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CITY OF KELOWNA

MEMORANDUM

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**DATE:** March 27, 2009

**TO:** City Manager

**FROM:** Land Use Management Department

**APPLICATION:** HRA09-0001      **OWNER:** Lois McCloskey

**AT:** 770 Bernard Avenue      **APPLICANT:** Lois McCloskey

**PURPOSE:** THE APPLICANT IS SEEKING AN AMENDMENT TO THE EXISTING HERITAGE REVITALIZATION AGREEMENT TO PERMIT CHANGES TO THE USE AND LAYOUT OF THE EXISTING HERITAGE STRUCTURE.

TO VARY THE PROJECTION INTO THE SIDE YARD (W) FROM 0.6M PERMITTED TO 1.6M PROPOSED

**EXISTING ZONE:** RU6 – TWO DWELLING HOUSING

**REPORT PREPARED BY:** ALEC WARRENDER

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1.0 RECOMMENDATION

THAT Bylaw No. 9274 for HRA04-0002 be rescinded;

THAT Council consider a bylaw which would authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for the property Lot 9, Block 12, District Lot 138, ODYD, Plan 202, located at 770 Bernard Avenue, Kelowna, B.C., in the form of such agreement attached to the report from the Land Use Management Department dated March 27, 2009 as "Schedule A";

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

2.0 SUMMARY

The City of Kelowna and the previous homeowner had entered into a Heritage Revitalization Agreement (HRA) in order to permit the use of the subject property as a professional office (advertising & design studio) with one residential dwelling unit. The applicant is seeking an amendment to the existing HRA in order to change the use of the office space, to enlarge the existing residential dwelling unit and to alter the existing layout.

3.0 ADVISORY PLANNING COMMISSION

The Advisory Planning Commission (APC) passed the following recommendation at their meeting of March 17, 2009:

THAT the Advisory Planning Commission support Heritage Revitalization Agreement Application No. HRA09-0001, for 770 Bernard Avenue, Lot 9, Plan 202, by Lois McCloskey, to vary the projection into the side yard (w) from 0.6 m permitted to 1.6 m proposed.

THAT the Advisory Planning Commission support Heritage Revitalization Agreement Application No. HRA09-0001, for 770 Bernard Avenue, Lot 9, Plan 202, by Lois McCloskey, to amend the existing heritage revitalization agreement to permit changes to the use and layout of the existing heritage structure.

**4.0 COMMUNITY HERITAGE COMMISISON**

The Community Heritage Commission (CHC) passed the following recommendation at their meeting of March 5th, 2009:

THAT the Community Heritage Commission support Heritage Revitalization Agreement Application No. HRA09-0001, for 770 Bernard Avenue, by Lois McCloskey, to seek an amendment to the existing heritage revitalization agreement to permit changes to the used and layout of the existing heritage structure.

**5.0 PROPOSAL**

The subject property, included on the City of Kelowna’s Heritage Register, is located on the north side of Bernard Avenue between Richter and Ethel Street. This block of Bernard Avenue has been re-inventing itself over the last decade and many single family dwellings on both sides of the block are in adaptive re-use as offices, galleries, and small scale retail operations.

Through the amendment to the Heritage Revitalization Agreement, the applicant is proposing to refurbish the heritage house located at 770 Bernard Avenue. The applicant intends to relocate their medical clinic to the subject property. In order to accommodate the medical clinic a ramp will be added in order to make the clinic universally accessible. A variance to the permitted side yard projection is required in order to accommodate the proposed access ramp. The only other external changes include the replacement of a couple windows and a new front door. Overall the amount of office space will be reduced while the size of the residential dwelling unit is being increased. In order to accommodate the internal alterations a number of upgrades are taking place.

The applicant has indicated that the hours of operation for the medical would be 8am-6pm Monday to Friday and occasionally Saturday from 8:00-12:00 and that 1-4 employees will be engaged in the medical office. The office would occupy the entire first floor while the residential dwelling unit will occupy the second storey. The landscaping scheme will remain unchanged. Parking will be accessed from the lane where a total of 6 spaces will be provided. 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.

<b>CRITERIA</b>	<b>PROPOSAL</b>	<b>RU6 REQUIREMENTS</b>
Lot Area (m <sup>2</sup> )	604m <sup>2</sup>	700m <sup>2</sup>
Lot Width (m)	15.24m	18.0m
Lot Depth (m)	41.80m	30.0m

Site Coverage (%)	25% / 48%	40% for buildings 50% with parking and driveways
Storeys (#)	2	2.5 storeys (9.5m max.)
Setbacks (m)		
Front yard setback	11.1m	4.5m
Rear yard setback	15.6m	7.5m
Side (W) yard setback	2.4m	2.3m
Side (E) yard setback	2.6m	2.3m
Side Yard projection	1.6m (V1)	0.6m
Parking	6 stalls (tandem permitted for dwelling unit stall)	2 per dwelling unit 2.5 per 100 m <sup>2</sup> (131m <sup>2</sup> = 4 stalls) Total 6 stalls

(V1) Vary the projection into the side yard (W) from 0.6m permitted to 1.6m proposed

5.1 Site Location Map

770 Bernard Avenue



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:

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	RU6 – Two-Dwelling Housing	Residential
East	RU6 – Two-Dwelling Housing	Residential
South	RU6 – Two-Dwelling Housing	Residential
West	RU6 – Two-Dwelling Housing	Residential

## 6.0 CURRENT DEVELOPMENT POLICY

### 6.1 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.

### 6.2 Adaptive Re-use Guidelines

After consideration has been given to location, each adaptive re-use proposal must be assessed on its own merits as to whether the proposal would be appropriate within the context of the heritage building, the surrounding neighbourhood and adjacent property characteristics. In this regard, the following factors should be considered:

#### 6.2.1 Neighbourhood Resident Concerns

The concerns of neighbouring property owners should be considered. Identifying and, wherever possible, resolving these issues when developing the terms and conditions specific to an application is important. Applicants are encouraged to discuss their proposed adaptive reuse with neighbouring property owners.

#### 6.2.2 Residential Component

A residential component (secondary suite, principal dwelling, etc.) should be provided in conjunction with a non-residential use in order to minimize impacts on the residential character of a neighbourhood. For security purposes, incorporating a residential component is particularly important where a high concentration of adaptive re-uses occurs along a particular block.

#### 6.2.3 Concentration of Adaptive Re-Uses

Careful consideration must be given to avoid a concentration of adaptive re-uses in any given area. In this regard, consideration should be given to

maintaining the existing neighbourhood character. In addition, consideration should be given to whether or not permitting an adaptive re-use or a concentration of adaptive re-uses would limit the ability to redevelop the area to higher density uses supported in the OCP.

#### 6.2.4 Design Standards

Any heritage building restorations, renovations or alterations must respect the heritage character of the building and its surrounding area.

#### 6.2.5 Scale

The size and intensity of the adaptive re-use component should be compatible with the surrounding neighbourhood and able to be readily accommodated within an existing heritage building. The requirements of a specific use, and the available floor area in the existing building, will limit the extent and nature of the adaptive re-use proposal. It is recommended that the number of employees not exceed four non-resident employees at any given time for adaptive re-uses along major roads and two non-resident employees at any given time for adaptive re-uses along local roads. In addition to this, it is recommended that, as a guideline, the non-residential floor area not exceed 85 m<sup>2</sup> (915 sq. ft.) for adaptive re-uses along major roads and 60 m<sup>2</sup> (645 sq. ft.) for adaptive re-uses along local roads.

#### 6.2.6 Signage

Signage should be limited to one non-illuminated nameplate not to exceed 2.5 square feet in area and shall be placed within, flat against or hanging from the dwelling unit. Along major roads, signs of this size and dimension may be hung from a free standing post.

#### 6.2.7 Parking / Access

Consideration must be given to on-site parking, access and traffic generation associated with adaptive re-use proposals. In order to limit the impact on adjacent properties, the required number of on-site parking spaces should conform to the Parking Schedule of the Zoning Bylaw.

#### 6.2.8 Hours of Operation

No generation of vehicular traffic or parking of vehicles in excess of that permitted for the zone in which the adaptive re-use is located should be permitted during non-regular working hours. Generally, working hours should be limited to daytime hours, Monday through Friday.

#### 5.2.9 Screening

Screening helps lessen the impact of an adaptive re-use in a residential area. In this regard, outdoor storage and parking areas associated with an adaptive re-use should be well screened with fencing and landscaping

which are compatible in design with the heritage building and which form a year round dense screen.

