

REPORT TO COUNCIL



Date: October 22, 2019

To: Council

From: City Manager

Department: Development Planning - Urban

Application: HAP18-0005 **Owner:** Richard Mohr, Judith L. Mohr and Craig R. Mohr

Address: 2210 Abbott Street **Applicant:** Craig R. Mohr

Subject: Heritage Alteration Permit - Major

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP18-0005 for Lot 27, District Lot 14, Osoyoos Division, Yale District, Plan 535, located at 2210 Abbott Street, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule A;
2. The exterior design and finish of the building to be constructed on the land be in accordance with Schedule B;
3. Landscaping to be provided on the land be in general accordance with Schedule C;
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedules A and B:

Section 6.5.3(c): General Development Regulations

To vary the maximum height of an accessory building from 4.8m permitted, to 6.88m proposed.

Section 6.5.3(d): General Development Regulations

To vary the minimum front yard of an accessory building from 9.0m permitted, to 1.51m proposed.

Section 13.6.6(g): RU6 – Two Dwelling Housing

To vary the minimum flanking street side yard for the main dwelling from 4.5m permitted, to 2.3m proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Heritage Alteration Permit Application in order for the permits to be issued;

AND FURTHER THAT this Heritage Alteration Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To consider a Heritage Alteration Permit for the form and character of a new semi-detached dwelling and an accessory building with variances to height, front yard, and flanking street.

3.0 Development Planning

The purpose of the HAP is for the proposed design and project rationale to be reviewed and evaluated based on the proposal's alignment with the Abbott Street and Marshall Street Heritage Conservation Area Development Guidelines for new developments and the Heritage Alteration Permit Guidelines as identified in City's Official Community Plan (OCP). Typically this assessment process would be in consideration of an existing dwelling that is still located on a property.

The subject property is unique when compared to other properties within the Abbott Street Heritage Conservation Area (HCA) in a number of ways. The property is currently vacant as the house that was previously on the property was demolished in 2015. The property and the former house were not on the Municipal Heritage Register or protected by Heritage Bylaw. As a result, the property's remaining heritage value is its location in the southern extent of the Abbott Street Heritage Conservation Area. Furthermore, the neighbourhood context includes several new projects consisting of an assortment of building styles and do not conform to the Heritage Conservation Area Development Guidelines. These developments are:

- JoeAnna's House – located immediately to the east of the subject lot at the corner of Abbott Street and Royal Avenue, it is designed in "Modern Farmhouse" style;
- Strathcona Building - located adjacent to and south of JoeAnna's House at the corner of Abbott Street and Strathcona Avenue, it is a mixed-use building with heritage inspiration for its design and materials;
- 2248-2250 Abbott Street - a semi-detached residential dwelling located two lots to the south of the subject property, designed in the Frank Lloyd Wright inspired, prairie-style.

Finally, the property immediately to the south was constructed in the 1930s on a double lot and is considered a "late arts & crafts" style¹, further adding to the eclectic architectural designs present within the immediate surrounding area of the subject property.

Even though the dominant style for the block is identified as "late arts & crafts", based on this unique situation, it is difficult to apply relevant heritage guidelines in a significant or meaningful way with respect to neighbourhood context.

Development Planning is recommending support for the proposal as the new building with heritage inspiration from the Georgian Revival style adds to the diversity of building styles within the immediate neighbourhood. The accessory structure has been designed with an appealing front façade that faces out on

¹ Abbott Street & Marshall Street Heritage Conservation Areas Development Guidelines, Style Register List

to the Abbott Street Recreational Corridor. The applicant has provided an attractive landscape plan that includes a variety of hedges, deciduous trees, perennials and ornamental grasses along with improvement to the Royal Avenue sidewalk to connect the public with the City parkland on the western side of the property facing the lakefront.

The project requires variances to height and front yard and flanking street setbacks. The variances are mitigated through the site design and context, as described in Section 4.3.

To fulfil Council Policy No. 367, the applicant submitted a Neighbour Consultation Summary Form to Staff on September 13, 2019, outlining that the neighbours within 50 m of the subject property were notified.

