

The site is located within the Abbott Street Conservation area and all development must meet the guidelines developed specifically for this area. Although the RU3 is a departure from the prevailing RU1 zoned properties of the area, historical lot lines have created many properties in the area that are zoned RU1 but more closely resemble the size of a RU3 zoned parcel in lot area and frontage. Thus the proposed density, subdivision pattern and streetscape that would result with the RU3 zone is not a departure from what is established.

The applicant provided Staff with letters of support from individual property owners however, both neighborhood associations have expressed concerns with the project and the potential impact on Maple Street. The concerns revolve around the orientation of a new dwelling and the reduced setbacks to Maple Street. A building envelop covenant is recommended to address these concerns. It is noteworthy that although the Community Heritage Committee did not support the application, they commented that retaining the RU1 zone for 260 Lake Avenue and applying the RU3 to 250 Lake was agreeable. However, retaining the RU1 zone would trigger several variances on both properties.

While there is public concern regarding the suitability of the proposed zoning, the future land use and other land use policies support this application. Furthermore, by applying the RU3 zone, the intent is to retain the existing character building and preserve much of the vegetation on the site including a heritage London Plane tree.

At this time, no conceptual site plan or house design is proposed for 250 Lake Avenue. Any development would be subject to a Heritage Alteration Permit to assess the form and character of the proposal.

4.0 Proposal

4.1 Background

Constructed in 1939, the dwelling on 260 Lake Avenue encroaches on its neighbouring property at 250 Lake Avenue. The applicant is seeking the RU3 zone as a solution to preserve the encroaching dwelling and develop the neighbouring vacant lot. As the existing house straddles the lot line, the applicant is seeking to adjust the interior lot line. Accordingly, when a lot line is adjusted the amended lot must conform to the current subdivision regulations. The rezoning to the RU3-Small Lot Housing would permit a shorter front lot line and smaller lot area with reduced setbacks. By rezoning both lots, a 1.2m side yard is permitted between the two properties. This has the advantage of leaving the largest possible lot and building area for 250 Lake Avenue.

Various options were evaluated including: to rezone to the RU6-Two Dwelling Housing zone, and to rezone the corner site to the RU3-Small Lot Housing and retain the RU1- Large Lot Housing on 260 Lake Avenue with variances. The applicant has chosen to pursue with the RU3- Small Lot housing zoning approach.

4.2 Site Context

The subject properties are located on the north side of Lake Avenue in the Abbott Street Conversation area of Kelowna in close proximity to the Hospital and Downtown center. The surrounding properties in all direction are zoned RU1 - Large Lot housing.

4.3 Subject Properties Map : 250/260 Lake Avenue



4.4 Zoning Analysis

The proposed application meets the requirements of RU3 - Small Lot Housing zone as follows:

Zoning Analysis Table			
CRITERIA	PROPOSAL		RU3 ZONE REQUIREMENTS
Subdivision Regulations			
	250 Lake Ave	260 Lake Ave	
Lot Area	480m ²	590m ²	290m ²
Lot Width	13.135m	16.135m	8.5m except 10.0m for a corner
Lot Depth	36.56m	36.56m	30m
Development Regulations			
Front Yard	11.05m	8.9m	3.5m
Side Yard (east)	2.4m	4.95m	1.2m for a 1 -2 storey portion of the building and 1.5m for a 2.5 storey
Side Yard (west)	2.5m	0.0m	1.2m for a 1 -2 storey portion of the building and 1.5m for a 2.5 storey except it is 2.5 m for a flanking street & one side yard, not flanking a street, may be reduced to 0.0 m provided there is a 2.4 m clear easement registered against the abutting lot
Rear Yard	7.5m	17.03m	6.0m for a 1-1.5 storey or 7.5m for 2 - 2.5 storey building

5.0 Current Development Policies

Heritage Conservation Area Development Guidelines

The first civic phase spans from the earliest urban subdivisions dating around 1904 and continues to the end of the Great War. This period is noted for the variety of revival architectural styles which were popular at the time.

The Colonial Revival Characteristics are identified as follows in the City's Heritage Conservation Area Development Guidelines:

- Stately feel to the architecture
- High to medium gable roof form
- Flush roof verges
- Horizontal lap-board siding (no corner-board)
- 1 ½ & 2 storeys with attic massing
- Grand entrance (columns, entablature etc.)
- Vertical double-hung window openings
- Single & multi-sash window assembly
- Window shutters
- Multiple pane windows (muntin bars)
- Asymmetrical front facade on cottages
- Symmetrical fronts on more formal homes
- Grand front drive & rear yard parking



6.0 Current Development Policies

6.1 Kelowna Official Community Plan (OCP)

Heritage Policies¹

Objective 9.2 Identify and conserve heritage resources.

