# Report to Council

Date:

October 3, 2012

File:

1240-20

To:

City Manager

From:

Planner, Policy and Planning

Subject:

Removal of 2120 Abbott Street from the Kelowna Heritage Register

Report Prepared by: L. Sanbrooks, Planner

#### Recommendation:

THAT Council endorse the removal of 2120 Abbott Street from the Kelowna Heritage Register.

**Purpose:** The purpose of this report is to request that Council endorse the removal of 2120 Abbott Street from the Kelowna Heritage Register.

# Background:

2120 Abbott Street is located in the Abbott Street Heritage Conservation Area. The property was added to the Heritage Register in 2001. The heritage value of this house is associated with Stanley Merrium Simpson (1886-1959), as noted in the *Statement of Significance - 2120 Abbott Street* (see attachment). The Commission noted the home was built in 1921 and that a number of renovations and additions had occurred in 1986. Despite extensive renovations, the property scored 56 points which was enough to qualify for inclusion on the register. It should be noted that at least 55 points are needed to qualify a property for addition to the Heritage Register.

Prior to the Council meeting on December 17, 2001, owners of the 70 properties were mailed a registered letter to inform them that their property, as a result of an evaluation of the building's heritage value, was proposed to be included in the Heritage Register. These property owners were also invited to attend an Open House to review and comment on the evaluation and the proposal to add their property to the Kelowna Heritage Register. Based on this, Council, on December 17, 2001 added 2120 Abbott Street to the Heritage Register. It should be noted that the decision was made publicly and there was no indication of difficulty with the additions of this property to the Heritage Register.

In October, 2004, staff in the Policy and Planning department received a letter from the current homeowner at 2120 Abbott Street requesting that the heritage value of the home be re-evaluated given extensive late 1980's renovations and additions. In 2005 the Statement of Significance was updated to correct some existing information of the property, however, the property remained on the Heritage Register.

On May 31, 2012 staff in the Policy and Planning department received a letter from the lawyer representing the homeowner at 2120 Abbott Street requesting that the property be /



removed from the Kelowna Heritage Register. The homeowner, who also wrote the letter in 2004, indicated in the request that there are not many original features of the home remaining and that it should, for that reason, not be on the register. According to the Statement of Significance a number of alterations have occurred to the building since it was first built in 1921. The alterations observed and documented include a garage that was added in 1934, a furnace room that was added in 1940, an addition to the house and tool shed that were added in 1948, an addition in 1956, alteration in 1960, alterations to windows and a closed in porch in 1962 and renovations and additions in 1986 which included the addition of a double car garage to the front of the house.

Staff presented the homeowner's first request to the Community Heritage Committee (CHC) on July 5, 2012 and the homeonwer's second request to the CHC on September 6, 2012. At both meetings CHC was hesitant to sanction removal of this property from the register as they felt the S.M. Simpson House, by virtue of historical associations, holds significant heritage value to the community. The Committee noted that it was important that there be a public record pertaining to the significance of the property and that it was the Simpson House. Interested parties will access historical records by using the registry.

Staff located additional information shortly after the September CHC meeting. Staff brought this information to the October 4, 2012 CHC meeting. At the meeting, the committee reviewed the additional information and used the evaluation criteria to evaluate the property. The points scale evaluation matrix is similar to the one that was used in 2001, with some minor changes to the weight of each category. The final score of the property was 45 out of a possible 100 points which was not enough to keep it on the Heritage Register. CHC noted that given the homeowner has made other attempts to remove the home from the Heritage Register and given the property did not, in most categories (except for historical association), score high on the evaluation criteria that the property should be removed from the Heritage Register. In response to the applicant's request, the CHC resolved as follows:

#### MOVED BY Brian Anderson /SECONDED BY Tracy Satin

THAT the Community Heritage Committee support the removal of 2120 Abbott Street from the Heritage Register.

Staff are recommending support for the removal of 2120 Abbott Street as a result of a combination of factors including: the fact that extensive renovations have been undertaken that compromise the original heritage integrity of the property and the fact that the home owner no longer wishes to have the property on the register in conjunction with the likelihood that the property would not likely have been placed on the register in the first place without the consent of the property owner.

The 2120 Abbott Street residence has not received any city grants for renovations of the property as a result of it having been placed on the Heritage Register.