### 6.3 Heritage Register

As indicated in the Heritage Register, the heritage home was built by F.R.E. DeHart (managing director of the Okanagan Fruit and Land Company), who sold it in 1907 to W.D. Harvey. Harvey was an accountant and secretary-treasurer of B.C. Growers Ltd. during the late teens and the twenties. About 1946, sold to Jake A. Lietz (wife Anne E.), a carpenter, who converted part of it to six rooms to rent.

This house has a low hipped roof with a large hipped roof bay (both levels). The front entrance is on the RH with decorative trellis and vines. The top RH window has shutters, and the main windows have wrought iron flower boxes. The LH side has a protruding bay on the first level. There is a decorative moulding overhang. There is also a side entrance with a decorative trellis.

### 7.0 TECHNICAL COMMENTS

#### 7.1 Development Engineering Branch See Attached.

#### 7.2 Fire Department Fire separations as per BCBC 2006. Fire department access from Bernard Ave.

#### 7.3 Building & Permitting Building permit required for exterior and interior renovations to BCBC 2006. Wheel chair ramp to meet accessibility requirements of section 3.8 BCBC 2006

### 8.0 LAND USE MANAGEMENT DEPARTMENT

The Land Use Management Department has no concerns with the use of the subject property as proposed. There is an existing HRA which allows the property to be used for commercial purposes. The proposed amendment will provide the home with a clear separation of the uses, the commercial activities will take place on the first floor and the residential dwelling unit will be located on the second floor.

The OCP encourages the use of Heritage Revitalization Agreements as a means of facilitating the adaptive re-use and continuing protection of heritage buildings. The proposal is also generally compatible with the Adaptive Re-use Guidelines for Residential Heritage Buildings. The only changes to the exterior building are for the access ramp, the new door and a few windows. Therefore the heritage character of the building will be retained. In addition, adequate parking which is to be screened from the adjacent properties is proposed. The proposed business will also be operated during times 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.

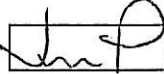
The variance required for the projecting access ramp should have little impact on the adjoining property. The amendment to the Heritage Revitalization Agreement will allow the office space to be used as a Doctor's office. The proposed office and residential uses can be accommodated without altering the physical appearance of the house or negatively impacting the neighbourhood.



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Danielle Noble  
Manager, Urban Land Use

Approved for Inclusion

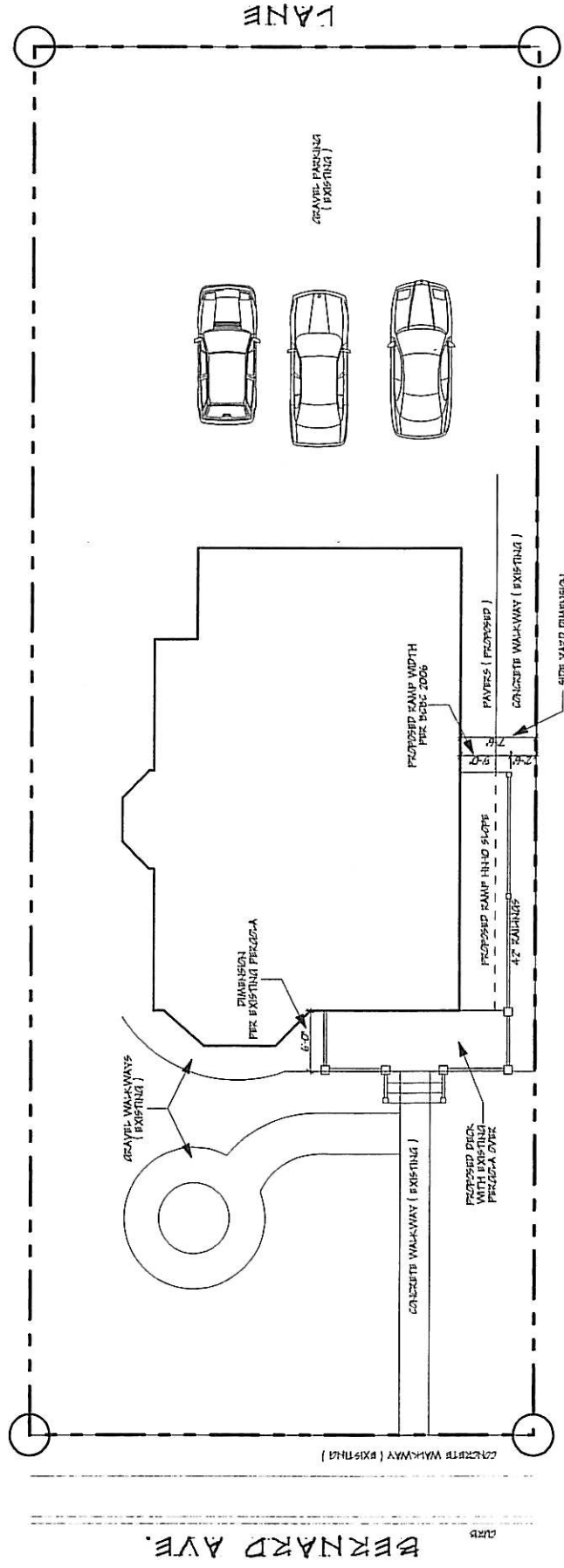


F/ Shelley Gambacort  
Director, Land Use Management

DN/aw

Attach

- Location Map
- Elevations
- Photographs of existing heritage structure
- Heritage Building Information

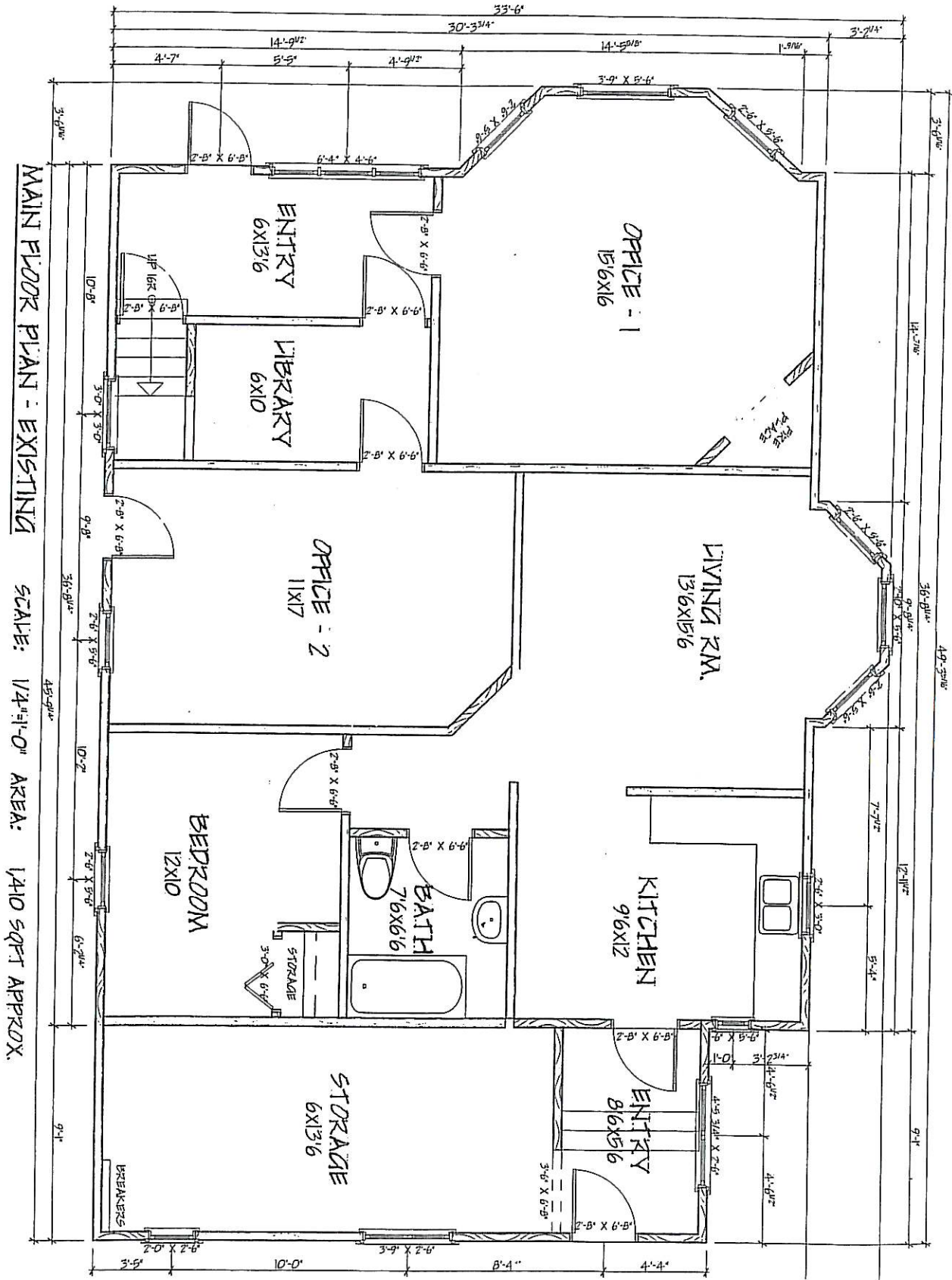


SITE PLAN #70 BERNARD - PROPOSED SCALE: 1/16"=1'-0"

BERNARD AVE.