4.0 Proposal

4.1 Background

The subject property was rezoned in 2015 to RU6 – Two Dwelling Housing and a Heritage Alteration Permit (HAP14-0014) was issued for the development of a new semi-detached housing at that time. The Council-approved HAP included three variances: maximum height of an accessory building (4.5m required, 5.6m approved); flanking street setback (4.5m required, 2.0m approved); and front yard setback for an accessory building (9.0m required, 1.2m approved). However, the property owner did not proceed with the approved development and later sold the property.

In 2017, under a new ownership by the current applicant, a new Heritage Alteration Permit (HAP17-0001) that saw significant redesign to the proposed development with a new set of variances was brought before Council for consideration. The proposal was not supported by Staff and Council.

4.2 Project Description

The subject property is located in a prominent location on the corner of the Abbott Street Recreation Corridor and Royal Avenue Beach Access making the project highly visible. As the site is located in the Abbott Street Heritage Conservation Area, an HAP is required for the project. As previously mentioned, the property is not listed on the Heritage Register. The applicant's Design Rationale (Attachment C) is included at the end of the report.

The applicant is proposing to construct a semi-detached dwelling with a detached accessory building inspired by the Georgian Revival style (Figure 1). The subject property has two street-fronts: Abbott Street and Royal Avenue. While Abbott Street is the principal street front, Royal Avenue is the larger frontage and has the dominant building exposure. The site plan maintains driveway access from Royal Avenue with four parking stalls located within the principal dwelling and one stall within the accessory building, for a total of 5 covered parking stalls. The accessory building is proposed to be used as office space and storage area.



Figure 1: Conceptual illustration of the proposed semi-detached dwelling with a detached accessory building, as would be seen from Royal Avenue streetscape.

Heritage Design & Guidelines

Upon request by Staff and in lieu of not having the Heritage Advisory Committee (HAC) in operation, the applicant retained the services of a Registered Heritage Consultant (the Consultant) to review and comment on the form and character of the proposed design (Attachment D). In her report, the Consultant considered the proposal's alignment with both the City's HCA Guidelines for new development and the *Standards & Guidelines for the Conservation of Historic Places in Canada* (Standards & Guidelines). The proposed design is modern with some elements inspired by traditional Georgian Revival architectural style. The Consultant identified that the elevation composition of the principal and the accessory building contains elements from several historical styles, some of which are disproportionate in size or placement, such as inconsistent window styles and dimensions, pilasters disrupting the roofline and the lack of integration of the hip roofline, and most importantly, the lack of symmetry that is typical of the Georgian Revival or other Classical Revival styles.

In accordance with the OCP Heritage Conservation Area Guidelines, Staff "encourage new development, additions and renovations to existing development which are compatible with the form and character of the existing context²". To address the Consultant's comments, the applicant revised the Abbott Street elevation of the accessory building to adopt all the recommended design strategies, including scaling down entrance pilasters and removing elements that disrupt the roofline. However, the Consultant's design recommendations were not incorporated into the principal building.

In summary, in the Consultant's professional opinion "the subject proposal is no doubt distinguishable from authentic historical designs but misses the mark in being compatible with and subordinate to its historic surroundings for its grandiose scale and features, and for its lack of compatibility or linkage to a single identifiable traditional style³" (Figure 2). Staff recognize that the building is not in keeping with the original style identified for the property; however, given its location and evolving neighbourhood context, the proposed design builds on the changing character of this portion of the Abbott Street HCA.

² Official Community Planning Chapter 16: Heritage Conservation Area Guidelines

³ Ance Building Services Co. Inc. – The Heritage Consultant Report, March 29, 2019



Figure 2: Rendering of the proposed development on the subject property as would be seen from Royal Avenue streetscape.

Variances

The applicant has requested three variances to the Zoning Bylaw:

1. To vary the front yard setback for the accessory building from 9.0m permitted to 1.51m proposed;
2. To vary the accessory building height from 4.8m permitted to 6.88m proposed; and,
3. To vary the flanking street side yard (Royal Avenue) for the principal building from 4.5m permitted to 2.3m proposed.