Legal/Statutory Authority: Local Government Act, section 954

# Legal/Statutory Procedural Requirements:

Heritage Procedures Bylaw, section 9.10 Kelowna Heritage Register

- 9.1 Requests to add buildings to or remove buildings from the Kelowna Heritage Register will be processed in the following manner:
- (a) Written requests by the **owner** will be reviewed by the Planning and Development Services Department on an annual basis, unless special circumstances require otherwise.
- (b) Planning and Development Services Department staff compiles background information on the subject building(s).
- (c) Planning and Development Services Department staff and the Community Heritage Commission evaluate the historical, architectural and contextual qualities of the subject building(s).
- (d) Planning and Development Services staff and the Community Heritage Commission forward a recommendation to Council regarding the proposed removal or addition of the buildings to the Heritage Register.
- (e) Council may add to or remove a building from the Heritage Register by resolution. The owner(s) of the subject building(s) is advised of Council's decision.

Buildings listed in the Kelowna Heritage Register can be altered and may even be demolished. Future requests for change or demolition of the building can be accommodated without removing the home from the Heritage Register. For homes on the Heritage Register, City Council may temporarily delay the issuance of any Permit to alter or demolish a listed heritage building in order to allow time for other development options to be fully explored with the property owner, City staff and the Community Heritage Committee. The owner would not be bound by the City's suggestions in pursuing a change that conforms to zoning. Due to the property's location, if demolition occurs, the homeowner would be required to rebuild in accordance with the Abbott Street Heritage Conservation Area guidelines regardless of whether or not the property is on the Heritage Register.

Unless the City chooses to confer heritage **designation** (which is different from being on the Heritage Register) on a property, demolition cannot ultimately be prevented. Heritage designation without a property owner's consent would leave the city liable for any reduction in value resulting from the designation.

#### **Existing Policy:**

Official Community Plan 2030, policy 9.2.1 Heritage Register. Ensure that the Heritage Register is updated on an on-going basis to reflect the value of built, natural and human landscapes.

#### Internal Circulation:

Director, Land Use Management

Director, Communications

# Considerations not applicable to this report:

Financial/Budgetary Considerations: Personnel Implications: External Agency/Public Comments: Communications Comments: Alternate Recommendation:

Submitted by:

Lauren Sanbrooks, Planner, Policy and Planning

Reviewed by:

12

Theresa Eichler, Manager, Community Planning

Approved for inclusion:

EN,

Signe Bagh, Director, Policy and Planning

cc: Director, Land Use Management Director, Communications

Attachments: Request #1, #2, and #3 to remove 2120 Abbott Street from the Heritage Register

Statement of Significance - 2120 Abbott Street

Evaluation criteria 2012



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OUR FILE NO.:

69821A

May 31, 2012

City of Kelowna, Policy and Planning Department 1435 Water Street Kelowna BC V1Y 1J4

Attention: Lauren Sanbrooks

Dear Sirs/Mesdames:

RE: Removal of 2120 Abbott Street, Kelowna BC (the "Property") from the City of Kelowna Heritage Register

Further to our discussions on May 28, 2012, please be advised we have been retained by Linda Stephen to assist with removal of the Property from the City of Kelowna Heritage Register. On behalf of our client, we hereby formally request that the Property be removed from the Heritage Register.

In our discussions, you advised our request should set out our client's rationale/purpose for removal of the Property from the Heritage Register.

We are advised that our client's rationale for removal of the Property from the Heritage Register is that the Register overstates the heritage value of the Property. We are advised that the home which originally sat on the Property, with the exception of the fireplace, chimney, and garage was demolished to the foundations and rebuilt in 1986. A new home was built and attached to the existing garage. The 1986 construction was not merely "renovations and additions" as the Register suggests but a re-build. Our client's position is that the home on the Property is not the Simpson House built in 1921 as the Register suggests but a new home built on the site of the old Simpson house. We enclose two photographs, one of the existing home and one of the previous home. We are advised by our client that both photographs have been taken from the same perspective, showing the back of the house looking from the lake towards the road. The photos emphasize the difference between the two homes in question.

We are advised that our client currently has no plans to demolish or conduct substantial alterations to the Property now or in the foreseeable future

We kindly request that the foregoing be brought to the attention of the Community Heritage Commission at the June 2012 meeting if at all possible and if not at the July meeting which we are advised is currently scheduled for July 5, 2012.

If you have any questions regarding this request, please forward them to our office such that we may forward them to our client.

