
CITY OF KELOWNA

MEMORANDUM

Date: June 23, 2004
File No.: HRA04-0002

To: CITY MANAGER

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. HRA04-0002
AT: 770 Bernard Avenue

OWNER: Cheryl McKenzie
APPLICANT: Tammy Moore/ Scott Davis

PURPOSE: TO ENTER INTO A HERITAGE REVITALIZATION AGREEMENT TO FACILITATE THE USE OF THE SUBJECT PROPERTY AS A PROFESSIONAL OFFICE (ADVERTISING & DESIGN) AND A RESIDENCE.

REPORT PREPARED BY: KEIKO NITTEL

1.0 **RECOMMENDATION**

THAT Council consider a bylaw which would authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for Lot 9, Block 12, DL 138, ODYD Plan 202, located on Bernard Avenue, Kelowna, B.C., in the form of such agreement attached as 'Schedule A' to the report of the Planning & Corporate Services Department dated June 23, 2004;

AND THAT the Heritage Revitalization Agreement Authorization Bylaw be prepared and forwarded to a Public Hearing for further consideration;

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 allow the use of the subject property for a professional office (advertising & design studio) and one dwelling unit. The house on the subject property is on the City's Heritage Register.

3.0 ADVISORY PLANNING COMMISSION

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of May 11, 2004 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Heritage Revitalization Agreement Application No. HRA04-0002, for 770 Bernard Avenue/Lot 9, Plan 202, Sec. 19, Twp. 26, ODYD, by Tammy Moore & Scott Davis, to enter into a Heritage Revitalization Agreement with the City of Kelowna to allow for the use of the subject property for office use (advertising and design studio) and residential use (one dwelling unit).

4.0 COMMUNITY HERITAGE COMMISSION

The application has been considered by the Community Heritage Commission at the meeting of May 4, 2004, and the following resolution was passed:

THAT the Community Heritage Commission support Heritage Revitalization Agreement Application HRA04-0002 for 770 Bernard Avenue to permit use of the heritage building for office and residential purposes.

5.0 BACKGROUND

The subject property, zoned RU6 – Two Dwelling Housing, currently contains two dwelling units within the existing house. The house was built in 1907 by F.R.E. De Hart, managing director of the Okanagan Fruit and Land Company. That same year, the property was sold to W.D. Harvey, an accountant and secretary-treasurer of B.C. Growers Ltd. The property was sold to Jake A. Lietz (wife Anne E.) in the mid 1940's. At that time, six rooms of the house were converted to rental accommodation.

The house has a low hipped roof with large bay windows on the southwest corner of the building (both levels). The main entrance is on the east side of the front façade and is defined with a decorative trellis and vines. The second floor window, directly above the front door, is accented with black shutters. In addition, two of the front windows contain decorative glass and have wrought iron flower boxes. While the original wall material was likely horizontal wood siding, the existing façade consists of taupe stucco with white trim. The roof consists of black asphalt shingles. Since 1996, the current owner of the property has made significant improvements to the property including the upgrade of all electrical and plumbing. In addition, the roof was replaced and structural upgrades completed.

The proposal does not include any changes to the exterior of the building. The applicants are proposing to convert the existing building for office and residential use. The applicants intend on relocating their advertising/design studio to the subject property. The business would occupy the entire second floor of the house as well as two rooms on the main floor located at the front of the building.

The proposed office space is to accommodate Madhouse Creative, an advertising and design studio. At this time, the business has a staff of four full-time and one part-time employee. The applicants are requesting that the Heritage Revitalization Agreement allow up to six employees. The regular business hours would be 8am to 5pm. The proposed residence is to be located on the main floor. Accessed from a door at the rear of the building, the proposed dwelling unit consists of one bedroom, a kitchen, dining, living space, and bathroom.

Landscaping is provided throughout the property. The applicants intend on replacing the existing fence with a wrought iron fence and gated entrance at the front of the property. In addition, boxwood hedges will be added to frame the front walkway. At the rear of the property, a wooden fence with wrought iron accents will separate the yard from the parking area. Cedars and lilacs will screen the parking area. The surface of the parking area will be mosaic flagstone. Grass will be planted between the flagstone.