LANE





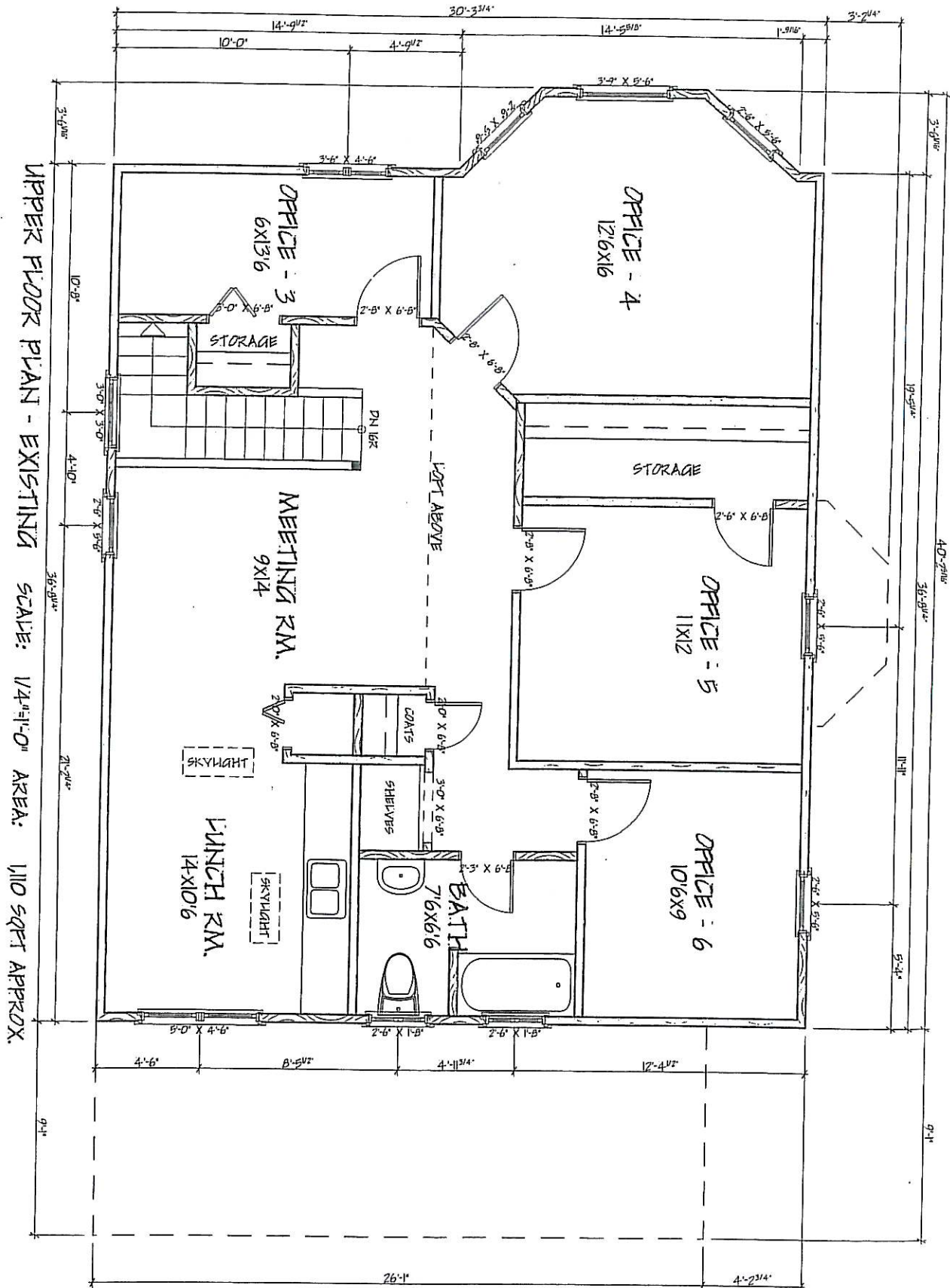
MAIN FLOOR PLAN - EXISTING

SCALE: 1/4"=1'-0" AREA: 1410 SQFT APPROX.

ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE BCCDC 2006 BRACKS WITHIN THESE DOCUMENTS AND TO BE REPORTED BACK TO THIS OFFICE. REFER TO LICENSED TRADESPERSONS FOR MECH, PLUMBING (ELECTRICAL RECOMMENDATION)!

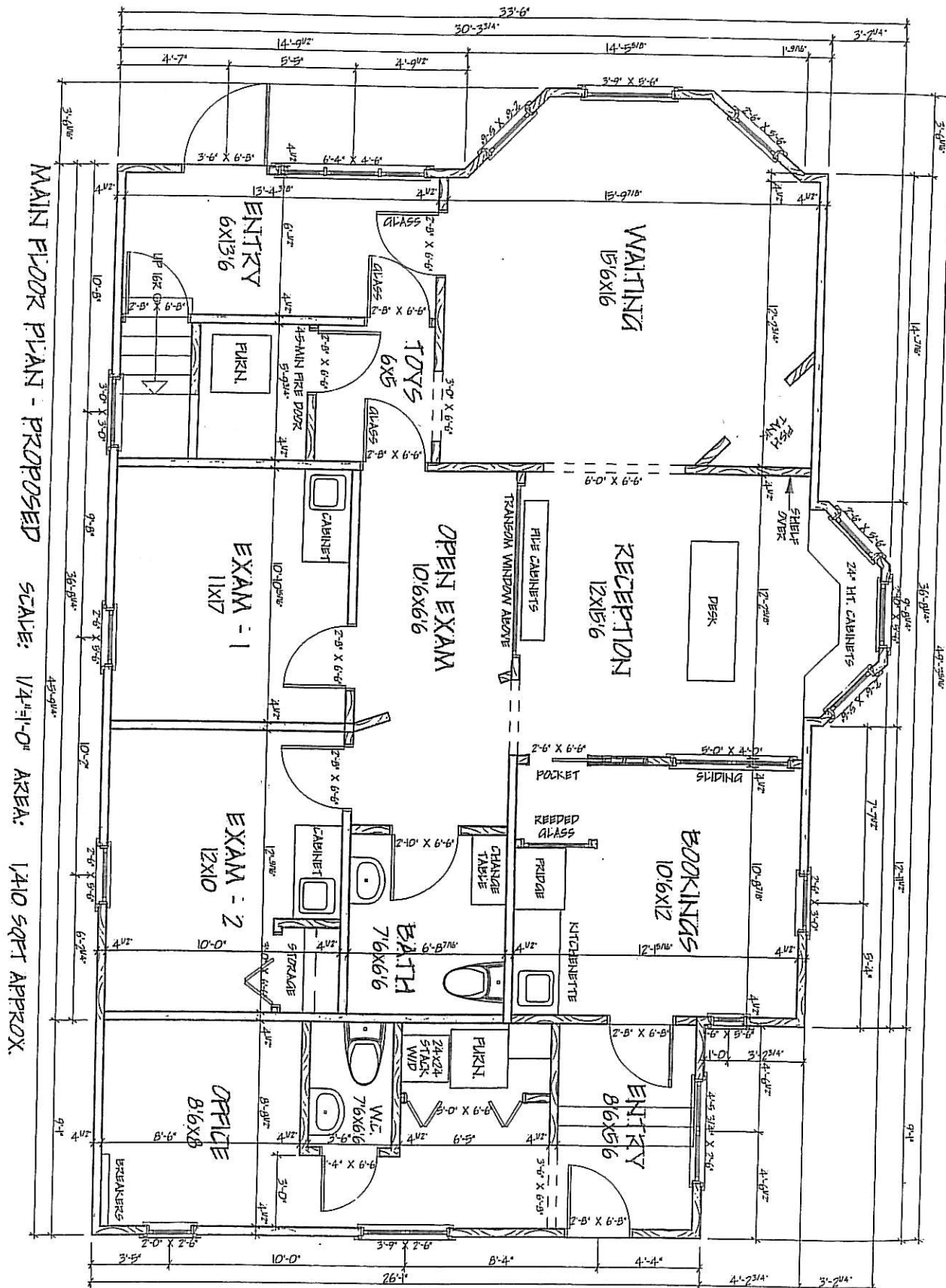
A1	SCALE: 1/4"=1'-0"	DWG. No. 09004	PROPOSED RENOVATION		DATE ISSUED	DESCRIPTION	DESIGNED BY
			270 BERTHARD AVE. FELLSVILLE, VIRGINIA 22824	FEB 10, 2009	FOR PERMIT	NEWELL	
SHEET No			NEWELL DESIGN STUDIO		250-118-9021		

