
CITY OF KELOWNA

MEMORANDUM

DATE: SEPTEMBER 6, 2006
TO: CITY MANAGER
FROM: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

APPLICATION NO. HRA06-0001 **OWNER:** Valerie Hallford
AT: 429 Park Avenue **APPLICANT:** Valerie Hallford

PURPOSE: TO DESIGNATE THE HERITAGE HOUSE AT 429 PARK AVENUE AS A MUNICIPAL BUILDING UNDER SECTION 967 OF THE LOCAL GOVERNMENT ACT

TO SUBDIVIDE THE EXISTING PROPERTY IN ORDER TO ALLOW FOR THE CONSTRUCTION OF A SINGLE FAMILY DWELLING ON THE NEWLY CREATED PARCEL

TO ALLOW THE RESTORATION OF THE HERITAGE HOUSE AT 429 PARK AVENUE

TO ADD AN ADDITION (FOR AN AFFORDABLE SECONDARY SUITE) TO THE EXISTING HERITAGE HOUSE AT 429 PARK AVENUE

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Council consider a bylaw which would authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for the property Lot 8, Block 6, District Lot 14, ODYD Plan 431, located on Park Avenue, Kelowna, B.C., as described in the report from the Planning & Development Services Department dated September 5, 2006;

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

AND THAT City Council consider designation of the building located at 429 Park Avenue, Kelowna, B.C., commonly known as the "Reekie House" as a Municipal Heritage Site pursuant to Section 967 of the Local Government Act;

AND FURTHER THAT a Heritage Designation 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:

- a) The requirements of the Works and Utilities Department being addressed to their satisfaction;
- b) Registration of a Housing Agreement on title of 429 Park Avenue which recognizes the new secondary suite as “affordable rental housing”;
- c) Completion of the proposed improvements and restoration to the Reekie House located at 429 Park Avenue to the satisfaction of the Inspection Services Division.

2.0 SUMMARY

Through the mechanism of a Heritage Revitalization Agreement, the applicant is proposing a subdivision of the existing property in order to allow for the construction of a single family dwelling on the newly created parcel. In addition the applicant is proposing heritage restoration works to the existing single family dwelling, the designation of this building as a Heritage Building, and an addition which will accommodate a small secondary suite which has been identified for affordable housing.

3.0 COMMUNITY HERITAGE COMMISSION

At the regular meeting of July 11, 2006:

That the Community Heritage Commission **not support** Heritage Revitalization Agreement Application No. HRA06-0001 for 429 Park Avenue, Lot 8, Plan 431, Sec. 24, Twp. 25, ODYD, by Valerie Hallford, to enter into a Heritage Revitalization Agreement to allow for a subdivision and construction of a single family dwelling unit on the newly created lot.

4.0 ADVISORY PLANNING COMMISSION

At the regular meeting of July 18, 2006:

That the Advisory Planning Commission **not support** Heritage Revitalization Agreement Application No. HRA06-0001 for 429 Park Avenue, Lot 8, Plan 431, Sec. 24, Twp. 25, ODYD, by Valerie Hallford, to enter into a Heritage Revitalization Agreement to allow for a subdivision and construction of a single family dwelling unit on the newly created lot.

The Advisory Planning Commission made the following comments with regard to their recommendation:

Decisions should not be made on financial considerations or neighbourhood disputes. Variances requested on this property run with the land; off-street parking will indefinitely be a problem. Setback relaxations over strong objections of the neighbours are offensive. HRA protocols do not adequately protect the property from future development.

5.0 BACKGROUND

The subject property is included on Kelowna's Heritage Register. See policy section for further details.

6.0 PROPOSAL

Through the mechanism of a Heritage Revitalization Agreement, the applicant is proposing relaxations to the subdivision and setback standards of the RU1 – Large Lot Housing zone. These relaxations will facilitate the subdivision of the existing

single family lot and allow for the construction of a “heritage-style” single family dwelling on the newly created lot. Through this same agreement, the applicant is also proposing a small addition to the rear of the existing heritage house at 429 Park Avenue. This addition will house a bachelor style secondary suite. The applicant has committed that this suite will be rented at an affordable rate and will protect the affordability through the registration of a housing agreement on the title of the property.

