
CITY OF KELOWNA
MEMORANDUM

Date: October 24, 2001
File No.: (3360-20)HRA01-011

To: City Manager

From: Planning & Development Services Department

Subject:

APPLICATION NO. HRA01-011

OWNER: PARK AVENUE
PROPERTIES INC.

AT: 2056 PANDOSY STREET

APPLICANT: NEW TOWN PLANNING
SERVICES INC.

PURPOSE: TO ENTER INTO A HERITAGE REVITALIZATION AGREEMENT WITH THE CITY OF KELOWNA, IN ORDER TO PERMIT THE USE OF THE EXISTING BUILDING ON THE SUBJECT PROPERTY FOR THE PURPOSE OF PROVIDING ADULT CARE AND COUNSELLING

EXISTING ZONE: RU1 – LARGE LOT HOUSING

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Municipal Council of the City of Kelowna authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for the property known as 2056 Pandosy Street, Kelowna, BC, Lot 2, Blk 8, DL 14, O.D.Y.D., Plan 348, in the form of such Agreement attached to and forming part of this bylaw as Schedule "A"

AND THAT the Heritage Revitalization Agreement be forwarded to a Public Hearing.

2.0 SUMMARY

The owners of the subject property wish to renovate the existing building on the subject property into an adult care and counselling facility. The existing zone of RU1 – large lot Housing permits the care of 8 people as a secondary use to the principal use of single family housing. As the proposed use involves more than 8 persons in care, and the owners do not intend to have a residential use in the building, it has been necessary to make application for a Heritage Revitalization Agreement for the subject property in order to permit the use of the existing building as an adult care and counselling facility.

2.1 COMMUNITY HERITAGE COMMISSION

The above noted application was reviewed by the Community Heritage Commission at their Regular Meeting of September 11, 2001 and the following recommendation was passed;

THAT the Community Heritage Commission support Heritage Revitalization Agreement Application No. HRA01-011 – 2056 Pandosy Street subject to a non-impervious surface being used on the parking stalls identified on the proposed site plan as parking stalls 1 and 2.

2.2 ADVISORY PLANNING COMMISSION

The above noted application was reviewed by the Advisory Planning Commission at the meeting of September 18, 2001 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Heritage Revitalization Permit HRA01-011, 2056 Pandosy Street by Keith Funk (New Town Planning Services), to enter into a Heritage Revitalization Agreement to permit the use of the existing building as a Major Care Centre.

3.0 BACKGROUND

3.1 The Proposal

The dwelling located on the subject property was constructed on site in 1964. In 1998, the Abbott Street Heritage Conservation Area was created encompassing the neighbourhood surrounding the subject property.

The Kelowna Partners Society received a Minor Heritage Alteration Permit (HAP01-001) in March 2001, which authorized the construction of an exterior handicapped accessible ramp structure at the front of the building in order to provide wheelchair accessibility to the main floor of the building. The renovations were proposed in order to facilitate the use of the building by the Okanagan Similkameen Health Region for use as a Mental Health Day Program, psychiatric adult day care and counselling facility as a permitted secondary use.

It has come to the attention of City staff that the renovations that are were being done to the building are creating space on the property for uses that are not permitted as a principal use on the property, namely the care of more that 8 persons and there not being a residential unit on site. There had been an application made to rezone the property (Z01-1028) from the existing RU1 – Large Lot Housing zone to the P2 – Education and Minor Institutional zone, a zone that permits both the Care Centre use, and the Education use, without the need for a residential unit. However, at both the Advisory Planning Commission Meeting of May 29, 2001 and the Community Heritage Commission Meeting of July 3, 2001, the application was not supported by either of the Commissions as there was substantial neighbourhood opposition to the application to rezone to the P2 – Education and Minor Institutional zone. This application has been withdrawn.

It was the recommendation of both the Advisory Planning Commission and the Community Heritage Commission that the application proceed in the form of a Heritage Revitalization Agreement as the HRA would be specific to the use proposed, and would allow for tighter controls for both the operation of the facility as well as any proposed

future uses of the property. Furthermore, the existing RU1 – Large Lot Housing zone remains intact and the use would revert to a residential use should the HRA be terminated. This is the course of action that the owners have decided to proceed with.