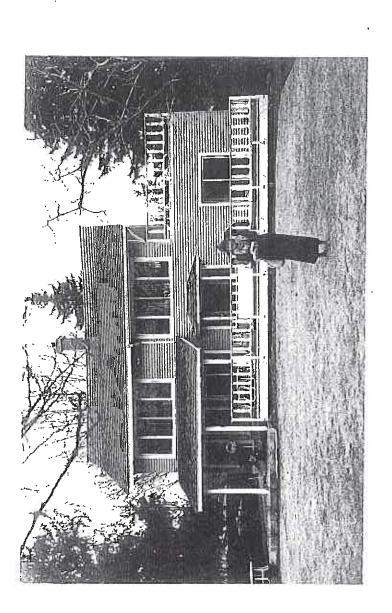
Yours truly,

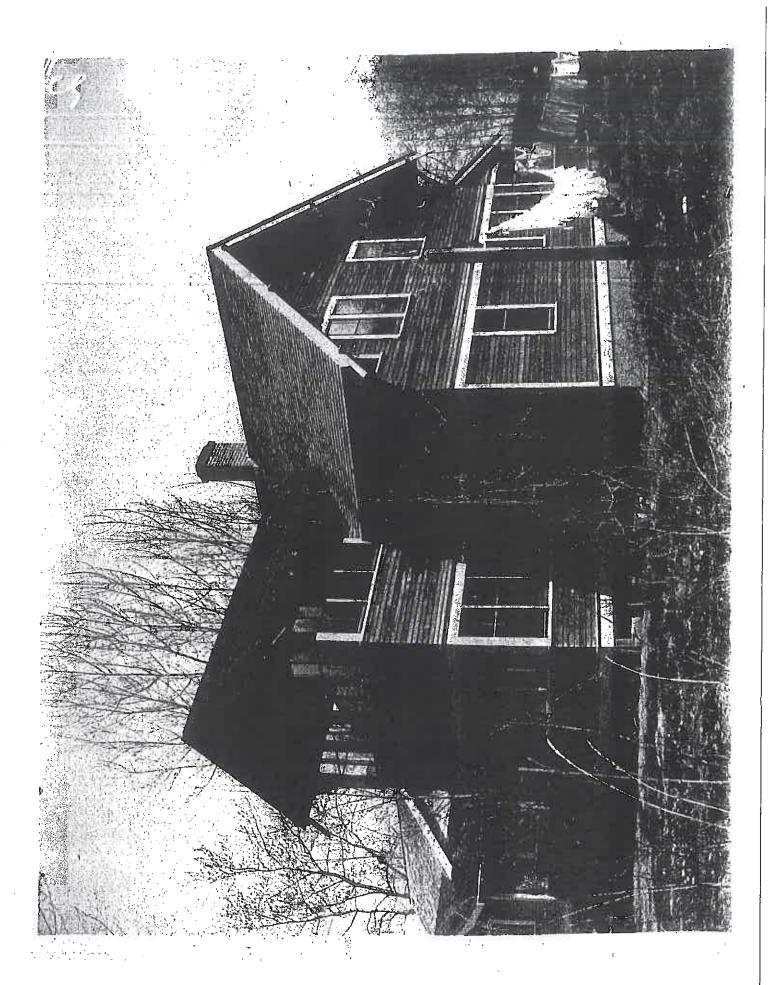
FH&P LAWYERS LLP

Per:

**AMANDA HAUGAN** 

ANH:yg







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OUR FILE NO.:

69821A

August 9, 2012

Via Email: Isanbrooks@kelowna.ca

City of Kelowna Policy and Planning 1435 Water Street Kelowna BC V1Y 1J4

Attention: Lauren Sanbrooks

Dear Madam:

Re: Removal of 2120 Abbott Street, Kelowna BC (the "Property") from the City of Kelowna Heritage Register

Further to your email of July 13, 2012, we confirm that our client wishes to move forward with her request to remove the Property from the Kelowna Heritage Register. In that regard, the undersigned attended upon the City of Kelowna permit office to obtain additional information regarding the extent of the alterations to the Property. We enclose herewith a copy of Building Permit 6919 issued with respect to the Property in 1986 which sets out the details regarding the renovations and additions to the Property. We confirm that in addition to the enclosed Permit, the City file contains two large scale plans which due to their size could not be copied. We ask that the Heritage Committee review these plans in addition to the enclosed. We also enclose for the Committee's review and consideration a copy of the 1988 Listing Summary with respect to the Property which refers to the Property as "this 2 yr old Lakeshore beauty".