In order to accommodate the required parking for the development, the applicants intend on removing the 1969 shed at the rear of the property. Parking will be accessed from the lane. The parking requirement for the proposed development is 6 spaces. The applicants are proposing 5 tandem stalls providing for a total of 10 parking spaces. The parking stalls will be setback 1.3 metres from the side property lines. Landscaping within this setback will provide buffering of the parking from the adjacent properties.

5.1 Proposal

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

CRITERIA	PROPOSAL	RU6 REQUIREMENTS
Lot Area (m ²)	604m ² ❶	700m ²
Lot Width (m)	15.24m❶	18.0m
Lot Depth (m)	41.80m	30.0m
Site Coverage (%)	25% / 48%	40% for buildings 50% with parking and driveways
Storeys (#)	2	2 storeys (9.5m max.)
Setbacks (m)		
-Front	11.1m	4.5m
-Rear	15.6m	7.5m
- Side	2.4	2.3m
- Side	1.5❶	2.3m
Parking	6 stalls (tandem permitted for dwelling unit stall)❷	2 per dwelling unit 2.5 per 100 m ² (147.3m ² = 4 stalls) Total 6 stalls

❶ The lot size, lot width, and side yard setback are legal non-conforming and do not require a variance.

❷ The parking requirement for the proposed development is a total of 6 stalls. Tandem parking is permitted for the residential dwelling unit. The additional 4 tandem parking stalls are permitted as extra parking for development.

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. In addition to these properties, several properties in this block of Bernard Avenue have home based businesses and heritage revitalization agreements to allow non-residential uses.

Adjacent zones and uses are:

North - RU6 – Two-Dwelling Housing - Single-detached house
East - RU6 – Two-Dwelling Housing – Single-detached house

South - RU6 – Two-Dwelling Housing - Single-detached houses,
West - RU6 – Two-Dwelling Housing - Single-detached house

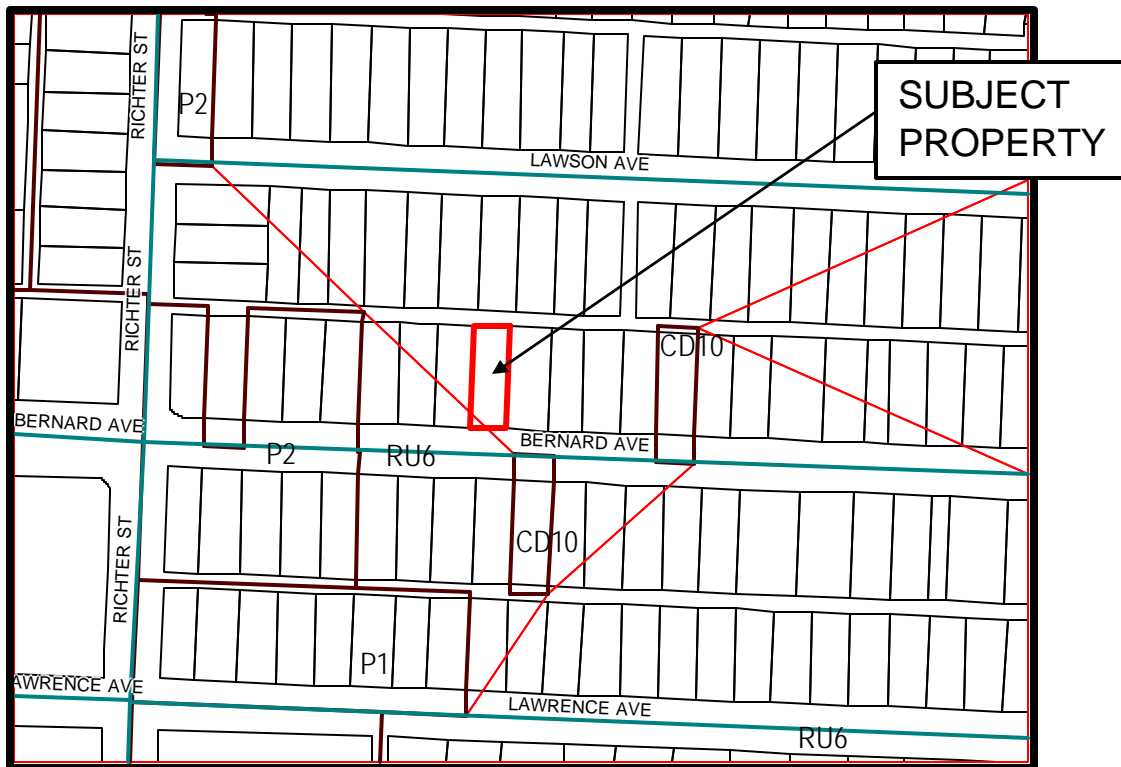
5.5 Existing Development Potential

The property is zoned RU6 – Two Dwelling Housing. The purpose of the zone is to provide for development of a maximum of two dwelling units per lot. Principal uses in the zone include single dwelling housing and two dwelling housing. The listed secondary uses are bed and breakfast homes, boarding or lodging houses, care centres (minor), group homes (minor), home based businesses (major and minor), and secondary suites.