MAIN FLOOR PLAN - EXISTING



ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE B.C.B.C. 2006. CHECKS WITHIN THESE PARAMETERS ARE TO BE REPORTED BACK TO THIS OFFICE. REFER TO LICENSED TRADEPROFESSIONS FOR MECH, PLUMBING (ELECTRICAL IN-PARTICULAR) /

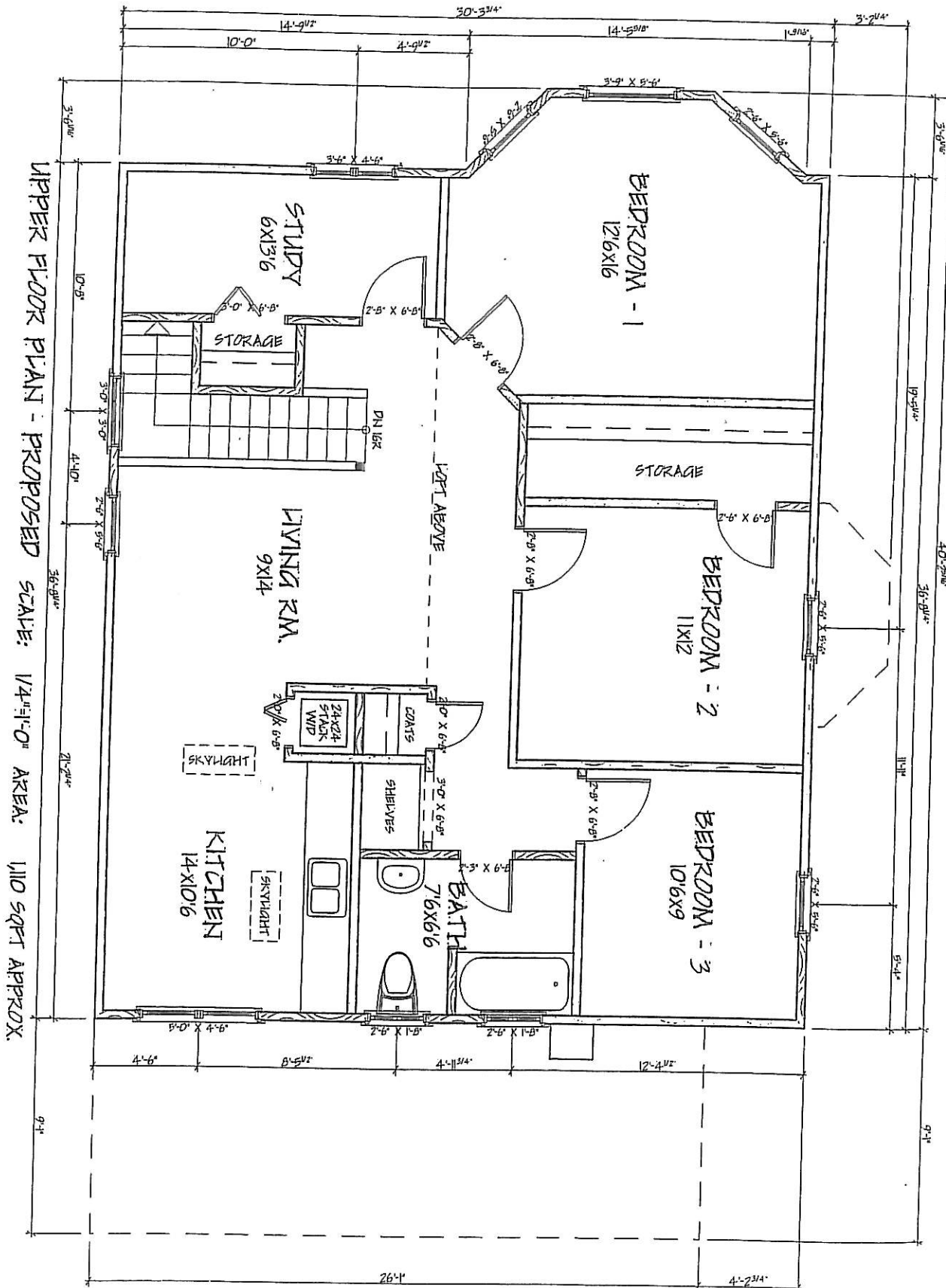
A3	SCALE: 1/4" = 1'-0"	DWG. No. 09004	PROPOSED RENOVATION		DATE ISSUED	DESCRIPTION	DESIGNED BY
			SHEET NO.		FEB 10, 2007	FOR PERMIT	NEWELL
300 BURNING WOOD AVE. KALISHTA, BRITISH COLUMBIA			UPPER FLOOR PLAN - EXISTING				DESIGN STUDIO
							250-443-5512



MAIN FLOOR PLAN - PROPOSED  
 SCALE: 1/4"=1'-0"  
 AREA: 1410 SQ FT APPROX.

ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE 2006 IBC CODE. ERRORS WITHIN THESE DOCUMENTS ARE TO BE REPORTED BACK TO THIS OFFICE. REFER TO LICENSED TRADESPERSONS FOR MECH, PLUMBING / ELECTRICAL & REGULATION !!

<b>A2</b> SCALE 1/4"=1'-0" SHEET NO.	<b>PROPOSED RENOVATION</b> 720 BROADWAY AVE FORT MYERS, FLORIDA 33901		DATE ISSUED FEB. 10, 2007	DESCRIPTION FOR PERMIT	DESIGNED BY <b>NEWELL</b> <b>DESIGN STUDIO</b> 250-448-6626
	<b>MAIN FLOOR PLAN - PROPOSED</b>			DATE ISSUED FEB. 10, 2007	DESCRIPTION FOR PERMIT



UPPER FLOOR PLAN - PROPOSED SCALE: 1/4"=1'-0" AREA: 1110 SQFT APPROX.

ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE BOCB 2006. BRICKS WITHIN THESE DOCUMENTS ARE TO BE REPORTED BACK TO THE OFFICE. REFER TO LICENSED TRADEPROFESSIONALS FOR MECH, PLUMBING & ELECTRICAL REQUIREMENTS.