We submit that the enclosed in addition to the information attached to our letter of May 30, 2012 including the photographs including the original Simpson house and the new home at 2120 Abbott Street support our client's position that the Heritage Register overstates the heritage value of the Property. We reiterate our client's request that the Property be removed from the Register.

Our client further advises that she would facilitate a visit to the Property in question should the Committee feel a site visit would assist in considering her request.

Our client is aware the Simpson name is a name of some importance in the City of Kelowna, however, her request that the Property be removed must be reviewed objectively in light of the evolution of the Property in question and renovations done in the 1980's. We kindly request that this matter be reconsidered at the September 6<sup>th</sup> meeting.

If you have any questions regarding this request, please forward them to our office such that we may forward them to our client.

Yours truly,

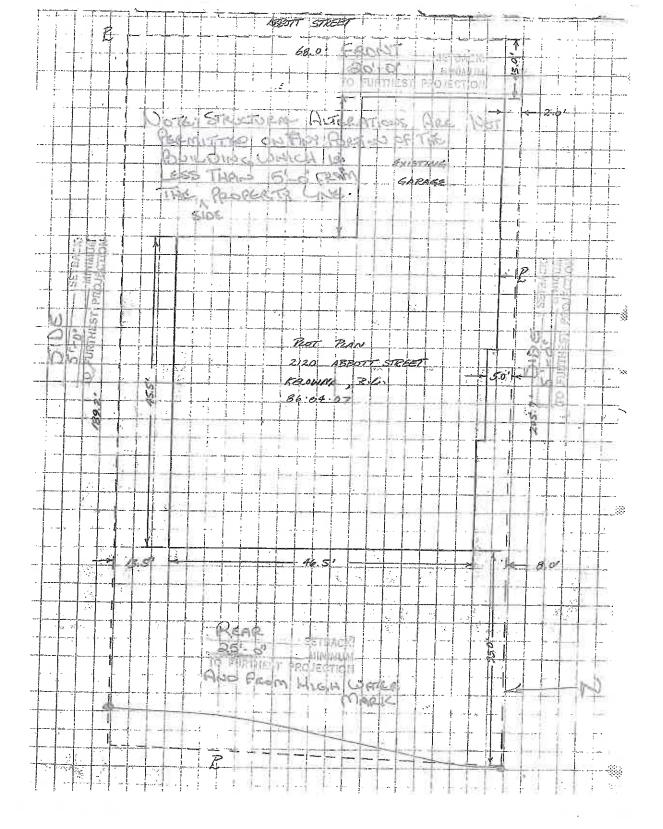
FH&P LAWYERS LLP

Per-

AMANDA HAUGAN

ANH:cb/yg Encl.

cc: Client



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OUR FILE NO.:

69821A

September 24, 2012

Via Email: Isanbrooks@kelowna.ca

City of Kelowna Policy and Planning 1435 Water Street Kelowna BC V1Y 1J4

Attention: Lauren Sanbrooks

Dear Madam:

Re: Removal of 2120 Abbott Street, Kelowna BC (the "Property") from the City of Kelowna Heritage Register

Further to your email of September 17, 2012, we take this opportunity to provide information regarding our client's knowledge of the events in 2001 when the Property was added to the Heritage Register. We confirm our earlier correspondence that our client is currently away from Kelowna and therefore she does not have access to her personal files which she advises may contain some additional information or dates. Nonetheless, our client advises as follows.

Our client recalls attending one heritage meeting which included the showing of a short film on the merits of a heritage area in another city, which meeting was early on when the issue of heritage first became known. Our client believes that the Heritage Register arose later and was not discussed at the meeting she attended. The heritage registration of the Property was not something our client agreed with or subscribed to.

Our client has made ongoing efforts to remove the designation from the Property. In 2004 she took steps to write to Greg Routley requesting the heritage value of her Property be re-evaluated. A copy of the letter is attached for your reference. Our client also recalls at some point receiving a small handwritten note from Alec Warrender regarding issues with the heritage value of the Property. We are not in possession of a copy of that note. We reiterate that our client advises that at no time did she ever provide consent to the listing of her Property on the Register.