The proposed advertising/design 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 Site Location Map

Subject Property: 770 Bernard Avenue



6.0 CURRENT DEVELOPMENT POLICY

6.1 City of Kelowna Strategic Plan (1992)

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.

6.2 Kelowna Official Community Plan

The Official Community Plan designates the subject property as Low Density Multiple Unit Residential. The proposal to register a Heritage Revitalization Agreement (HRA) on the subject property in order to use the heritage building for office and residential purposes does not entirely conform with the OCP land use designation. However, the OCP encourages the use of HRAs as a means of facilitating the adaptive re-use and continuing protection of heritage buildings. In this regard, the adaptive re-use of the building would be appropriate given that the subject property is located in an area with a relatively high concentration of heritage properties, that the subject property is located along a major arterial road, is in close proximity to the downtown commercial area and the combined office and residential use would be compatible with the residential character of the neighbourhood.

6.3 Adaptive Re-Use Guidelines for Residential Heritage Buildings

The City of Kelowna has established guidelines for the adaptive re-use of residential heritage buildings in order to provide direction for both City staff, in reviewing a Heritage Revitalization Agreement proposal, and for heritage property owners, in terms of what may or may not be considered an appropriate adaptive re-use for their heritage building. The applicant's proposal generally adheres to the guidelines.

The following guidelines provide direction for both City staff, in reviewing a Heritage Revitalization Agreement proposal, and for heritage property owners, in terms of what may or may not be considered an appropriate adaptive re-use for their heritage building. Guidelines for Adaptive Re-Use include the following:

- Neighbourhood Resident Concerns
The concerns of neighbouring property owners should be considered in identifying and, wherever possible, resolving these issues.
- Residential Component
A residential component (secondary suite, principal dwelling, etc.) should be included in order to maintain residential character of the neighbourhood and for security reasons.
- Concentration of Adaptive Re-Uses
A concentration of adaptive re-uses in any given area should be avoided. In this regard, consideration should be given to maintaining the existing neighbourhood character.

- Design Standards
The design should respect for the heritage character of the building and its surrounding area.
- Scale
The adaptive re-use component should be compatible with the surrounding neighbourhood and able to be readily accommodated within an existing heritage building.
- Signage
Signage should be limited to one non-illuminated nameplate (maximum of 2.5 square feet in area) placed within, flat against or hanging from the building. Along major roads, signs of this size and dimension may be hung from a free standing post.
- Parking / Access
The required number of on-site parking spaces as outlined by the Zoning Bylaw should be provided.
- Hours of Operation
Working hours should be limited to daytime hours, Monday through Friday.
- Screening
The impact of an adaptive re-use in a residential area may be lessened by screening the development (e.g. fencing/landscaping).

7.0 TECHNICAL COMMENTS

- 7.1 Fire Department, FortisBC, Interior Health, RCMP, School District, Shaw Cable
No concerns.

- 7.2 Inspection Services
Inspection Services has the following requirements associated with this Heritage Revitalization Agreement application.

7.2.1 Exit from upper floor to be separated from main floor with min of 45 min Fire resistance rating (FRR).

7.2.2 Ceiling of main floor requires 45 min FRR.

7.2.3 Min of one hour fire Separation wall is req,d between rental suite and office area.

7.2.4 A valid Building permit is required prior to construction.

- 7.3 Works & Utilities

The Works & Utilities Department have the following requirements associated with this Heritage Revitalization Agreement application.

7.3.1 Domestic Water and Fire Protection

- (a) 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.

- (b) The disconnection of the existing small diameter water service and the tie-in of the new service will be by City forces at the developer's expense.
- (c) A water meter 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.