Conservation Areas. Development in the Abbott Street and Marshall Street Heritage Conservation Area outlined on Map 9.1 will be assessed using the Abbott Street and Marshall Street Heritage Conservation Area Guidelines in Chapter 16.

Heritage Conservation area - Objectives:²

- Maintain the residential and historical character of the Marshall Street and the Abbott Street Heritage Conservation Areas;
- Encourage new development, additions and renovations to existing development which are compatible with the form and character of the existing context;
- Ensure that change to buildings and streetscapes will be undertaken in ways which offer continuity of the 'sense-of-place' for neighbours, the broader community; and
- Provide historical interest for visitors through context sensitive development.

Policy 5.2.3 Complete Suburbs.³ Support a mix of uses within Kelowna's suburbs (see Map 5.1 - Urban Core Area), in accordance with "Smart Growth" principles to ensure complete communities. Uses that should be present in all areas of the City (consistent with Map 4.1 -

¹ City of Kelowna Official Community Plan, Chapter 9; Objective 9.2 Policy .4

² City of Kelowna Official Community Plan, Chapter 16

³ Official community plan Objective 5.2 Community Sustainability

Future Land Use Map), at appropriate locations, include: commercial, institutional, and all types of residential uses (including affordable and special needs housing) at densities appropriate to their context.

Policy 5.3.2 **Compact Urban Form.**⁴ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns.

7.0 Technical Comments

7.1 Building & Permitting Department

Existing House on Lot 5

1) For the redevelopment of lot 5, the fire separation requirements may be required to be upgraded to meet the code requirements of combustible construction within 1.2 meters of property line (spatial allowances)

2) Full plan check will occur at time of building permit application.

New House on Lot 6

1) Minimum elevations for high water table and flood plain elevations of Okanagan Lake must be taken into consideration for the design.

2) Full plan check will occur at time of building permit application.

7.2 Subdivision Approving Officer

Three of the six options presented to the applicant were feasible to make 250 Lake a buildable site. They included consolidating the lots and rezoning to the RU6 zone (not favoured by the owners), relocate the existing house to one of the two lots, or rezone to the RU3.

7.3 Development Engineering Department

See attached.