**PROPOSED RENOVATION**

NO. 1002

DATE ISSUED: FEB. 10, 2002

DESCRIPTION: FOR PERMIT

DESIGNED BY: **NEWELL**

**DESIGN STUDIO**

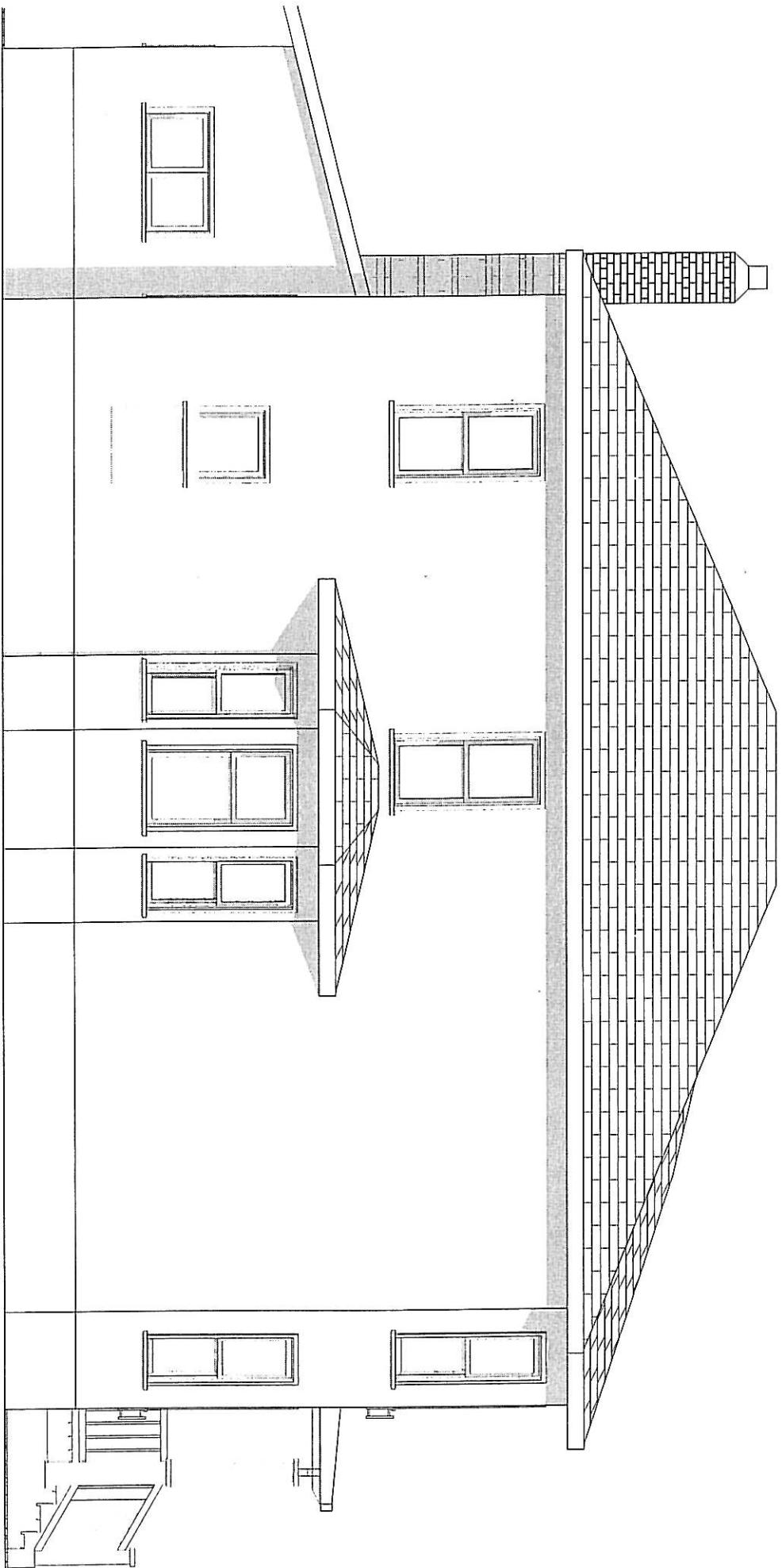
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DWG. NO. 0904

SCALE: 1/4"=1'-0"