7.3.2 Sanitary Sewer

- (a) This property is currently serviced by the municipal sanitary sewer system. The existing 100mm-diameter service will be adequate for the proposed development and may be retained. An inspection chamber (IC) must be installed on the service at the owner's cost as required by the sewer-use bylaw.

7.3.3 Storm Drainage

- (a) There is no existing storm drainage service for this lot.

7.3.4 Road Improvements

- (a) Bernard Avenue has been upgraded to the ultimate curb alignment. Frontage improvements are complete. And no further upgrades are required at this time.
- (b) The rear lane fronting the development has been upgraded to a paved standard and no further work is required at this time.

7.3.5 Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Grant statutory right-of-way(s) if required for utility services.

7.3.6 Electric Power and Telecommunication Services

It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.

7.3.7 Geotechnical Report

Not required for building renovation purposes.

7.3.8 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.

7.3.9 Site Related Issues

- (a) The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge.
- (b) Adequate dust free off-street parking must be provided.

8.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Development Corporate Services Department has no concerns with the use of the subject property as proposed. 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.

The proposal is also generally compatible with the Adaptive Re-use Guidelines for Residential Heritage Buildings. The proposal will make no changes to the building exterior therefore maintaining the heritage character of the building. In addition, adequate parking which is to be screened from the adjacent properties is proposed. The proposed business will also be operated during from 8am to 5pm timeframe as recommended in the guidelines. The proposed signage will be consist of one hung from a freestanding post and will not exceed the 2.5 square feet as recommended in the guidelines. The proposal also includes one dwelling unit thus helping to maintain the residential character of the area as well as providing surveillance of the property outside of working hours.

The Heritage Revitalization Agreement will allow the addition of the office as a permitted use on the subject property. The proposed office and residential uses can be accommodated without altering the physical appearance of the house or negatively impacting the neighbourhood. Staff, however, note that as the applicant are proposing to develop a parking area in excess of the parking requirement, the parking areas must be maintained with surfacing that they blends in with the landscaping. The proposed mosaic flagstone with grass grown between is acceptable to staff.

Andrew Bruce
Development Services Manager

Approved for inclusion
R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Corporate Services

KN/kn
Attach.

FACT SHEET

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| 1. | APPLICATION NO.: | HRA04-0002 |
| 2. | APPLICATION TYPE: | Heritage Revitalization Agreement |
| 3. | OWNER: | Cheryl McKenzie |
| | . ADDRESS | 770 Bernard Avenue |
| | . CITY | Kelowna, BC |
| | . POSTAL CODE | V1Y 6P5 |
| 4. | APPLICANT/CONTACT PERSON: | Tammy Moore/ Scott Davis |
| | . ADDRESS | 686 Cassiar Road / 741 Elliot Ave |
| | . CITY | Kelowna, BC |
| | . POSTAL CODE | V1V 1M6 / V1Y 5T2 |
| | . TELEPHONE/FAX NO.: | 860-8651 |
| 5. | APPLICATION PROGRESS: | |
| | Date of Application (Original Rezoning): | April 23, 2004 |
| | Date Application Complete: | N/A |
| | Servicing Agreement Forwarded to Applicant: | N/A |
| | Servicing Agreement Concluded: | N/A |
| | Staff Report to APC: | April 27, 2004 |
| | Staff Report to Council | N/A |
| 6. | LEGAL DESCRIPTION: | Lot 9, Block 12, DL 138, ODYD, Plan 202 |
| 7. | SITE LOCATION: | On Bernard Avenue between Ethel and Richter Streets. |
| 8. | CIVIC ADDRESS: | 770 Bernard Avenue |
| 9. | AREA OF SUBJECT PROPERTY: | 604m ² |
| 10. | EXISTING ZONE CATEGORY: | RU6 – Two Dwelling Housing |
| 11. | PURPOSE OF THE APPLICATION: | TO ENTER INTO A HERITAGE REVITALIZATION AGREEMENT TO FACILITATE THE USE OF THE SUBJECT PROPERTY AS A PROFESSIONAL OFFICE (ADVERTISING & DESIGN) AND A RESIDENCE. |
| 12. | MIN. OF TRANS./HIGHWAYS FILES NO.: | N/A |
| | NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | |
| 13. | DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | N/A |

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Photographs
- Site Plan
- Floor Plans
- Letter from Applicant
- Schedule “A” – Heritage Revitalization Agreement