidelines states:

“Creating narrow lots by splitting a site lengthways into two is not encouraged unless the frontage of each lot is no less than 10% narrower than the dominant lot pattern on the block.”

The Art Modern house (Option 2) complements the form and character of the existing house, however, as its location on the property is the same as that of the house shown as Option 1; the same comments regarding street orientation and access still apply.

The proposed subdivision would create two irregularly shaped lots. The lot to the north would display a frontage size similar to or greater than existing lots in the area however the southern lot would have a front yard that is significantly smaller than the dominant pattern in the area. The applicants have tried to address this aspect by setting the proposed new house back further from Abbott Street and preserving much of the existing front yard landscaping.

6.4 Heritage Register

The subject property is a modern style heritage house built in 1939 and is included in the Abbott Street Heritage Conservation Area. The house was built for William B. Hughes-Games who was the mayor of Kelowna from 1947-51. The existing Hughes-Games house is well maintained and its design by architect Robert Lyon is unique for Kelowna.

The house has a square appearance with corner bays on the back right hand side with a small porch on the top with metal railings. There is a large chimney at the centre back. There is a small wing protruding outwards on the back left side with a wood staircase to the door. There is double line black trim along the top of the first and second floors. The front entrance is on the left side of the house with open railings and there is an underground garage on the front right hand side of the house.

7.0 Technical Comments

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

7.1 Aquila Networks Canada

Both lots require underground service

7.2 Fire Department

No objections

7.3 Inspection Services Department

No concerns.

7.4 Public Health Inspector

Subject to sanitary sewer and water.

7.5 Works and Utilities Department

The Works & Utilities Department has the following requirements associated with this rezoning application.

7.5.1 Domestic Water and Fire Protection

The existing lot is serviced with a small diameter (13-mm) copper water service, which is substandard. Adequate metered water service must be provided to meet current by-law requirements. In order to avoid construction in the newly paved Abbott Street, the replacement of the existing service for proposed Lot 1 and a new service for Proposed Lot 2, will be by City forces. The applicant will be responsible for the cost of the new services and removal of the existing service.

7.5.2 Sanitary Sewer

This lot is provided with a 100mm-diameter sanitary sewer service, which should be sufficient to service proposed Lot 1. In order to avoid construction in the newly paved Abbott Street, the new sanitary service for proposed Lot 2 will be provided by City forces at the applicant's cost.

7.5.3 Road Improvements

Relocate the existing driveway access on Abbott Street to the proposed location. Tree removal is not permitted within the Road

right-of-way without prior written approval from the city. The cost of this construction for bonding purposes is \$500.00

Remove the existing barrier curb and gutter on Cadder Avenue and construct a driveway letdown. The cost of this construction for bonding purposes is \$3,000.00

7.5.4 Road Dedication and Subdivision Requirements

Provide corner rounding dedication of 6m radius at the intersection of Abbott Street and Cadder Avenue.

7.5.5 Electric Power and Telecommunication Services

The electric and telecommunication services to this house are connected to underground services in the street. Services to the proposed lot must also be connected with underground services.

7.5.6 Geotechnical Report

No requirements.

7.5.7 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.

7.5.8 Bonding and Levy Summary

Driveway relocation and curb cuts.	<u>\$3,500.00</u>
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7.5.9 Site Related Issues

The Heritage Alteration Permit Application does not compromise Works and Utilities requirements.

The developer must obtain the necessary permits and have all existing utility services disconnected prior to moving existing house.

The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of drywells and perforated pipe bedded in drain rock.

The Works and Utilities Department has no objection to the driveway access onto Cadder Street.

The City plans on doing works on Abbott Street the months of June and July 2003 and will do the upgrades that are required in Abbott Street that are linked to items 1 – Domestic Water and Fire Protection, 2 – Sanitary Sewer and 3 (a) – Relocation of existing Driveway prior to the road reconstruction. By proceeding in this manner, the developer will have savings and pavement patchwork as well as boulevard restoration will be avoided. The developer will be responsible to reimburse the City for the costs related to these items.

7.5.10 Administration Charge

Not applicable.

8.0 Planning and Development Services Department

The Planning and Development Services Department is generally supportive of the proposal. Staff feels that preservation and restoration efforts made by the applicants does warrant some trade off in the form of development potential on the subject property.

The applicants are prepared to pay for the relocation and restoration of the Hughes-Games House provided they can achieve the proposed subdivision. The subdivision will allow the applicants to sell the Hughes-Games house in order to recover the costs of its structural restoration. The proposed relocation and subdivision will also preserve much of the existing streetscape with the proposed new building oriented towards Cadder Avenue. The applicants have stated that they are prepared to include terms for the protection and/or preservation of the Hughes-Games House and landscaping that can be preserved in the Heritage Revitalisation Agreement.

At the request of the Advisory Planning Commission the applicants contracted a Heritage Consultant (Robert Lemon) to provide recommendations regarding the proposal. Mr. Lemon recommended that any new house on the property be complementary to the existing home. The art modern home referred to as house Option 2 (attached to this report) is the result of this process.

In addition, as previously stated staff feel that the Heritage Revitalisation Agreement is an adequate incentive for the applicants to pursue a voluntary Heritage Designation of the Hughes-Games House. Furthermore, the Planning and Corporate Services Department does not currently have a process through which the applicants could pursue tax reduction incentives in return for Heritage Designation. Staff is willing to explore this option at Council's request.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

RM/AB/rws
Attach.

FACT SHEET

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| 1. APPLICATION NO.: | HRA03-0001 |
| 2. APPLICATION TYPE: | Rezoning |
| 3. OWNER:
· ADDRESS
· CITY
· POSTAL CODE | Crosse-Negrin, Cheryl and David
2094 Abbott Street
Kelowna, BC |
| 4. APPLICANT/CONTACT PERSON:
· ADDRESS
· CITY
· POSTAL CODE
· TELEPHONE/FAX NO.: | Cross-Negrin, Cheryl and David
1921 27 th Street
West Vancouver, BC
V7V 4L1
604-921-2794 |
| 5. APPLICATION PROGRESS:
Date of Application (Original Rezoning):
Date Application Complete:
Servicing Agreement Forwarded to Applicant:
Servicing Agreement Concluded:
Staff Report to APC:

Staff Report to Council | August 28, 2002
August 28, 2002
N/A
N/A
May 6, 2003

June 24, 2003 |
| 6. LEGAL DESCRIPTION: | Lot A, District Lot 14, ODYD, Plan KAP47142 |
| 7. SITE LOCATION: | Corner of Abbott Street and Cadder Avenue in the Abbott Street Heritage Conservation area |
| 8. CIVIC ADDRESS: | 2094 Abbott Street |
| 9. AREA OF SUBJECT PROPERTY: | 1868m ² |
| 10. EXISTING ZONE CATEGORY: | RU1 – Large Lot Housing |
| 11. PURPOSE OF THE APPLICATION: | The applicant is seeking to enter into a heritage revitalisation agreement to allow the relocation of a heritage house and specify terms of restoration and subdivision on the subject property. |
| 12. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | N/A |
| 13. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | N/A |

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan and partial site plan for both residences
- Colour elevations
- Colour renderings
- Engineering Reports
- Report from Heritage Architect
- Legal Opinion
- Contractor Estimates
- Correspondence from the Applicants