SHEET NO. A4

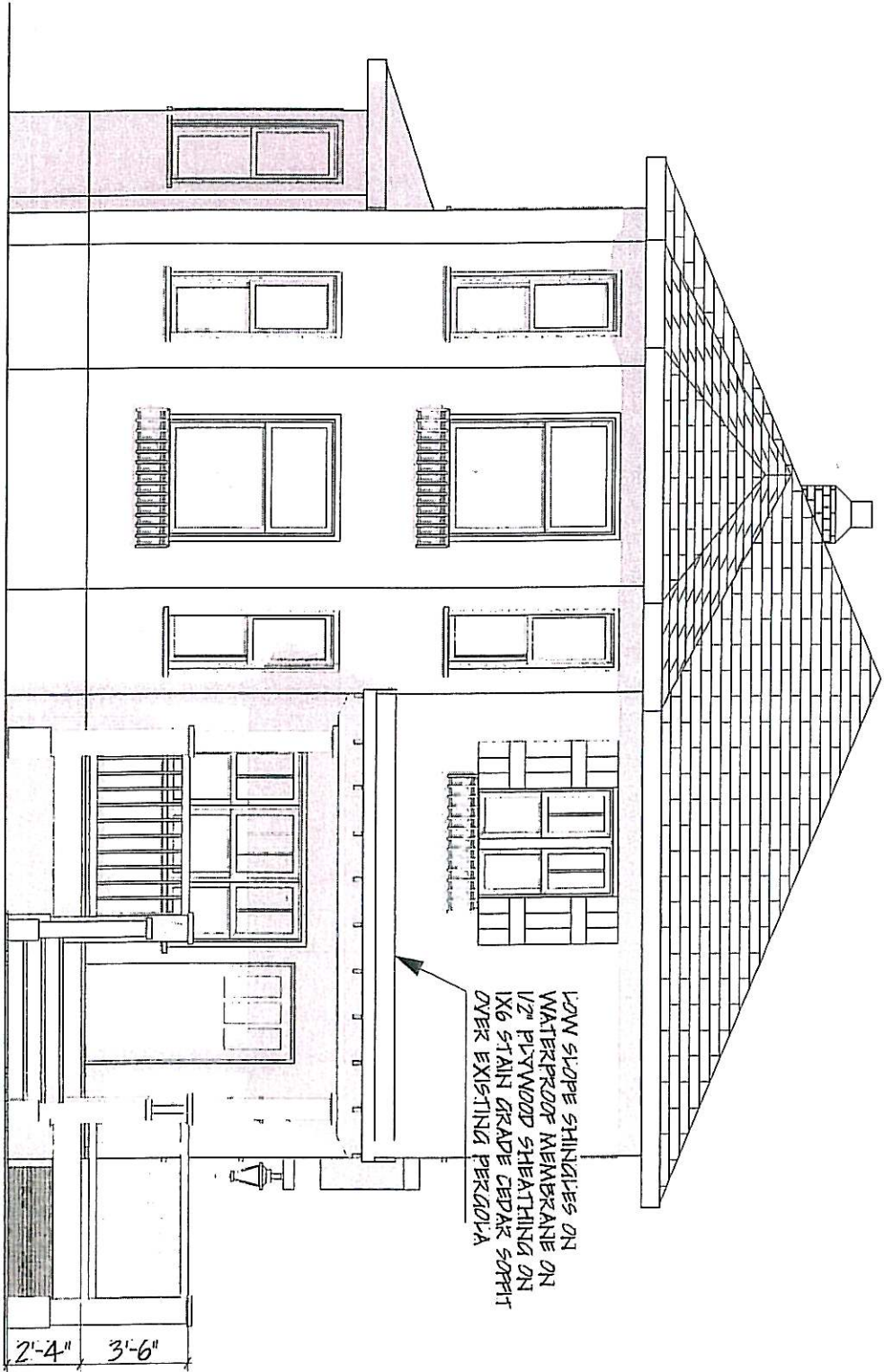
UPPER FLOOR PLAN - PROPOSED

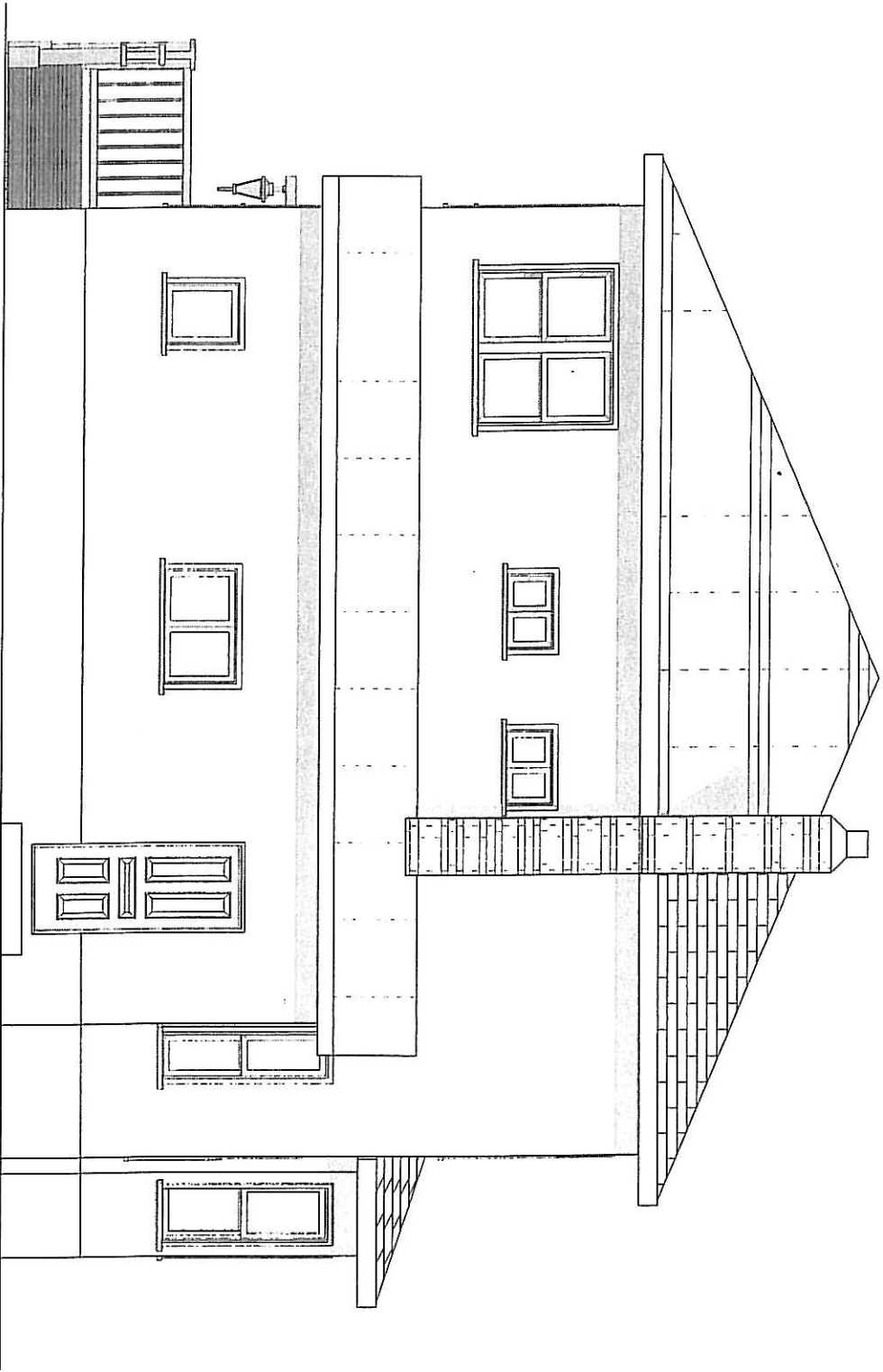


WEST ELEVATION SCALE: 3/16"=1'-0"

SOUTH ELEVATION

SCALE: 3/16"=1'-0"





NORTH ELEVATION

SCALE: 3/16"=1'-0"

LOW SLOPE SHINGLES ON  
WATERPROOF MEMBRANE ON  
1/2" PLYWOOD SHEATHING ON  
2X8 SLEEPERS ON  
1X6 STAIN GRADE CEDAR SOFFIT  
OVER EXISTING PERGOLA

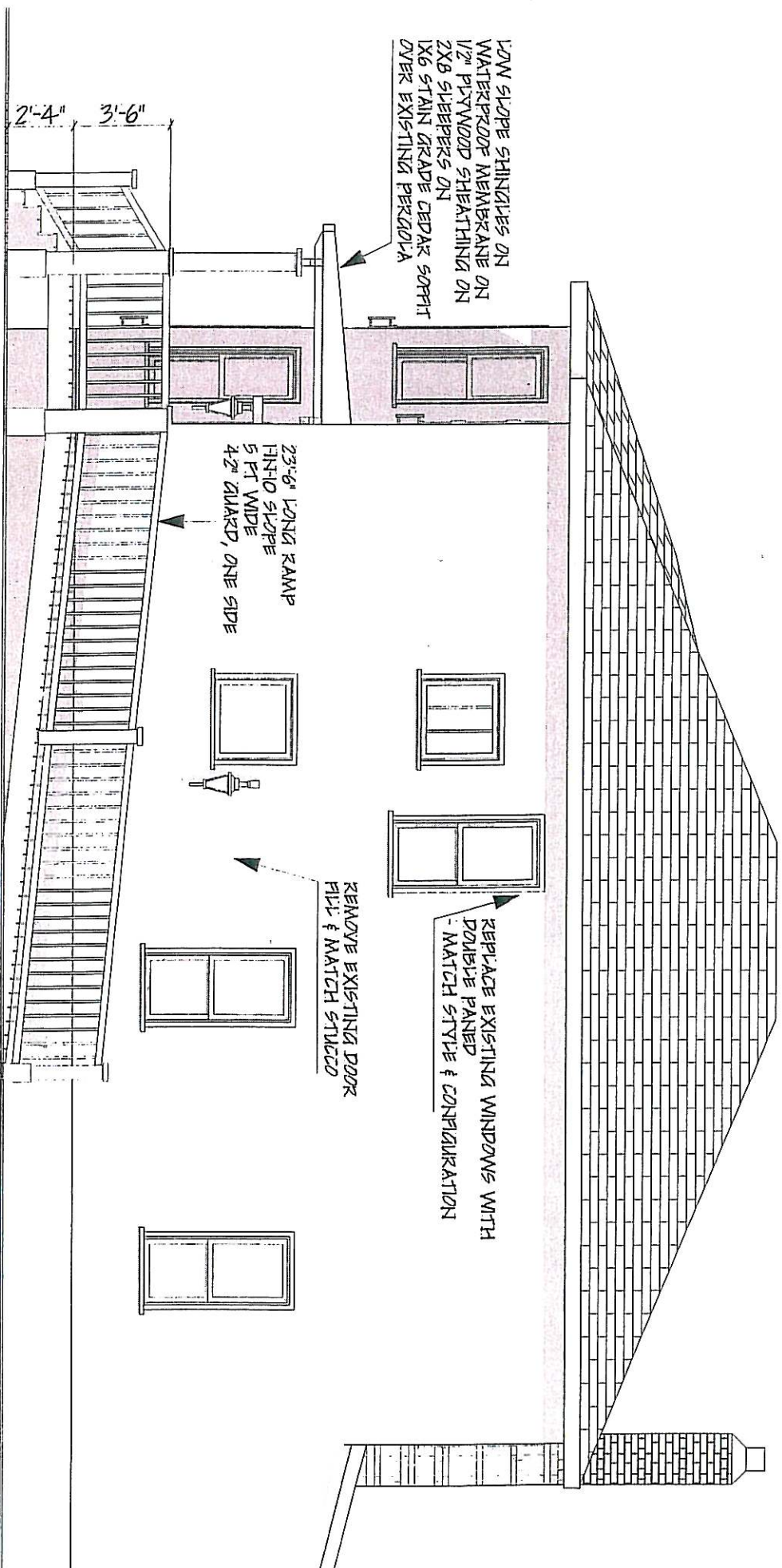
23'-6" LONG RAMP  
11% SLOPE  
5 FT WIDE  
4" GUARD, ONE SIDE

REMOVE EXISTING DOOR  
FILL & MATCH STUDCO

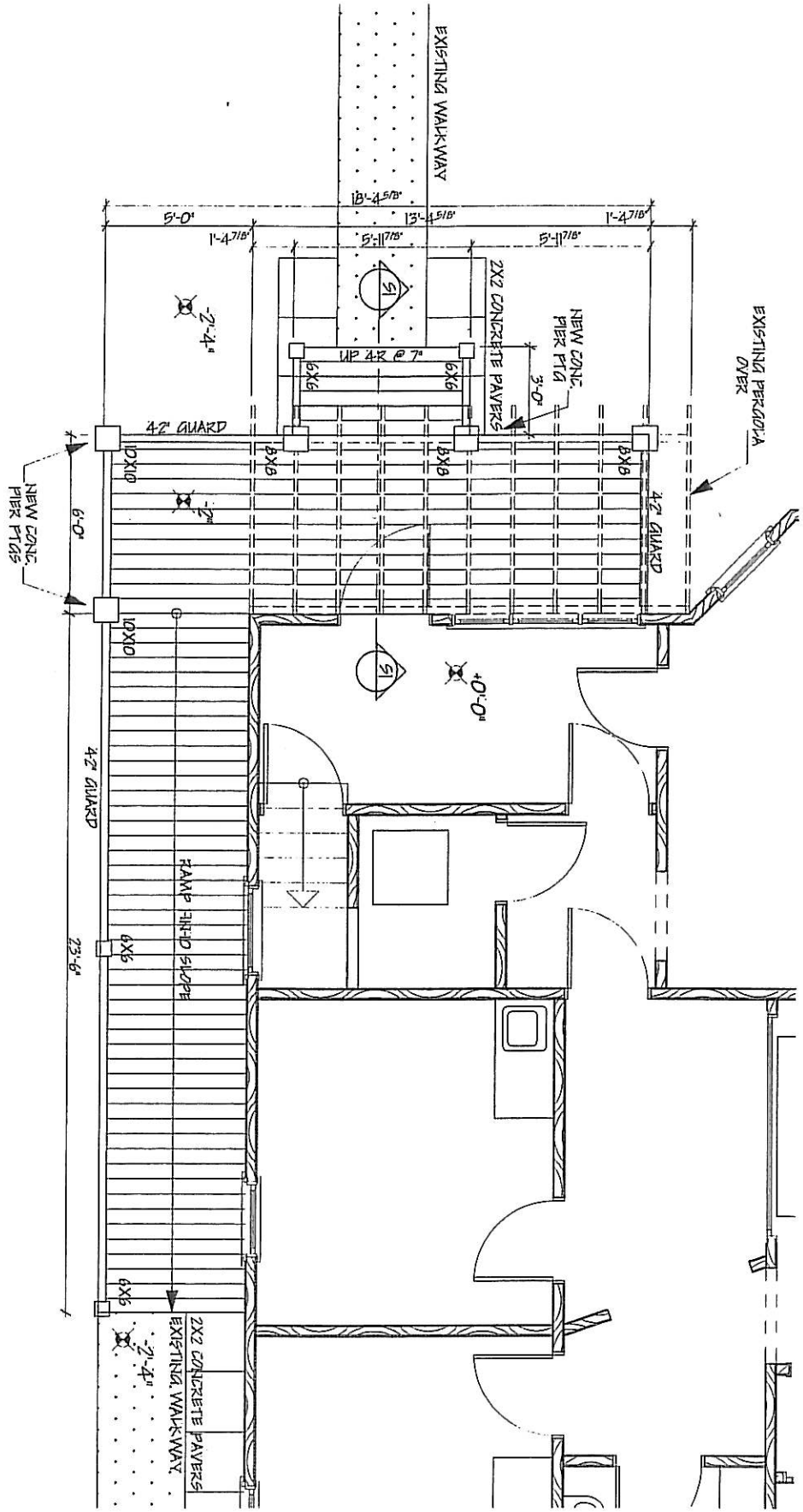
REPLACE EXISTING WINDOWS WITH  
DOUBLE PANED  
- MATCH STYLE & CONFIGURATION

2'-4" 3'-6"