While the accessory building is located close to the front yard and is higher in building height than the Zoning Bylaw permits, there is an unusually wide landscaped boulevard within the road-right-of-way that provides adequate transition to the public sidewalk and minimizes the impact. As well, the applicant has treated the front façade of the accessory building with detailing, articulation and a variety of materials that should complement and enhance the streetscape experience. These factors mitigate both the reduced setback and increased height of the accessory building.

The third variance to reduce the flanking street side yard (Royal Avenue) for the principal building from 4.5m permitted to 2.4m proposed is only for the north-western portion and not the entire northern length of the principal building. Additionally, to help mitigate the visual impact created by the reduced setback, the applicant has proposed high quality landscaping along the Royal Avenue frontage including columnar deciduous trees.

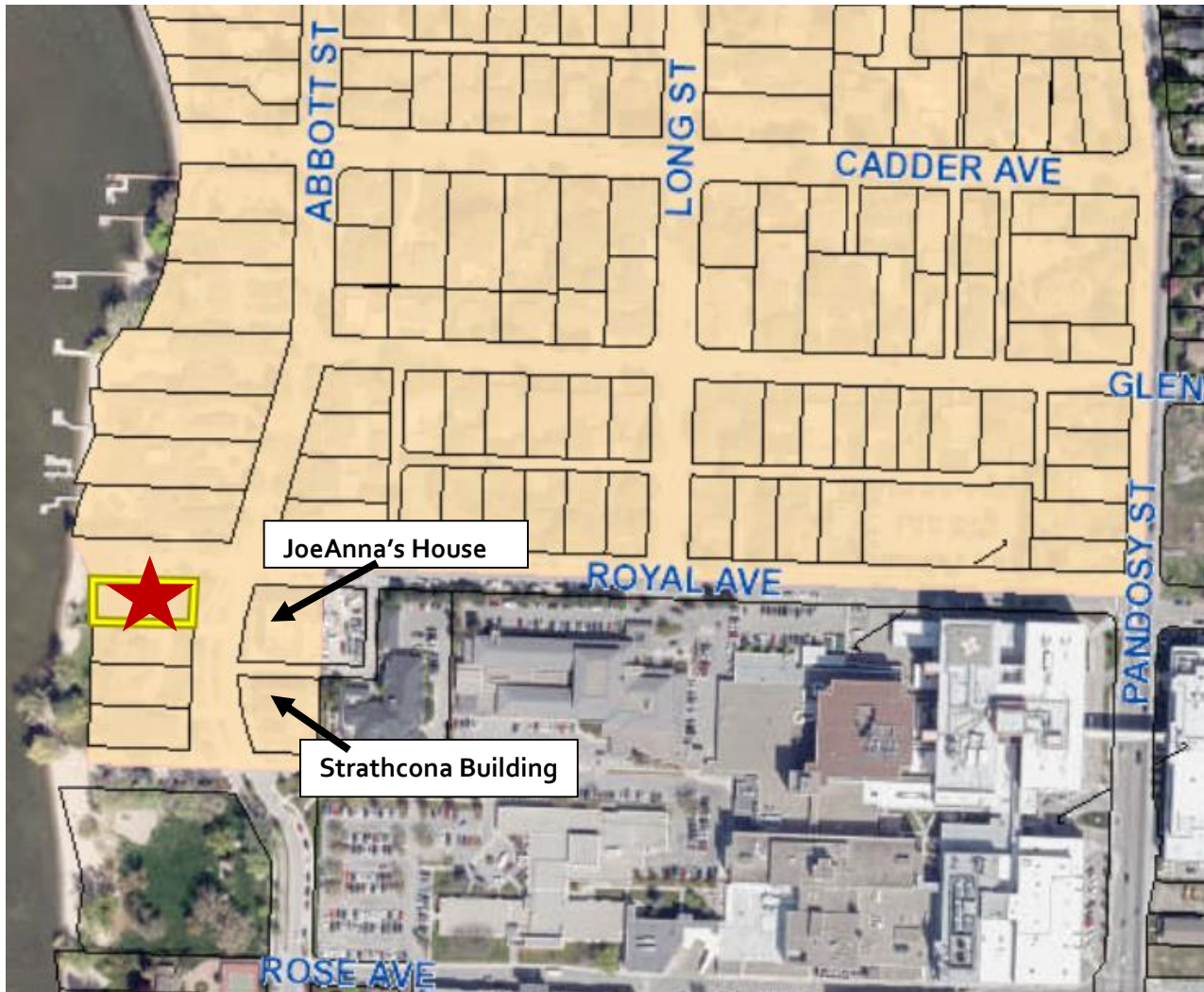
4.3 Site Context

The subject property is currently vacant and is located at the southwest corner of the intersection of Abbott Street and Royal Avenue beach access. It is located immediately west of JoeAnna's House and Kelowna General Hospital. It is a prominent and highly visible corner on the popular Abbott Street Recreation Corridor.

The property is zoned RU6 – Two Dwelling Housing, is designated S2RES - Single / Two Unit Residential in the OCP and is located within the Permanent Growth Boundary. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	Road RU1 – Large Lot Housing	Royal Avenue public beach access Single detached dwelling
East	HD1 and HD2 – Kelowna General Hospital	Kelowna General Hospital and JoeAnna's House
South	RU1 – Large Lot Housing	Single detached dwelling
West	W1 – Recreational Water Use	Okanagan Lake

Subject Property Map: 2210 Abbott Street. Orange colour denotes Abbott Street Heritage Conservation Area



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot		
Min. Lot Area	800 m ²	996 m ²
Min. Lot Width	20 m	20.07 m
Min. Lot Depth	30 m	48.26 m
Development Regulations		
Max. Site Coverage (buildings)	40%	39.8%
Max. Site Coverage (buildings, parking & driveways)	50%	49.8%