We are further advised by our client that by virtue of the heritage registration on her home, she is somewhat limited in her choice of insurers for home insurance and her premiums are much higher than they would otherwise be if the Property did not have heritage designation. We are advised that if the Property remains on the Heritage Register, our client may be exposed to additional expenses, insurance and otherwise.

In light of the fact our client never consented to the listing of the Property on the Heritage Register, that she has made ongoing efforts since at least 2004 to have the heritage value of the Property be re-evaluated, that she is exposed to additional expenses as a result of the designation, and in light of our earlier submissions with respect to the extensive renovations to the Property, minimal heritage features, and the fact the home is a new home which bears no resemblance to the original Simpson house, we respectfully submit the Property should be removed from the Register.

Yours truly,

FH&P LAWYERS LLP

Per:

AMANDA HAUGAN

ANH:yg/cb

cc: Client

ngo. kgrovno Collec building Vas like in re-visi lding sermits out in 1986 show that will adolit Please accep as a request heritage

#### **Heritage Building**

New Search

#### 2120 Abbott St - S.M. Simpson House

Place

The Simpson House is a one and one-half storey Craftsman bungalow, located on lake-front property on the west side of Abbott Street amongst Description: houses similar in size and age in Kelowna's historic Abbott Street neighbourhood. There is a substantial brick drive with a double car garage at the front of the house.

Heritage Value:

The heritage value of this house is associated with Stanley Merrium Simpson (1886-1959), who moved to Kelowna in 1913 and started a one-man millwork shop on Water Street that grew to become one of Kelowna's major industries. Simpson turned out storm windows, screen doors and fruit ladders, but soon recognized the growing market for packing boxes. Simpson's holding eventually grew to include sawmills, a veneer plant and a box factory that produced 20,000 units a day to supply the growing fruit industry. At its height, Simpson's business provided employment to 800 men and women. Businesses such as Simpson's helped to establish Kelowna as an important regional service supply centre and reflects the city's development as the population and economic base increased due to the growth of the fruit and logging industry.

Built in 1921, the S.M. Simpson House is valued for its Craftsman style architecture. The most popular housing style between 1910 and 1930, the Craftsman style was typified by rational space planning, the use of natural materials and a mix of traditional design elements inspired by the Arts and Crafts movement. This bungalow is an example of the popular pattern book homes constructed at the time, or a direct interpretation of such a design, and was built by prominent local contractor Alexander Cormack Bennett (1882-1953).

Character Defining Elements: Key elements that define the heritage character of the Simpson House include its:

- setting on a large lake-front property;
   form, scale and massing as expressed by its one and one-half storey height and rectangular plan;
- side gabled roof with broken pitch and central gabled front dormer; wood-frame construction and concrete foundation;
- additional exterior elements such as its triangular eave brackets, scroll cut bargeboards, and an internal red brick chimney; and
- associated mature landscape features.





Map data 02012 Google - Terms of Use



# Kelowna Heritage Register Evaluation Criteria

The Kelowna Heritage Register Evaluation Criteria is based on 4 main principles:

- A. Architectural History: style or type of building, structure or landscape; design attributes; construction methods/materials; notable designer or buildings.
- B. Cultural History: historical association with important people or events; historical patterns within the city's history.
- Context: context of each resource within the historical landscape or neighbourhood; compatibility with other buildings and groupings of buildings; symbolic importance as a local landmark.
- D. Integrity: degree to which the resource has been altered since originally constructed and designed. The reversibility of alterations was also taken into account.

Each criterion is scored by considering one of four grades:

- Excellent (E)
- Very Good (VG)
- Good (G)
- Fair/Poor (F/P)



# A. Architectural History

#### 1. Style and/or Type

A building's style representative of the City's significant development periods; or a building type associated with a significant industrial, commercial or transport activity. The description of a building's style is a means of describing visual elements such as form, materials and ornamentation that are characteristic of a particular age or development period. A building which displays typical features of a particular style can be said to be of that style.

| E   | <ul> <li>An excellent example of a style or type in Kelowna</li> <li>A rare surviving or very good example of a style or type in Kelowna</li> <li>One of the earliest, very good examples of a style or type in Kelowna</li> </ul> |
|-----|--|
| VG  | <ul> <li>A very good example of a style or type in Kelowna</li> <li>A good example of a style or type that is notably early in Kelowna</li> </ul>  |
| G   | A good example of a style or type that is common in Kelowna  |
| F/P | An average example of style or type that remains common in Kelowna   |