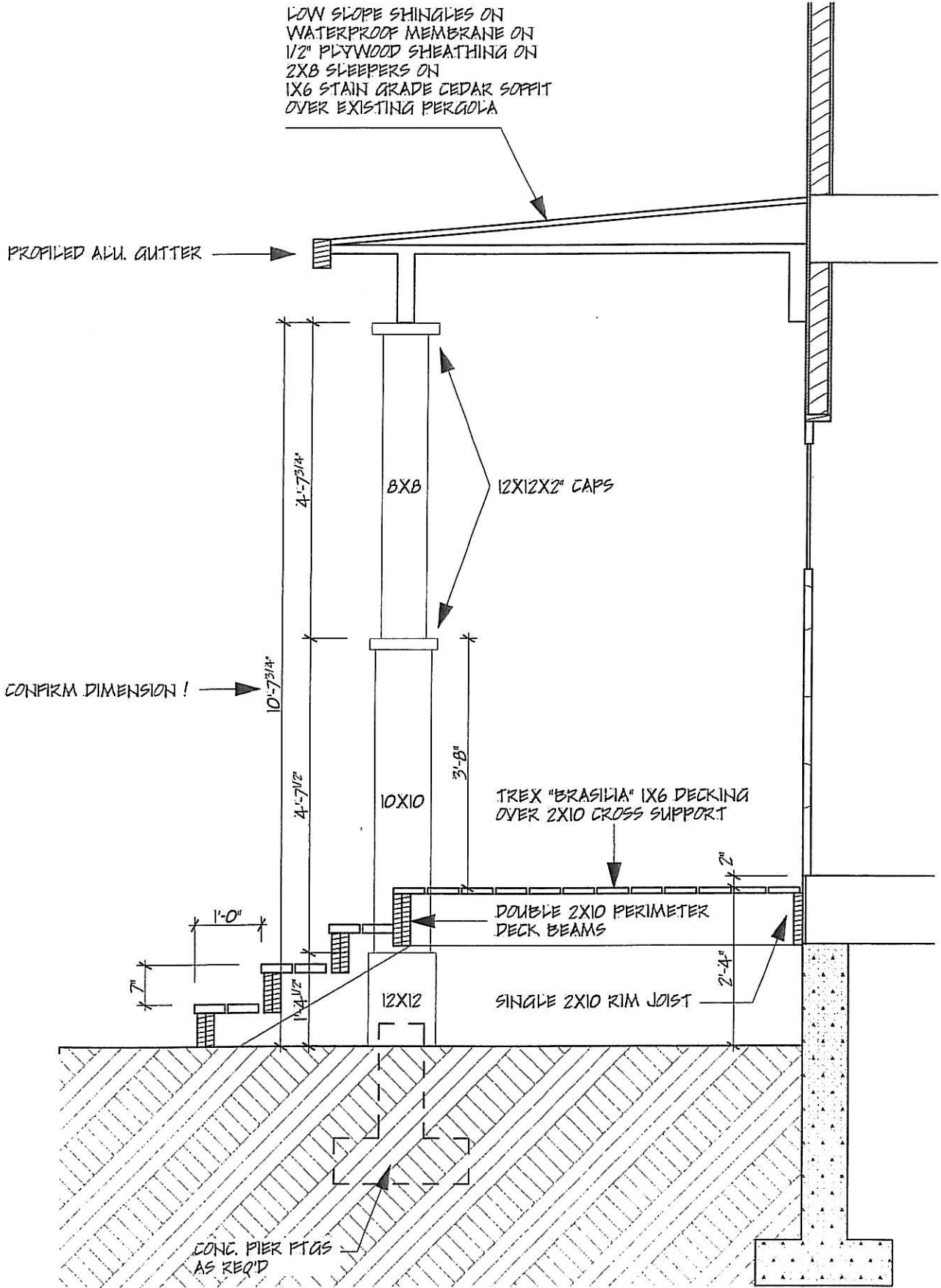
EAST ELEVATION SCALE: 3/16"=1'-0"