To facilitate the subdivision, the applicant is proposing to relax the minimum lot width for an RU1 lot from 12.19m from 16.5m required and the minimum lot area from 550m² required to 437m² proposed. Within the site itself, the applicant is also proposing to vary the minimum side yard setback (east side) from 2.0m required to 1.2m proposed, and the minimum rear yard setback from 7.5m required to 2.0m proposed. The applicant has indicated that the reduced rear yard setback for the proposed house is being sought in order that the existing mature vegetation on the site be preserved.

The access to the newly created lot would be via a driveway from Park Avenue which would traverse the middle of the property and allow for two automobiles to park side by side. This type of parking arrangement is not supported by the Zoning Bylaw; however, bylaw provisions could be waived through the Heritage Revitalization Agreement.

The applicant has committed to a design for the house to be located on the new lot. This design and siting of this new building would be ensured through their inclusion as a Schedule to the Heritage Revitalization Agreement. The dwelling proposed for the new site is 1.5 storeys in height and would be Arts and Crafts in style with shingle and board siding, and a shingle roof. The house would measure 83m² at grade with 42m² of living area in the roof for a total of 125m² of floor area.

The proposed addition to the rear of the existing house will measure 46m² in size and will be finished with shingle roof and siding to match the existing heritage house.

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

CRITERIA	PROPOSAL	RU1 REQUIREMENTS
Lot Size (m ²) (existing)	1091m ²	550m ²
Lot Width	30.48m	16.5m
Lot Depth	35.75m	30.0m
Site Coverage (%) (Buildings)	12%	40%
Site Coverage (%) (Including Parking)	17%	50%
Parking	2 stalls	2 stalls
Lot with Reekie House (after subdivision) – Including Addition of Secondary Suite		
Lot Size (m ²) (existing)	654m ²	550m ²
Lot Width	18.29m	16.5m
Lot Depth	35.75m	30.0m
Site Coverage (%) (Buildings)	34.6%	40%
Site Coverage (%) (Including Parking)	45%	50%

Parking	2 stalls ^⑥	3 stalls
Setbacks		
Front	9.44m	4.5m
Side (e)	6.0m	2.0m
Side (w)	2.0m	2.0m
Rear	7.5m	7.5m
New Lot with Proposed Heritage Style House		
Lot Size (m ²) (existing)	437m ² ^①	550m ²
Lot Width	12.19m ^②	16.5m
Lot Depth	35.75m	30.0m
Site Coverage (%) (Buildings)	31.4%	40%
Site Coverage (%) (Including Parking)	45.2%	50%
Parking	2 stalls ^⑤	2 stalls
Setbacks		
Front	18.0m	4.5m
Side (e)	1.2m ^③	2.0m
Side (w)	2.0m	2.0m
Rear	2.0m ^④	7.5m

① The applicant is seeking to vary the minimum lot area for a new RU1-Large Lot Housing zoned lot from 550m² required to 378m² proposed.

② The applicant is seeking to vary the minimum lot width for a new RU1-Large Lot Housing zoned lot from 16.5m required to 12.19m proposed.

③ The applicant is seeking to vary the eastern side yard setback from 2.0m required to 1.2m proposed.

④ The applicant is seeking to vary the rear yard setback from 7.5m required to 2.0m proposed.

⑤ The applicant is seeking to vary Parking and Loading standards to allow parking in the front yard.

⑥ The applicant is seeking to vary the Parking and Loading standards to eliminate the required parking for the secondary suite.