# 2. Design

A building's notable or special attributes of an aesthetic or functional nature. This may include massing, proportion, scale, layout, materials, detailing, colour, texture, fenestration, ornamentation or artwork.

| E   |   | A design which is outstanding in comparison with other examples                               |
|-----|---|---|
| VG  | • | A design which is equal to several other examples of recognizable superior or special quality |
| G   | • | A design which incorporates several special aesthetic or functional attributes                |
| F/P |   | A design of no special significance or quality.   |

#### 3. Construction

A building's unique or uncommon building materials, or its historically early or innovative method of construction.

| E   | <ul> <li>One of the earliest known uses of an important or special material or method</li> <li>A now rare and out-of-use material or method</li> </ul>   |
|-----|--|
| VG  | <ul> <li>One of the earliest known surviving uses of an important or special material or method</li> <li>A notable or out-of-use material or method of which several examples survive</li> </ul> |
| G   | <ul> <li>An out-of-use material or method which is typical of a period and still commonly<br/>found</li> </ul>   |
| F/P | An example of no particular significance   |

# 4. Designer / Builder

A building's architect, designer, engineer and/or builder who has made a significant architectural contribution to the city, province or nation.

| E   | <ul> <li>An architect, designer, engineer and/or builder who was responsible for establishing<br/>or advancing a style, design or construction method that was significant and<br/>influential in the city, province or nation</li> </ul> |
|-----|---|
| VG  | <ul> <li>An architect, designer, engineer and/or builder whose works are of considerable<br/>importance to building and development in the city, province or nation.</li> </ul>   |
| G   | <ul> <li>An architect, designer, engineer and/or builder of some importance to building and<br/>development in the city, province or nation.</li> </ul>   |
| F/P | <ul> <li>An architect, designer, engineer and/or builder, unknown or of no known<br/>significance.</li> </ul>   |

#### **B.** Cultural History

#### 1. Historical Association

A building's direct association with a person, group, institution, event, or activity that is of historical significance to the city, province or nation. Examples of a person, group, or event that could be considered significant to the history of the city, province, or nation include a well known pioneer, an organization important to the community's identity, a distinct ethnic or spiritual group, or an event that had an influence on the community. An activity such as industry, farming, recreation or labour organization would be considered significant if it was a major influence on the city.

| E   | <ul> <li>Closely connected with a person, group, institution, event or activity that is of<br/>considerable importance</li> </ul> |
|-----|---|
| VG  | <ul> <li>Closely connected with a person, group, institution, event or activity that is of<br/>moderate importance</li> </ul>     |
| G   | <ul> <li>Connected with a person, group, institution, event or activity that is of moderate<br/>importance</li> </ul>             |
| F/P | Little or no known historical association .   |

#### 2. Historical Pattern

A building's association with broad patterns of local area or civic history including ecological, social, political, economic or geographic change. In urban settings, a building's recognition of street pattern and infrastructure.

| E   | A building that can be directly linked to the establishment of an historical pattern of civic importance  |
|-----|---|
| VG  | <ul> <li>A building that can be directly linked to the establishment of an historical pattern of local area importance</li> <li>One of earliest surviving examples in a local area</li> </ul> |
| G   | A building that provides strong evidence of an historical pattern of local area or civic importance   |
| F/P | A building of little known association with a recognizable historical pattern   |

#### C. Context

#### 1. Landscape / Site

An intact historical landscape or landscape features associated with an existing building, or a particularly notable historical relationship between a building's site and its immediate environment including original native trees and topographical features.

| E   | <ul> <li>Landscape comprised of numerous, significant landscape features which are directly related to the building's style, design and history</li> <li>A notable and intact historical relationship between a building's site and the street, railway, waterfront, view or other geographic features which were part of the building's original function or traditional urban environment</li> </ul> |
|-----|--|
| VG  | <ul> <li>A landscape which includes several dominant features which are directly related to the building's style, design and history</li> <li>An altered but still strongly apparent historical relationship between a building's site and its immediate urban environment or related geographic features</li> </ul>   |
| G   | <ul> <li>A landscape which includes one or two important features which are directly related to the building's style, design and history</li> <li>An altered but recognizable historical relationship between a building's site and its immediate urban environment or related geographic features</li> </ul>  |
| F/P | No significant and recognizable landscape features or building /site relationship  |