8.0 Application Chronology

Date of Application Received: August 7th, 2012

Community Heritage Commission

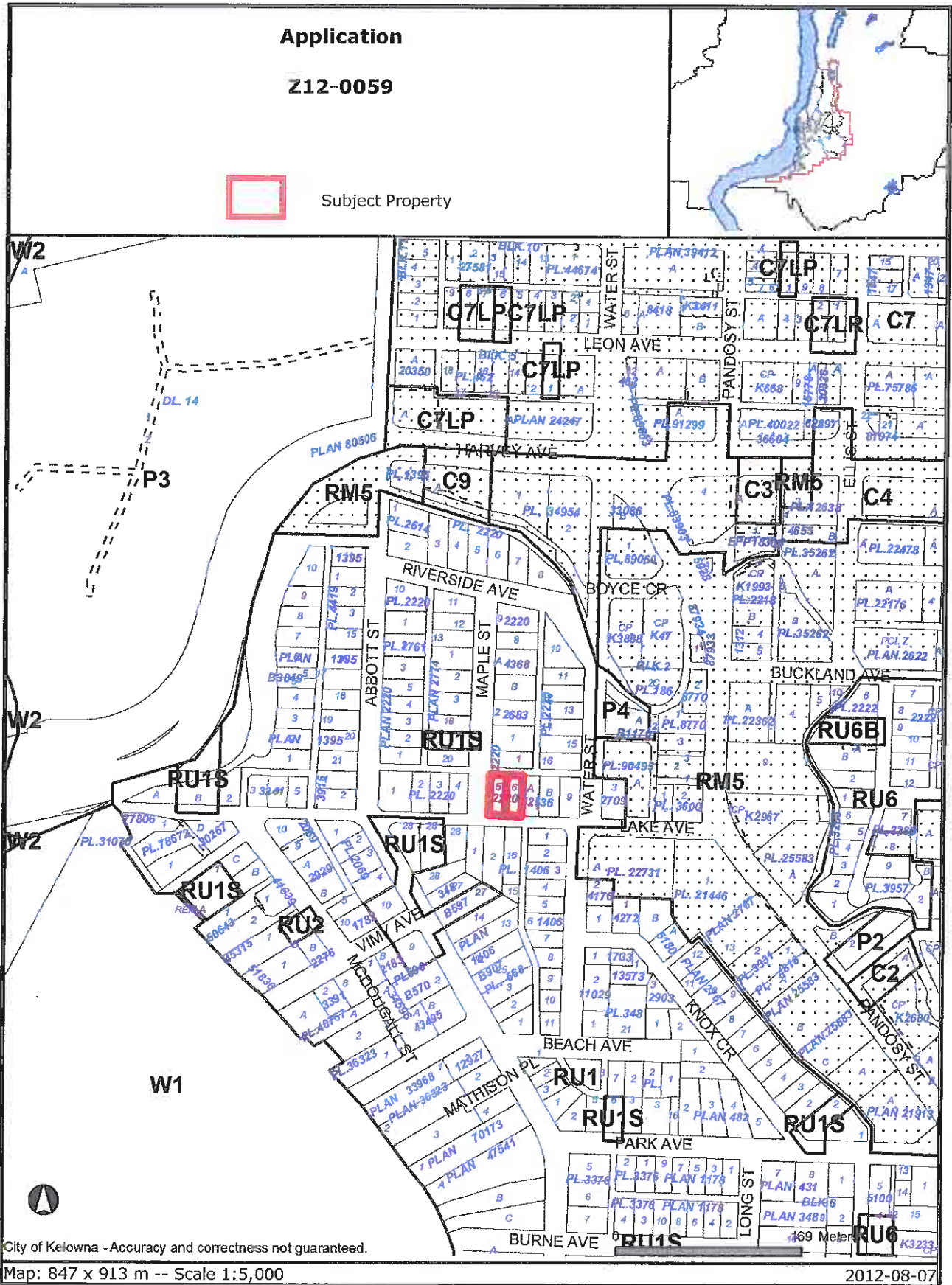
The above noted application was reviewed by the Community Heritage Commission at the meeting on October 4, 2012 and the following recommendation was passed:

THAT the Community Heritage Commission NOT support Rezoning Application No. Z12-0059 for 250-260 Lake Avenue, to rezone the subject properties from RU1 to RU3 to facilitate a lot line adjustment and subsequent development on the corner lot.

ANECTODAL COMMENT:

CHC would prefer to see the lot with existing house preserved as RU1 and the other vacant lot rezoned to RU3.

⁴ Official Community Plan Objective 5.3, Chapter 5.



City of Kelowna - Accuracy and correctness not guaranteed.

Map: 847 x 913 m -- Scale 1:5,000

2012-08-07

Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

Scale in meters

10

20



6.096

LANE

91°

46'

25
45"

14.635

8.912

30

14.635

4

15.223

360 Lake Avenue (Lot 6 Block D
District Lot 14 Osoyoos Division
Yale District Plan 2220)

350 Lake Avenue (Lot 5 Block D
District Lot 14 Osoyoos Division
Yale District Plan 2220)

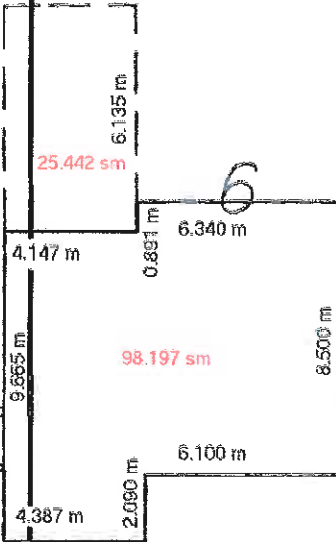
31

Maple Street

1°47'55"

36.550

5



36.562

9°47'50"

A

1.50
91°47'50"