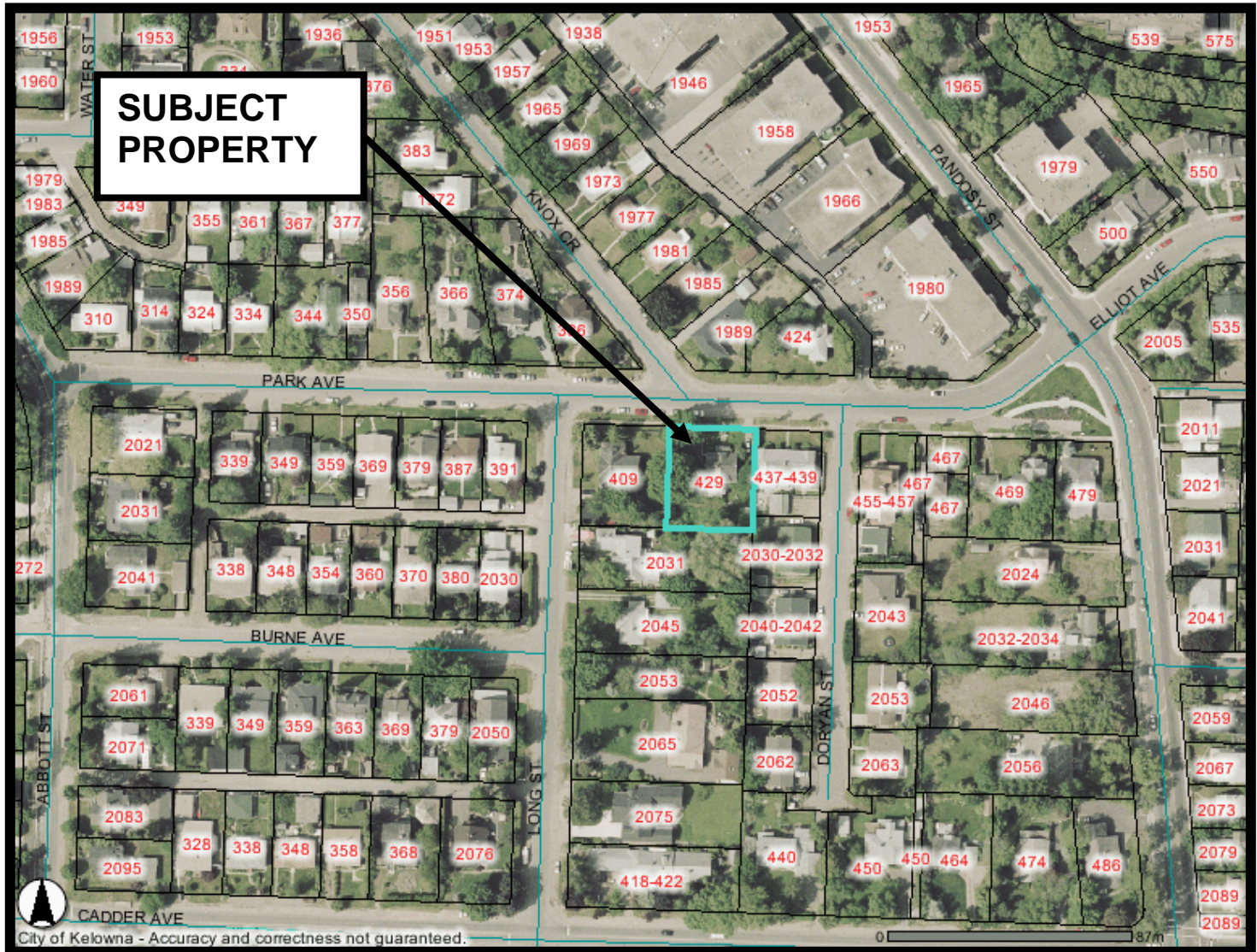
6.1 Site Context

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 southern side of Park Avenue between Doryan Street and Long Street

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 – Large Lot Housing – Single Family Dwelling

6.2 Site Location Map
Subject Property: 429 Park Ave.



7.0 CURRENT DEVELOPMENT POLICY

7.1 Kelowna Official Community Plan

The subject property is designated single/two unit residential by Kelowna's Official Community Plan. The Single/Two Family Residential designation covers single detached homes, 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.

7.2 City of Kelowna Strategic Plan (2005)

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.