# 2. Neighbourhood

A building's continuity and compatibility with adjacent buildings and visual contribution to a group of similar buildings.

| E   | <ul> <li>A building that is an important part of a visually prominent and notable group of<br/>buildings of similar style, type or age, in an area of compatible use</li> </ul>  |
|-----|--|
| VG  | <ul> <li>A building which forms part of a contiguous group of similar style, type or age in an<br/>area of compatible use</li> </ul>   |
| G   | <ul> <li>A building which is part of a contiguous group of similar style, type or age in an area of incompatible use</li> <li>A building which is not part of a contiguous group of similar style, type or age, but is in an area of compatible use</li> </ul> |
| F/P | <ul> <li>A building which is not part of a group of buildings of similar style, type or age and is<br/>in an area of incompatible use</li> </ul>   |

# 3. Visual / Symbolic Importance

A building's importance as a civic or local area landmark; a building's symbolic value to a neighbourhood or the city.

| E.  | A landmark building of importance     A building of significant symbolic value to the city |
|-----|--|
| VG  | A major landmark within a local area     A building of symbolic importance to a local area |
| G   | A neighbourhood landmark     A building of symbolic importance to a neighbourhood          |
| F/P | A building of no landmark or symbolic significance   |

# D. Integrity & Condition

Integrity: A measure of the impact of changes to the building on the appreciation of its style, design, construction or character. Alterations considered to be reversible (e.g. later sidings that can be removed) should tend to be scored as minor. Alterations which are not reversible, and which have resulted in loss of original building fabric, should tend to be scored as major.

Condition: A measure of the current state of the building (e.g. maintenance, mold, vandalism).

| E   | <ul> <li>A building with no alterations that detract from its style, design, construction or<br/>character</li> </ul>  |
|-----|--|
| VG  | <ul> <li>A building with one or more alterations, the effect of which is recognizable but does<br/>not significantly detract from the style, design, construction or character</li> </ul>        |
| G   | <ul> <li>A building with a major alteration and/or a combination of several minor<br/>alterations, the effect of which detracts from the style, design, construction or<br/>character</li> </ul> |
| F/P | <ul> <li>A building with alterations which greatly detract from the style, design,<br/>construction or character</li> </ul>  |





The Scoring System

During development of the criteria, many buildings were evaluated to test their relative significance and to experiment with a range of numerical scores for excellent, very good, good and fair/poor values. The final numerical scores that were used during formal evaluation sessions are:

| A. Architectural History       | E   | VG                                      | G   | F/P |
|--------------------------------|-----|---|-----|-----|
| [Maximum category score of 40] |     |   |     |     |
| 1. Style/Type                  | 35  | 18                                      | 12  | 0   |
| 2. Design                      | 30  | 15                                      | 10  | 0   |
| 3. Construction                | 15  | 8                                       | 5   | 0   |
| 4. Designer/Builder            | 15  | 8                                       | 5   | 0   |
| B. Cultural History            |     |   | , , |     |
| [Maximum category score of 35] |     |   |     |     |
| 1.Historical Association       | 35  | 18                                      | 12  | 0   |
| 2. Historical Pattern          | 30  | 15                                      | 10  | 0   |
| C. Context                     |     |   |     |     |
| [Maximum category score of 25] |     |   |     |     |
| 1. Landscape / Site            | 15  | 8                                       | 5   | 0   |
| 2. Neighbourhood               | 20  | 10                                      | 6   | 0   |
| 3. Visual/Symbolic Importance  | 25  | 13                                      | 8   | 0   |
| D. Integrity & Condition       | 0   | - 5                                     | - 8 | -15 |
| Total Possible Score:          | 100 | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, |     |     |

It should be noted that the scoring system shows maximum subtotals for each set of criteria, in order to maintain a balanced assessment of each building's significant attributes.

# **The Evaluation Process**

| Building Type                                    | Range of<br>Scores | Group | Heritage<br>Register |
|--|--------------------|-------|----------------------|
| Houses and Apartments                            | 60 - 100           | Α     | Yes                  |
|  | 40 - 59            | В     | Maybe                |
|  | 20 - 39            | С     | No                   |
| Institutions, Churches, Schools, Commercial, and | 70 - 100           | Α     | Yes                  |
| Industrial Buildings                             | 55 - 74            | В     | Maybe                |
|  | 30 - 54            | С     | No                   |