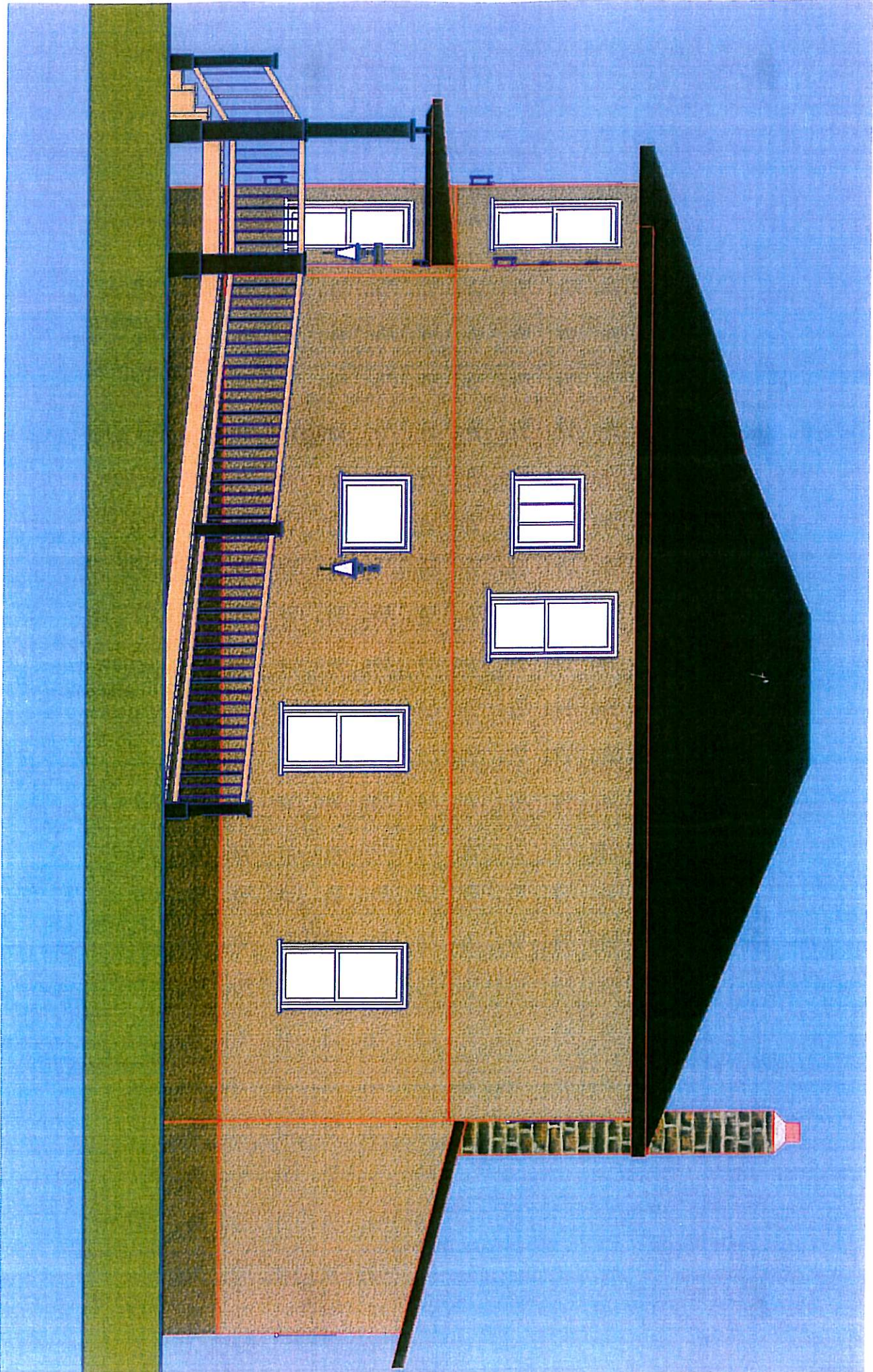


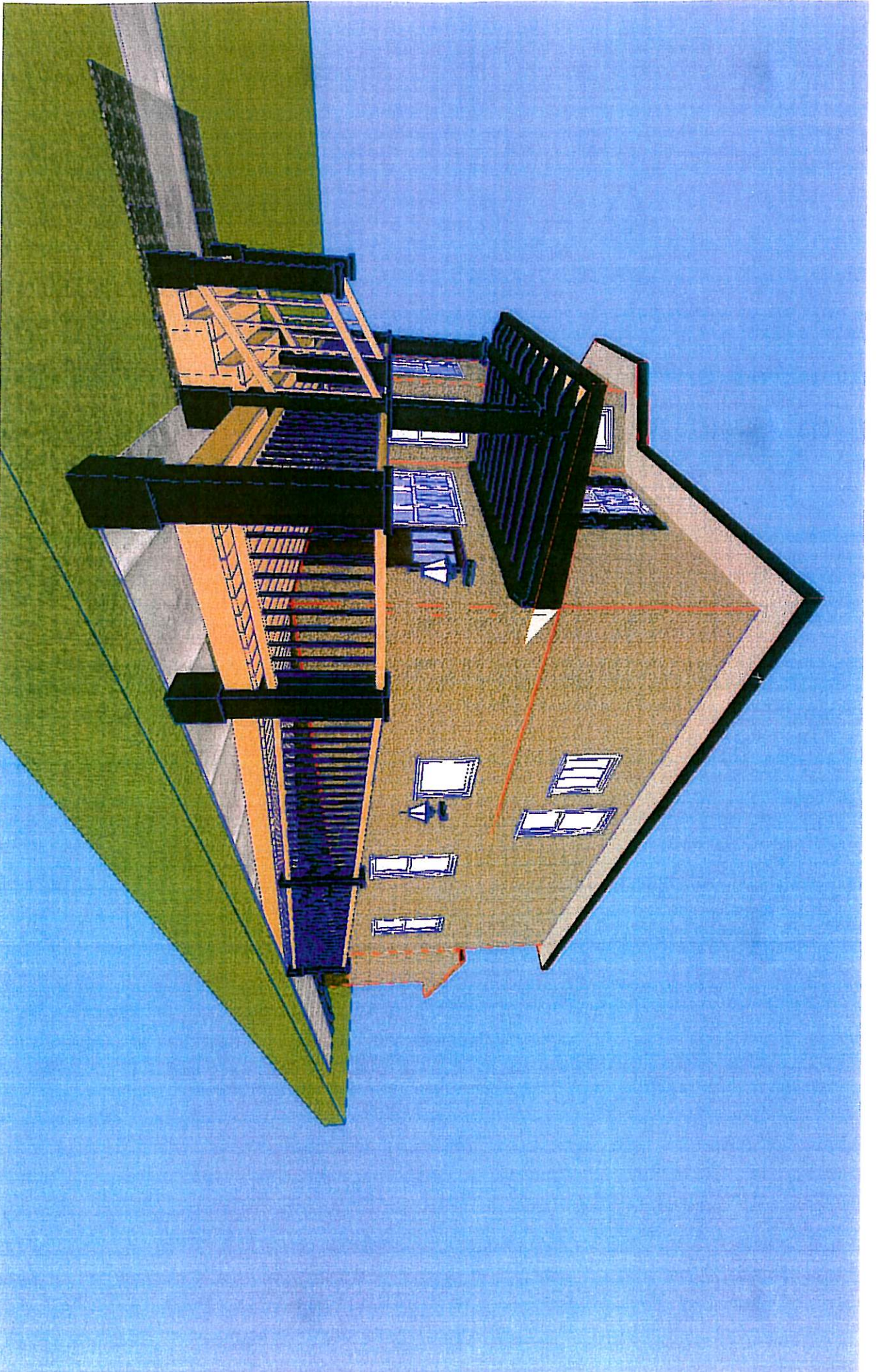
**PORCH PLAN - PROPOSED SCALE: 3/16"=1'-0"**

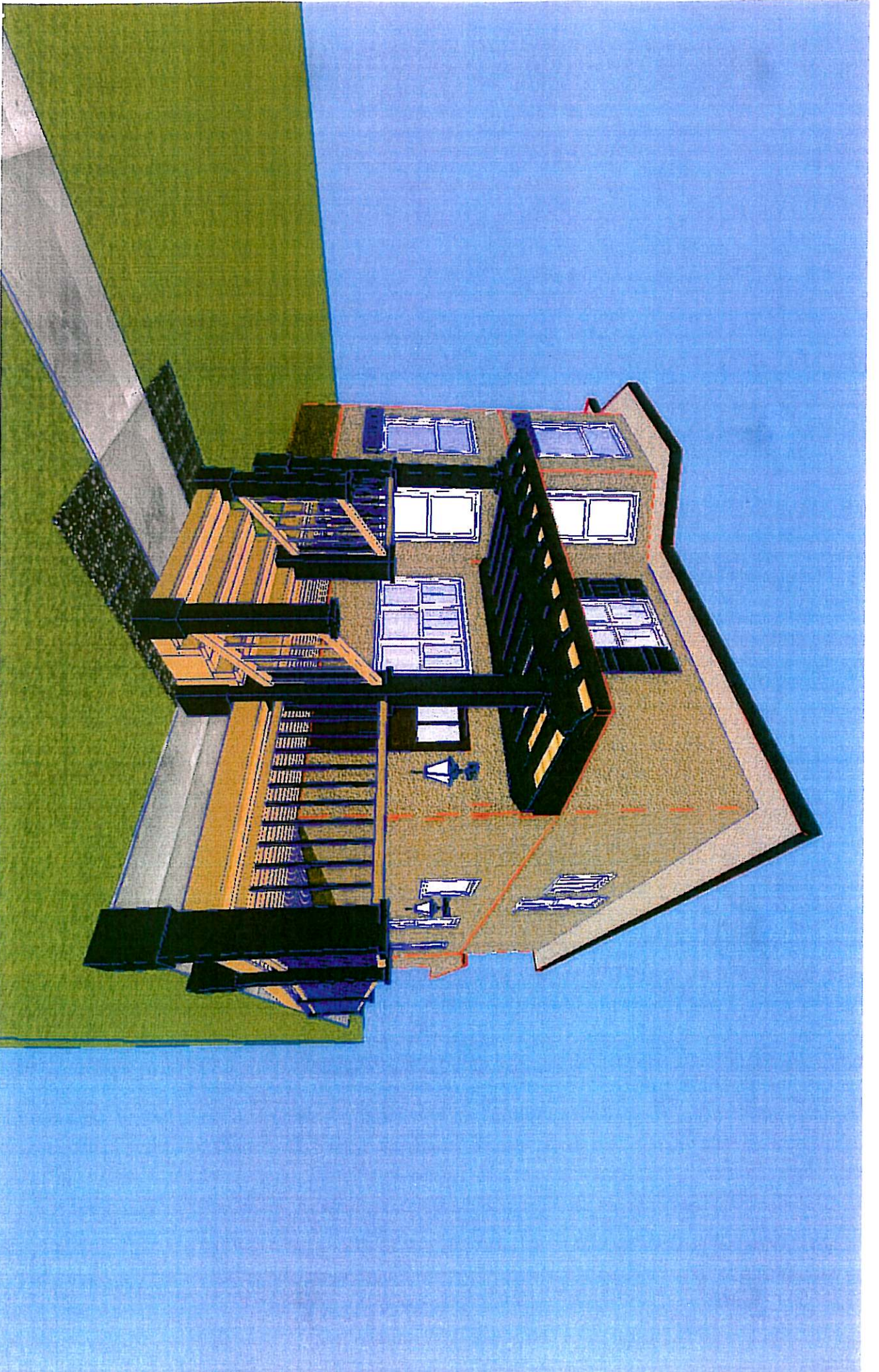


PORCH SECTION SCALE: 1/2"=1'-0"













LANDSCAPE PLAN #770 BERNARD - PROPOSED SCALE: 1/8"=1'-0"  
 NOTE: EXCEPT FOR NEW FRONT PORCH WITH RAMP, ALL LANDSCAPING & PARKING IS PER EXISTING!