8.943

2

14.635

33

14.635

3

15.240

PIPE

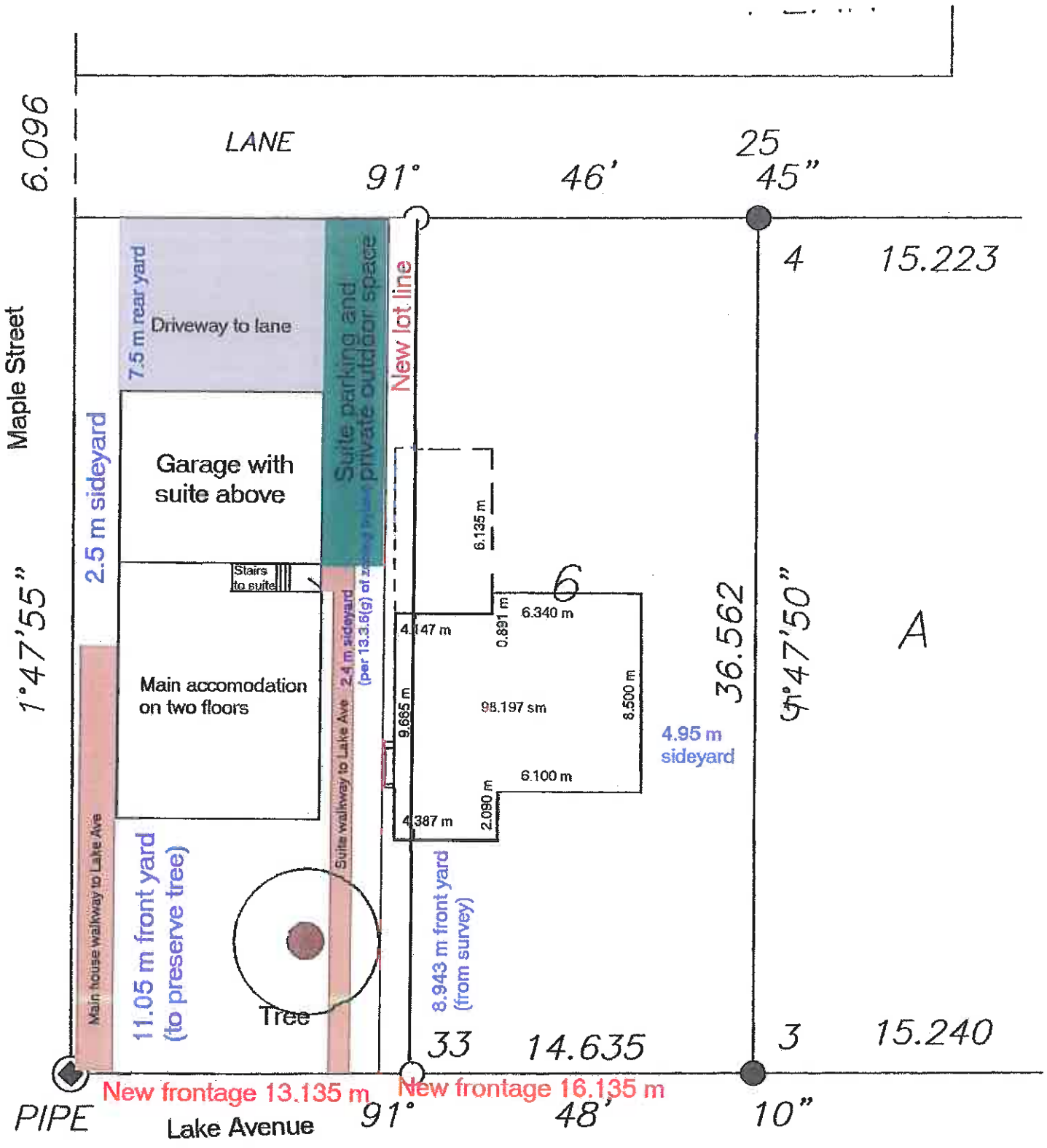
Lake Avenue

91°

48'

10"

Existing Configuration



Proposed configuration



City tree



Dead tree
to be
removed

City tree



London Plane
to be preserved

Maple Street



Lake Avenue



Existing dwelling



view from Maple St.



● View south east



● View south west



● View north east



● View south east



● View north west



● View south west



● View north west



● View north east

250/260 Lake Avenue Kelowna photographs of immediate area

September 20, 2012

City of Kelowna
Policy and Planning Dept.

Attn: Signe Bagh
Policy and Planning Director

cc: Mayor and City Council

Subject: **Redevelopment of 250/260 Lake Avenue**

Dear Sir / Messrs.,

Please receive this correspondence as our considered response to the proposed rezoning of lots 5 and 6 of Lake Ave. to RU3 in order to facilitate the owner's redevelopment plans. It is our chartered mandate to protect the established RU1 character of the Abbott Street Heritage Conservation Area. A rezoning to RU3 within this historic residential area allows for building plans that will certainly undermine both the vision and actions of prior councils to first establish and then protect this unique RU1 heritage character.