At this time, the proposed renovations to the existing building are not anticipated to alter the exterior form and character of the building. The applicant proposes to refinish the exterior of the building with materials that are similar to the original paint and stucco finishes used on the building when it was originally constructed. The changes to the building generally consist of upgrading of the windows to units that have vinyl frames and double glazing, and the construction of a new wheelchair ramp at the front of the building.

The applicant has provided draft conditions for a Heritage Revitalization Agreement as follows;

1.0 The Proposal

The applicant wishes to use the existing home as a counselling and care facility for individuals suffering from mental conditions such as eating disorders and depression.

1.1 Hours of Operation - The hours of operation would be Monday through Friday, 8:00 am to 7:00 pm,

1.2 Number of Staff and Clients - No more that 25 clients will be on the premises at a time. In addition there will be no more that five (5) staff persons on the premises at any given time. The proposed facility will provide no overnight service to its client base,

1.3 Interior Layout - Changes to the interior of the building will have been completed,

1.4 Exterior - The existing exterior shall be retained

1.5 Parking - (see attached plan) - All parking shall be on-site and accommodate up to eight (8) vehicles, including one handicapped parking space. The parking area shall be surfaced with an impervious hard surface of asphalt, concrete or similar pavement.

1.6 Landscaping (see attached plan) - all existing landscaping (in both front and rear yards) shall be retained. The lot is well landscaped with mature trees, and the established yard quality will be sustained,

1.7 Vehicular Access - Primary access to the facility will be off of Pandosy Street,

1.8 Signage - signage shall be limited to a 15" x 30" white board attached to the house (see attached).

1.9 Storage - All storage shall be confined to within the existing buildings.

The proposal as compared to the existing RU1 zoning requirements is as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Site Area (m ²)	1,825m ²	550m ²
Site Width (m)	22.7m	16.5m
Site Coverage (%)	7.3% Building	40% Building only 50% Bldg & parking areas
Total Floor Area (m ²)	266.7m ²	1,825m ² max @ FAR = 1.0
F.A.R.	0.15	N/A
Storeys (#)	2 storeys	13.5 m (3 Storeys)
Setbacks (m)		
- Front	23.5m	4.5m 6.0m from a garage or carport
- Rear	44.1m	7.5m
- North Side	4.26m	2.0m for 1 or 1½ storey portion 2.3m for 2 or 2½ storey portion
- South Side	3.0m	2.0m for 1 or 1½ storey portion 2.3m for 2 or 2½ storey portion
Parking Stalls (#)	8 stalls provided	1 per 10 persons plus 1 per 2 employees, min. of 4 stalls

3.2 Site Context

The subject property is generally flat and level, and has an existing single family dwelling located adjacent to the Pandosy street frontage. There is a substantial amount of mature vegetation existing on site, with several large trees in the front yard. The subject property lies within the Abbott Street Heritage Conservation Area.