7.3 Abbott Street and Marshall 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.

While the style of the proposed new house seems to be consistent with the development guidelines for the heritage area, the proposal compares to other development guidelines for the heritage area as follows:

- Proposed development does not maintain the established front yard setback for the street.
- Front drive is provided with no rear garage.
- Spacing between buildings does not conform to the established pattern in that the proposed house would require a variance to its side yard setback and rear yard setback.
- New construction does maintain the established massing of the streetscape (in terms of location on the lot).
- Main entrance for new dwelling will lose its prominence due to the large setback to the street.
- Mature trees are to be retained as recommended in the guidelines.
- Proposed subdivision does not maintain the established pattern of lot sizes on the block.
- Creating narrow lots by splitting length-wise into two is not encouraged unless the frontage of each lot is not less than 10% narrower than the dominant lot pattern on the block.

7.4 Heritage Register

The Reekie House located at 429 Park Avenue is a well-preserved and early Arts and Crafts cottage. The house is nearly square in plan with ridge parallel to the street. The house displays eave brackets, exposed rafter ends and good wood detail. The right hand side has double French-Styled doors which open onto a small wheelchair accessible terrace.

The Reekie House was likely built by Alderman F.A. Taylor in 1907. Taylor had property in E Kelowna (occupation listed as "bee-keeping" 1919-27) and was member of first board of SE Kelowna Irrigation District (1922), early deacon of 1st Baptist Church (1906) from 1936-44 listed as insurance agent.

Mary Ellen Dykes (an early woman investor) purchased the house in 1912.

John E. Reekie bought the property in 1920. Jeanetta Reekie was 1 of the original businesswomen in Kelowna. In 1936 J.E. Reekie was president of Okanagan Oil & Gas Co., which drilled unsuccessful oil wells in Okanagan Mission and East Kelowna. Daughter Jeannette M. Reekie later took over and operated Reekie Agencies (Insurance and Real Estate est. 1925, now Interior Insurance).

Note: Given that the subject property is recognized on Kelowna's Heritage Register, staff will support a Heritage Designation of the property in the interests of long-term heritage preservation.

8.0 TECHNICAL COMMENTS

This application was circulated to various City Departments and technical agencies and the following comments were received:

8.1 Fire Department

Fire fighter access from the front/street side of the property to the back building(s) is not to be impeded at anytime. The address for both residences is to be visible from the street.

8.2 Inspection Services Division

Spatial separation concerns on east elevation of proposed new residence (proposed 1.2 metre setback).

8.3 Fortis BC, Parks Department, RCMP, School District No.23, Terasen, Telus

No concerns.

8.4 Shaw Cable

Owner/Developer to install Shaw duct, as per Shaw specifications and drawings.

8.5 Works and Utilities

The Works & Utilities Department comments and requirements regarding this application.

8.5.1 Domestic Water and Fire Protection

The existing house is provided with a 19mm-water service that may continue to be used to supply the main residence and the proposed suite. Metered water from the main residence must be extended to supply the suite.

Arrange for individual lot connections before submission of the subdivision plan, including payment of connection fees (provide copy of receipt).

A water service for the proposed lot can be provided from a 150mm diameter PVC watermain on Park Avenue.

8.5.2 Sanitary Sewer

The existing house is provided with a single 100mm-diameter sanitary sewer service that should be used to service the main residence and the proposed suite. An inspection chamber is in place.

Arrange for individual lot connections before submission of the subdivision plan, including payment of connection fees (provide copy of receipt).

A sanitary service for the proposed lot can be provided from a 200mm diameter PVC sewer main on Park Avenue.

8.5.3 Roads

Park Avenue fronting this property must be constructed to a full urban standard including curb and gutter, fillet pavement, adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. The construction of the full urban upgrade of Park Avenue fronting this development will be deferred. A one-time cash payment shall be collected from the developer to pay for the future urban upgrade.

8.5.4 Drainage

The property is located within the City of Kelowna drainage service area. The Subdivision, Development and Servicing Bylaw requires that each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydro-geotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.

Provide a detailed Lot Grading Plan.

8.5.5 Geotechnical Report

Provide a modified geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.

The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.

Site suitability for development.

Any special requirements for construction of driveways, utilities and building structures.

Recommendations for roof drains and perimeter drains.

Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).

