

REPORT TO COUNCIL



Date: March 20, 2017

RIM No. 1240-30

To: City Manager

From: Community Planning Department (TB)

Application: HRA16-0001 **Owner:** Donald F. McDonald
Linda J. Scott-McDonald

Address: 1449 Ethel Street **Applicant:** Donald F. McDonald
Linda J. Scott-McDonald

Subject: Heritage Revitalization Agreement

Existing OCP Designation: SIH – Sensitive Infill Housing

Existing Zone: RU7 – Infill Housing

1.0 Recommendation

THAT Council consider a Bylaw which would authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for the property legally known as Lot 1, District Lot 138, ODYD, Plan 2442, located at 1449 Ethel Street, Kelowna, BC, in the form attached as Schedule "A" to the Report from the Community Planning Department dated March 20, 2017;

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

2.0 Purpose

To enter into a Heritage Revitalization Agreement for the subject property to allow special events such as weddings, corporate events, fundraisers, and others; in exchange for long term preservation of a heritage resource.

3.0 Community Planning

Community Planning staff recommend support for the proposed Heritage Revitalization Agreement (HRA) that would allow special events in exchange for long term preservation of a heritage resource. This is consistent with Official Community Plan policies to identify and conserve heritage resources. In addition, the City's Adaptive Re-Use Guidelines were applied when drafting the agreement to mitigate any potential neighbourhood conflict. The Heritage Advisory Committee has reviewed the application and is also in support of the proposal.

4.0 Proposal

4.1 Background

There are four structures on the subject property which is located at 1449 Ethel Street and is listed on the City's Heritage Register. The main house is known as Billy-Lloyd Jones House and was constructed in 1910 by Lloyd-Jones who was a prominent community member and alderman. A garage and workshop were added to the rear of the house in the 1980s and have since been converted to a small banquet area that is used for hosting events. Few other significant alterations are noted and the exterior is very well maintained. The carriage house was constructed in 2002 and reflects the heritage characteristics of the main house. The current owners did extensive renovations to the interior and exterior after purchasing the property in 2009. A small gazebo and garden shed are located on the well-maintained and extensive gardens at the rear of the property

4.2 Project Description

The applicant is seeking to legitimize commercial uses on the property such as small scale functions and weddings. The applicant has had a license for a Bed & Breakfast since 2010 and has been hosting small scale functions and weddings since that time, unaware that the business license did not include functions beyond the scope of a Bed & Breakfast. During this time there have been no recorded complaints or bylaw investigations and the applicants reside in the main building full-time.

The house and gardens have been well maintained and no changes are proposed as a function of this HRA application. Should future changes be proposed, the applicants would be required to apply for a Heritage Alteration Permit to ensure consistency with the City's Heritage Guidelines.

The purpose of allowing the commercial use within this residential property is to ensure the preservation and maintenance of an existing Heritage Registered property that has been well-maintained.

4.3 Variances

Two variances would be granted through the provisions of this HRA: B&B use and parking.

The City of Kelowna Zoning Bylaw No. 8000 states that B&B's must be operated within the principal building (Zoning Bylaw regulation 9.6.1(a)) and are not permitted on the same property as a carriage house (Zoning Bylaw regulation 9.5b.8). The proposed HRA would allow the B&B operations to exist on a property that has a carriage house, and within the carriage house.

The total number of spaces required for the subject property based on the commercial use is 8 stalls, and the HRA would reduce that to 4 stalls in the front driveway with 1 space available for loading on the north property line off of the lane from Stockwell Avenue. The applicants have mitigated parking issues in the past by offering a shuttle service for guests.

It is important to note that the applicants have been operating their business in this manner for several years and City Bylaw has never received a complaint. This would include noise complaints, parking complaints, illegal use complaints, and unsightly premises complaints.