Max. Height	9.5 m to mid-point or 2 ½ storeys (principal building).	9.5 m or 2 ½ storeys
	4.8 m to mid-point (accessory building)	6.88 m to mid-point ❶
Min. Front Yard	4.5 m (principal building)	15.19 m
	9.0 m (accessory building)	1.51 m ❷
Min. Side Yard (south)	2.3 m for 2-2 ½ storeys (principal building)	2.3 m
	1.5 m (accessory building)	4.92 m
Min. Flanking Side Yard (north)	4.5 m (principal building)	2.3 m ❸
	1.5 m (accessory building)	4.92 m
Min. Rear Yard	7.5 m (principal building)	8.1 m
	1.5 m (accessory building)	over 20 m
Other Regulations		
Parking Requirements	5 (2 stalls per dwelling + 1 stall for accessory building)	5
Min. Private Open Space	60 m ² (30 m ² / dwelling)	Meets requirement
Min. Distance Between Principal and Accessory Buildings	3.0m	7.2 m
Min. Okanagan Lake Sightlines	120°	Meets requirement
❶ Indicates a requested variance to the maximum height of an accessory building. ❷ Indicates a requested variance to the minimum front yard for a detached accessory building. ❸ Indicates a requested variance to the minimum side yard for a flanking street.		

5.0 **Current Development Policies**5.1 Kelowna Official Community Plan (OCP)

Chapter 9: Arts, Culture and Heritage

Heritage Policies:

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.

Chapter 16: Heritage Conservation Area Guidelines

Objectives:

Encourage new development, additions and renovations to existing development which are compatible with the form and character of the existing context

6.o Application Chronology

Date of Application Received:	February 22, 2018
Date of Registered Heritage Consultant Report Received:	April 7, 2019
Date of Final Revised Plans Received:	August 28, 2019
Date Public Consultation Completed:	September 13, 2019

Report prepared by:	Barbara B. Crawford, Planner II
Reviewed by:	Laura Bentley, Urban Planning & Development Policy Manager
Approved for Inclusion:	Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Draft Heritage Alteration Permit No. HAP18-0005, including:

Schedule A: Site Plan and Okanagan Sightline

Schedule B: Elevations and Floor Plans

Schedule C: Landscaping Plans

Attachment B: Heritage Alteration Permit Guidelines

Attachment C: Applicant's Rationale Letter and Renderings

Attachment D: Ance Building Services - Registered Heritage Consultant Report