Recommendations for items that should be included in a Restrictive Covenant.

Any items required in other sections of this document.

8.5.6 Site Related Issues

Adequate off-street parking must be provided. The proposed on-site parking spaces shall meet the requirements of the zoning bylaw No. 8000.

8.5.7 Power and Telecommunication Services

Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

Before making application for approval of your subdivision plan, please make arrangements with Aquila for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application for final approval.

8.5.8 Design and Construction

Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.

Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.

Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).

A “Consulting Engineering Confirmation Letter” (City document ‘C’) must be completed prior to submission of any designs.

Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City’s Works & Utilities Department. The design drawings must first be “Issued for Construction” by the City Engineer.

8.5.9 Servicing Agreements for Works and Services

A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant’s Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.

Part 3, “Security for Works and Services”, of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

8.5.10 Charges and Fees

Levies

Park Avenue - Road Frontage improvements	
One-time cash payment for future urban upgrading.	\$10,705.00

9.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department is generally supportive of infill development within neighbourhoods in close proximity to Kelowna’s Urban Centres, Staff would like to note that the proposed development is inconsistent with many guidelines for development and subdivision within the Heritage Conservation Area and may detract from the overall heritage character of the subject property. The proposed subdivision and lot layout compromises the older residential character of the neighbourhood. An additional issue is the applicant’s proposal to allow an encroachment of an existing patio (terrace) for the existing residence onto the proposed newly created lot by way of an encroachment easement (for a wheelchair ramp). Staff is of the opinion that the proposed layout is awkward and could potentially lead to conflict between future property owners. The applicant has also not demonstrated that the parking requirement, triggered by the additional dwelling unit (addition to the Heritage Building), may be met.

While concerns relating to the development proposal have been explained in the paragraph above, staff must also point out the positive aspects of the application. The applicant has invested considerable time and thought into a detailed development plan and has committed to a restoration plan for the heritage house as well as a Heritage Designation for this structure. The applicant is also attempting to retain a large amount of the mature vegetation which currently exists on site including two large trees which are identified in the City's Heritage Tree Inventory. Furthermore, the applicant is attempting to pursue a plan which will allow an "ageing in place" situation and create one unit of affordable housing. The applicant is also making efforts to ensure that the existing house is wheelchair accessible and that paved/impermeable surfaces on the sites are kept to a minimum.

Having noted both the pros and cons of this application, Council should also note the alternatives which staff has provided to the applicant for consideration. The alternatives listed below are scenarios that staff would be more willing to support than the proposed subdivision. Staff recommends that the applicant either rezone the property to the RU6 – Two Dwelling Housing, allowing for a second dwelling which could facilitate stratification of the property, or to the RU1s – Large Lot Housing with Secondary Suite zone, allowing for a secondary suite. While Staff has suggested the RU1s rezoning, as this would have the least impact on the property, it is noted that the RU6 zone option would allow for the construction of a second dwelling unit (e.g. a second house) which would also be consistent with the future land use designation of single/two unit residential in the Official Community Plan. Planning Staff have discussed the options described above with the applicant; however, the applicant has indicated that neither option suitably achieves the intended outcome for the development.

The Planning and Development Services Department supports the restoration and designation of the heritage building and also supports the calibre of architectural design displayed by the proposed infill house and the secondary suite addition. In general, staff also supports the retention of existing vegetation and more specifically trees identified on Kelowna's Heritage Tree Inventory. Staff is also committed to the provision of affordable housing and the creation of development scenarios which permit "ageing in place". In light of the issues raised in the analysis of this application, staff believes that there is merit to going to a public hearing to gauge the level of community support for this type of proposal. While concerned about inconsistencies with Heritage related policy and the unconventional nature of the subdivision, staff supports further consideration of this application by Council based upon social/environmental benefits to which the applicant has committed.

Shelley Gambacort
Acting Manager of Development Services

Approved for inclusion ☐

Mary Pynenburg, MRAIC MCIP
Director of Planning & Development Services

MP/SG/rs
Attach

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Elevations
- Floor Plans (existing and proposed)
- Restoration Plan
- Site Data Sheet