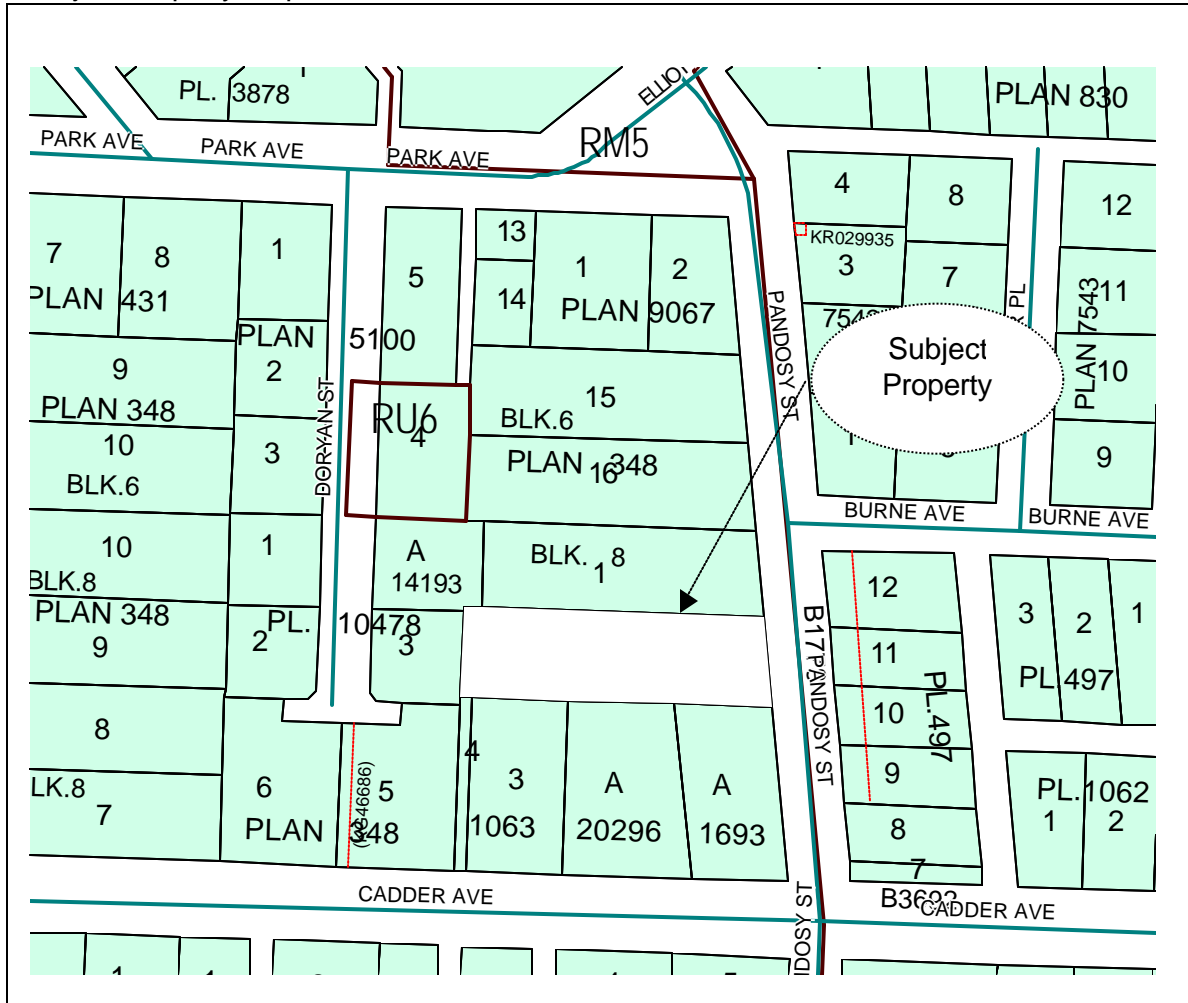
Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing / single family uses
(Heritage Building – Hewetson School House)
- East - RU1 – Large Lot Housing / Pandosy St, single family uses
- South - RU1 – Large Lot Housing / single family uses
- West - RU1 – Large Lot Housing / single family uses

3.3 Existing Development Potential

The existing zone of RU1 – Large Lot Housing permits single detached housing as the principal use, and bed and breakfast homes, care centres minor, group homes minor, home based business major and minor, and secondary suites and secondary uses.

Subject Property Map



3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The proposal is generally consistent with the Single/Two Family Residential future land use designation of the Official Community Plan, which include such institutional uses such as child care and schools as supported future land uses.

The subject property is located within the Abbott Street Heritage Conservation Area.

3.4.2 City of Kelowna Strategic Plan (1992)

The proposed development is generally consistent with the City of Kelowna Strategic Plan (1992) by addressing the following areas;

Objective 7.7 states “To work cooperatively with other levels of government, community-based agencies and Kelowna residents to create and maintain an environment that creates a sense of security and belonging for all residents”,

Strategy 7.12 states "The City will continue to support community-based agencies that deal with issues related to crime prevention including financial and family counselling, services to youth and families, and housing."

3.4.3 South Central Neighbourhood Sector Plan

The South Central Neighbourhood Sector Plan identifies the area of the subject property as a R1, R1a (now RU1 & RU2) Conservation area. The South Central Neighbourhood Sector Plan goes further to state that “While at present most institutional uses are seen as compatible neighbours with adjacent residential properties, it will be necessary to address parking and transportation impacts as each facility is renovated, enlarged or redeveloped. As well, the form of development on institutional sites should be sensitive to neighbouring buildings and streetscape views.”

3.5 Heritage Conservation Area Development Guidelines

The Official Community Plan (OCP) designates the subject property as Single / Two Family Residential and as being located within the Abbott Street Heritage Conservation Area. The objectives of the Abbott Street Heritage Conservation Area are to maintain the existing single or two family residential and historical character of the neighbourhood, to promote the retention and restoration of existing heritage homes and encourage new development which is compatible with the form and character of the existing neighbourhood context.