We are not insensitive to the City's plans for densification of residential areas in general including within the Abbott Street Heritage Conservation Area. A number of expansions of existing homes and/or building of carriage houses and additional suites have been permitted within the parameters of the RU1 designation to date. As such the board of FRAHCAS submits to you the following motion carried by its board Sept. 19, 2012:

"On the question of 250/260 Lake Ave. Redevelopment, be it resolved that FRAHCAS supports a building on lot 5 providing it conforms to RU1 zoning with variances subject to City approval and providing the design of same conforms to the character of existing homes on Maple Street."

We hope you will find that this position is most respectful of and best protects the integrity of the heritage vision.

I thank you for this opportunity afforded our chartered society.

Wally Lightbody (per James Avery)
President of FRAHCAS



865 Bernard Ave
Kelowna, BC, V1Y 6P6
September 23, 2012

Marianne J. Hill
260 Lake Ave
Kelowna, BC, V1Y 5W7

Re: 260 Lake Avenue Redevelopment

Dear Marianne:

Thank you for attending the KSAN board meeting on Monday, September 10th to present & discuss your proposal to rezone and develop your property at 260 Lake Avenue.

While we support and commend your plans to restore the original dwelling and keep the large tree on the property, the board cannot support your rezoning and redevelopment proposal.

The new structure you are proposing will forever alter the wide open look of Maple Street because it will destroy the sight lines down that particular streetscape. Maple Street is a very special street in Kelowna that has been used in movies and has an Eastern Canadian feel of a certain era to it. The structure you are proposing, although having a Lake Avenue address, will in fact primarily face Maple Street without the existing Maple Street setback. Should this structure be built, the very uniqueness of Maple Street will be forever lost.

We therefore cannot support your rezoning application.

Again, we thank you for attending our meeting and allowing us to express our concerns and offer our suggestions.

Sincerely,

Bev Kalmakoff
Secretary for KSAN

MEMORANDUM

Date: August 15, 2012
File No.: Z12-0059
To: Land Use Management Department (BD)
From: Development Engineering Manager
Subject: 250 – 260 Lake Ave RU1 to RU3

Development Engineering Services have the following requirements associated with this rezoning Application.

.1) Geotechnical Report

- (a) Provide a geotechnical report 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 development.
 - (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - (ii) Site suitability for development.
 - (iii) Any special requirements for construction of roads, driveways, utilities and building structures.
 - (iv) Recommendations for roof drains and perimeter drains.
 - (v) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - (vi) Recommendations for items that should be included in a Restrictive Covenant.
 - (vii) Any items required in other sections of this document.

.2) Water

- a) The property is located within the City of Kelowna service area. Provide adequately sized domestic water service for 250 Lake Ave.

.3) Sanitary Sewer

- a) Provide an adequately sized sanitary sewer service for 250 Lake Ave.

.4) Drainage

- a) 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).

.5) Roads

- a) Lake Ave must be upgraded to a full urban standard including curb and gutter, storm drainage fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.
- b) Maple Street must be upgraded to a full urban standard including curb and gutter, sidewalk storm drainage fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.
- c) Provide an additional highway allowance widening of 2.76m for the widening of Lake Ave. This widening is to be accomplished by:
 - i) A dedication on the subdivision plan.
 - ii) A Road Reservation Agreement with the City of Kelowna.
- d) Grade the fronting road boulevards in accordance with the standard drawing and provide a minimum of 50 mm of topsoil. Major cut/fill slopes must start at the property lines.
- e) Re-locate existing poles and utilities, where necessary.

.6) Power and Telecommunication Services and Street Lights

- a) (FOR S.F. AND LOT SPLITS): If the existing area is served by overhead wiring, the service connections may be provided overhead provided that there are no new poles required and service trespasses will not be created. If either of these conditions are not satisfied, then underground service will be required for that lot.
- b) Street lights must be installed on all roads.
- c) 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.
- d) Remove aerial trespass(es)

.7) Design and Construction

- a) 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.
- b) 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.

- c) 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).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) 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. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

.8) Servicing Agreements for Works and Services

- a) 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.
- b) 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.



Steve Muehze, P.Eng.
Development Engineering Manager

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