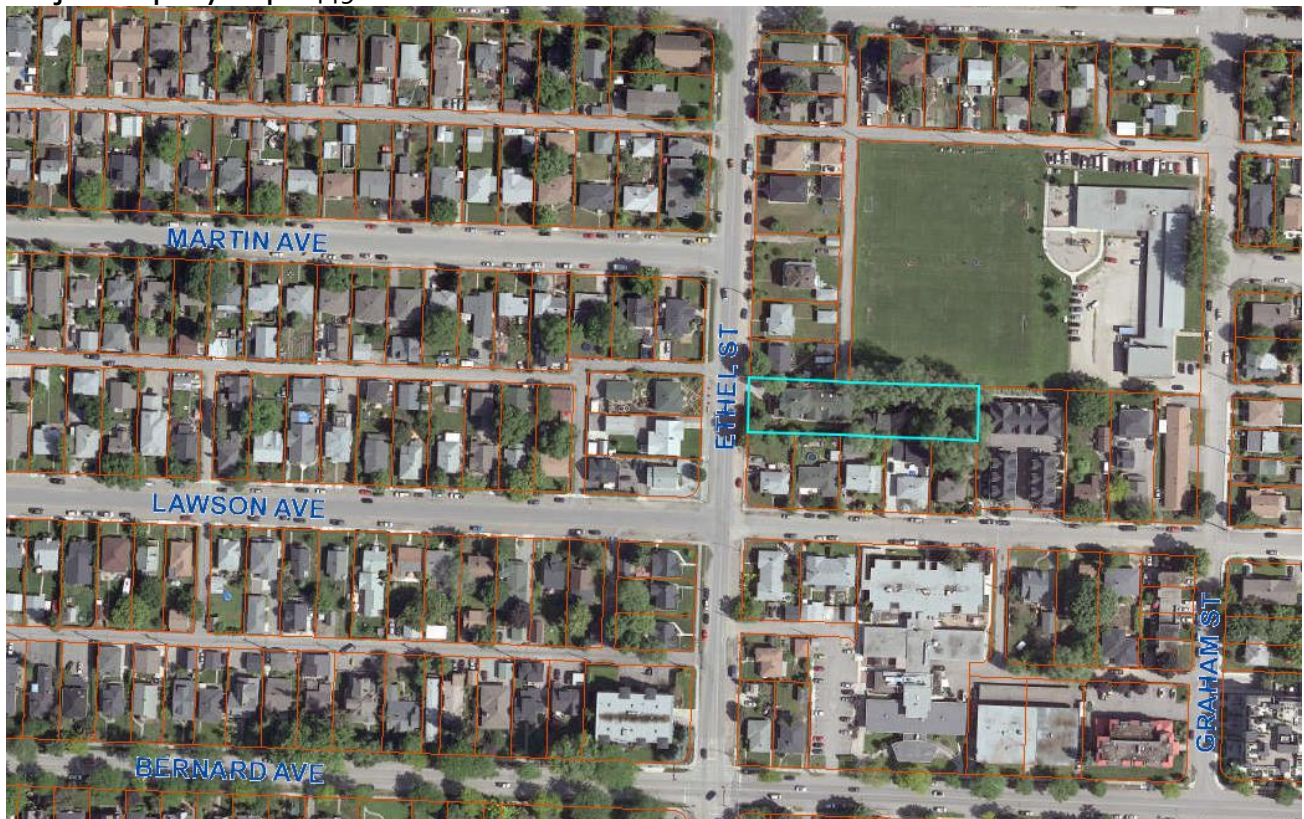
4.4 Site Context

The subject property has a lot area of 2226m² and is located on the east side of Ethel Avenue between Stockwell Avenue and Lawson Avenue. The subject property is zoned RU7 – Infill Housing and is within the Core Area east of the City Centre and within a Character Neighbourhood Development Permit Area.

The property is in a predominantly residential area, bordered on the north-east side by Martin Park. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing P2 – Educational & Minor Institutional	Single Family Dwelling Martin Park
East	RM3 – Low Density Multiple Housing	Multi-family Residential
South	RU6 – Two Dwelling Housing	Single and Two Family Dwellings
West	RU6 – Two Dwelling Housing	Single Family Dwelling

Subject Property Map: 1449 Ethel Street



5.0 **Adaptive Re-Use Guidelines**

Details of the Adaptive Re-Use Guidelines and how the application meets or does not meet:

1. Neighborhood Resident Concerns: The applicant has conducted neighbourhood notification as a requirement of Council Policy #367. No feedback from the neighbourhood has been received to date. The applicant has been operating this business in a similar fashion since 2010 with no

complaints or bylaw investigations. The applicant has agreed to adhere to the City of Kelowna Noise Control Bylaw No 6647.