The proposal to register a Heritage Revitalization Agreement (HRA) on the subject property in order to allow the subject building to be used for adult care and counselling services does not conform with the OCP land use designation. However, the OCP encourages the use of HRAs as a means of facilitating the adaptive re-use and continuing protection of heritage buildings. In this regard, the retention of the building and the proposed use of it seem appropriate given that the subject property is located in an area with a high concentration of heritage properties, that the subject property is located along a major arterial road and that the use would be compatible with the residential character of the neighbourhood.

With regard to the proposed site plan, it is suggested that the applicant incorporate motion lighting in the vicinity of the front pathway and the rear parking area in order to provide safe access to the building at night.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

4.1 Fire Department

This department has no objections to this application.

4.2 Inspection Services Department

H/C access is required to the main floor as per building permit.

4.3 Parks Manager

1. All entry feature signs for the proposed development to be located on private property and not on city Blvd. This includes any landscape treatment around the entry feature.
2. All trees planted in sidewalk and not in grass Blvd will require a vault and grate; and, all trees in grass Blvd to use root shield barriers for acceptance.
3. The following applies for all boulevard (BLVD) landscape and park and is standard information required on a landscape plan:
 - A. Planting plan to include a proper plant materials list:
 - i) Latin name
 - ii) common name
 - iii) size at planting
 - iv) plant symbol key
 - v) indicate existing trees
 - B. Plant material specifications are as follows:
 - i) Deciduous Tree - caliper @300mm above rootball (min. 60mm)
 - ii) Deciduous Shrub - spread (min. 450mm)
 - iii) Coniferous Tree - height (min. 2.5m)
 - iv) Coniferous Shrub - spread (min. 450mm)
 - v) Seed/Sod Mix according to location and proposed activity use.
 - C. Shrub beds require plastic edge beside all areas abutting a city sidewalk of city land to prevent migration of mulch.
 - D. Scale of plan and north arrow clearly indicated on plan.
 - E. All plant materials (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
4. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
5. BLVD maintenance (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.
6. All BLVD tree maintenance is responsibility of Parks Division.
7. Planting plan to include all u/g utility locations in BLVD.

4.4 Public Health Inspector

Passed on to Communities Care Licensing Act comments

4.5 Shaw Cable

Owner/Contractor to supply and install an underground conduit system as per Shaw Cable drawings and specifications.

4.6 Works and Utilities Department

The Works & Utilities Department have the following requirements associated with this development application.

1. Domestic Water and Fire Protection

- (a) During the Pandosy Street Upgrading this lot was serviced with a 50mm diameter water service. Collect \$1,500.00 for this service.
- (b) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.
- (c) If there is to be landscaping on the site, the developer must also purchase an irrigation sewer credit meter from the City and prepare a meter setter at his cost.

2. Sanitary Sewer

- (a) There is an existing 100mm diameter sanitary sewer service to the proposed facility that may be retained. If a larger service is required it can be provided at the applicant's cost.

3. Storm Drainage

- (a) There is no existing storm drainage service for this lot.
- (b) The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Storm Water Management Policy and Design Manual. The plan must accommodate the requirements to contain a 1 in 10-year storm event within pipes and identify overland drainage routes for a 100-year storm event with consideration for upstream water sources and downstream facility upgrading and/or provision of storm water retention facilities. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), storm water services for each lot created and/or on-site drainage containment and disposal systems. The on-site drainage system may be connected to the street drainage system with an overflow service at the developer's cost, with approval from the City drainage engineer.

4. Road Improvements

- (a) Pandosy Street was upgraded recently to the ultimate curb alignment; but the sidewalk and boulevard require modifications. This includes removal and replacement of the existing sidewalk to the ultimate location and boulevard changes to match the new sidewalk alignment. It is necessary for the development to pay one-time cash payment of \$6,400.00 for this work. The City of Kelowna will complete this work at a later date.

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Dedicate 3.20 meter widening of Pandosy Street fronting this property.
- (b) Grant statutory right-of-way(s) if required for utility services.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building as well as the local distribution wiring must be installed in an underground duct system, and the building must be connected by underground services. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

7. Street Lighting

Ornamental street lighting including underground ducts must be installed on all roads fronting on the proposed development. The cost of this requirement is included in the roads upgrading item.

8. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

9. Geotechnical Report

Not required for building renovation purposes.

10. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

11. Levy Summary

(a) <u>Levies</u>	Water Service	\$1,500.00
	Road Improvements	<u>\$6,400.00</u>
	Total Levies	<u>\$7,900.00</u>

12. Development Permit and Site Related Issues

(a) The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of drywells and perforated pipe bedded in drain rock.

(b) Access and Manoeuvrability

The site plan should illustrate the ability of an SU-9 vehicle to manoeuvre onto and off-site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles, the site plan should be modified and illustrated accordingly.

13. Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as 3% of the total off-site construction costs, not including design. 7% GST will be added.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The subject property has been the subject of several applications over the years. The underlying theme from the neighbourhood and area resident associations has been non-supportive of change in use of the property.

This current application for a Heritage Revitalization Agreement seems to create an adaptive reuse of an existing building that should not significantly impact the neighbourhood. The HRA will permit the use of the existing building for an intermediate care use for adults, while also permitting counselling on site as well. The existing building will not change externally, beyond the addition of the wheelchair ramp to the front of the building. Also, by the use of a HRA, the agreement can include more restrictive limits on permitted uses and hours of operation than would be offered by conventional zoning.

This property was the subject of an application to rezone from the existing RU1 – Large Lot Housing zone to the P2 – Education and Minor Institutional zone, which would permit the proposed use for an adult day care and counselling facility. However, at both the Advisory Planning Commission and the Community Heritage Commission meetings, there was substantial opposition to the proposed rezoning from the neighbourhood, as there were concerns with not only how the facility would operate, but also what permitted uses may occur on the site under the proposed P2 – Education and Minor Institutional zone, in the future, after the current proposed use is terminated. It is recognized that there is not heritage value in the building that occupies the subject property, as the building is only 37 years old and has rather non-descript architectural value. It is only because the property lies within the Abbott Street Heritage Conservation Area that the application for a HRA has even been considered. The applicability of the HRA process, in this case, can only be considered on the basis that the proposed site development preserves or enhances the subject property within the context of the existing character of the neighbourhood. Given the concerns of the neighbourhood regarding the use of the property for an adult day care and counselling facility, and the recommendations of both the APC and the CHC to enter into a HRA, the Planning and Development Services Department is prepared to consider a Heritage Revitalization Agreement application in order to permit the proposed land use. The Planning and Development Services Department has encouraged the applicant to retain a caretakers unit on site to ensure that there is a presence on site after hours. However, at this point the applicant does not wish to accommodate a residential unit on site.

Andrew Bruce
Current Planning Manager

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

PMc/pmc
Attach.

FACT SHEET

1. **APPLICATION NO.:** HRA01-011
2. **APPLICATION TYPE:** Heritage Revitalization Agreement
3. **OWNER:** Park Avenue Properties Inc.
· **ADDRESS:** c/o #200 – 1465 Ellis St.
· **CITY:** Kelowna, BC
· **POSTAL CODE:** V1Y 2A3
4. **APPLICANT/CONTACT PERSON:** New Town Planning Services Inc. /
Keith Funk
· **ADDRESS:** 1450 Pandosy St.
· **CITY:** Kelowna, BC
· **POSTAL CODE:** V1Y 1P3
· **TELEPHONE/FAX NO.:** 860-8185/860-0985
5. **APPLICATION PROGRESS:**
Date of Application: August 2, 2001
Date Application Complete: August 21, 2001
Servicing Agreement Forwarded to Applicant: N/A
Servicing Agreement Concluded: N/A
Staff Report to Council: October 24, 2001
6. **LEGAL DESCRIPTION:** Lot 2, Blk 8, DL 14, O.D.Y.D., Plan 348
7. **SITE LOCATION:** West side of Pandosy Street, at Burne Avenue
8. **CIVIC ADDRESS:** 2056 Pandosy Street
9. **AREA OF SUBJECT PROPERTY:** 1,825m²
10. **AREA OF PROPOSED REZONING:** 1,825m²
11. **EXISTING ZONE CATEGORY:** RU1 – Large Lot Housing
12. **PROPOSED ZONE:** P2 – Education and Minor Institutional
13. **PURPOSE OF THE APPLICATION:** To enter into a Heritage Revitalization Agreement to permit the use of the existing building for adult care and counselling
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** 02-081-19427
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY
15. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** N/A

Attachments

Subject Property Map
8 pages of site elevations / diagrams
14 pages of Heritage Revitalization Agreement