2. Residential Component: The applicant resides full time in the main house. When an event requires access to overnight accommodations the applicant has 4 Bed & Breakfast rooms available in the home or 2 rooms in the Carriage House that will only be used during special events.
3. Concentration of Adaptive Re-Uses: There are no other properties with HRAs located on this block of Ethel Street. Four properties on Bernard Avenue between Richter Street and Ethel Street have HRAs that allow commercial office uses in addition to residential uses.
4. Design Standards: There are no proposed changes to the exterior or interior of the heritage home as it is recognized as well-maintained and preserved. A component of the HRA includes an inspection of the exterior of the home every 2 years to ensure it is maintained.
5. Scale: The scale of the business will be limited to 30 attendees within the home. The floor area to be used for the special events includes indoor and outdoor space.
6. Signage: The existing sign will remain and meets the guidelines for Adaptive Re-Use Signage.
7. Parking/Access: There is currently 4 on-site parking stalls located in a front driveway off of Ethel Street. A second access to the property exists on the north off a lane that connects with Stockwell Avenue which may be used for loading. The applicant has stated that their business model includes the use of shuttle services for guests coming and going from the property thereby reducing the amount of traffic, parking, and eliminating alcohol related risks.
8. Hours of Operation: The hours of operation are restricted to 9 am to 10 pm outdoors, with an extension until midnight indoors. The frequency is not to exceed 4 weekend events per month to a maximum of 24 per year; and 4 weekday events per month to a maximum of 24 per year.
9. Screening: Attractive fencing and landscaping has been used extensively on the property. Screening from the front of the house is maintained at a low profile so as to allow the public to view the heritage property from the public sidewalk. Screening and landscaping on the sides and rear of the 2226m² (.55 acre) property is mature and provides a visual and sound buffer between adjacent properties.

6.0 Current Development Policies

6.1 Kelowna Official Community Plan (OCP)

Chapter 5 – Development Process

Objective 5.7: Identify and conserve heritage resources.

Policy 2 Heritage Designation:¹ Encourage owners of properties listed in the Kelowna Heritage Register and identified as significant to voluntarily provide long-term heritage protection to their properties through the use of a Heritage Designation Bylaw.

¹ City of Kelowna, Official Community Plan Chapter 5, Objective 5.7, Policy 2

Policy 3 Heritage Revitalization Agreements:² Consider the adaptive reuse of heritage buildings appropriate within any future land use designation, provided that a Heritage Revitalization Agreement is negotiated with the City and provided that the project meets the criteria established for sensitive neighbourhood integration.

Chapter 9 - Heritage Policies

Objective 9.2 Identify and conserve heritage resources.³

7.0 Application Chronology

Date of Application Received: February 17, 2016
Date of Community Heritage Committee: April 21, 2016
Date Public Consultation Completed: January, 2017

Community Heritage Committee April 21, 2016

The above noted application was reviewed by the Community Heritage Committee at the meeting held on April 21, 2016 and the following recommendations were passed:

THAT the Heritage Advisory Committee recommends that Council support the Heritage Revitalization Agreement HRA16-0001 on the subject property at 1449 Ethel Street to be used for commercial uses such as weddings, corporate events, fundraising tours and other small events and gatherings.

ANECTODAL COMMENT:

The Heritage Advisory Committee supported the application and recommend the Applicant consider a Heritage Designation on their property, as well, consider exterior restoration work specifically on the original house; in particular windows and vinyl siding. There are Grants up to \$10,000 for owners to access as a restoration incentive. The Heritage Advisory Committee raised concerns pertaining to operations maintaining status quo if and when a new owner takes over the property and believes a 2-year inspection is the right tool to ensure operations are being adhered to and maintained. The Heritage Advisory Committee recommended a maximum occupancy sign be posted for fire safety purposes. The Heritage Advisory Committee believes this is an important heritage property with great history for adaptive use.

Report prepared by: Trisa Brandt, Planner I

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Adaptive Re-Use Guidelines (For Heritage Revitalization Agreements)
Statement of Historical Significance
Photographs

² City of Kelowna, Official Community Plan Chapter 5, Objective 5.7, Policy 3

³ City of Kelowna, Official Community Plan Chapter 9, Objective 9.2