

REPORT TO COUNCIL



Date: June 27, 2017
RIM No. 0940-60
To: City Manager
From: Community Planning Department (TB)

Application: HAP17-0001
Address: 2210 Abbott Street
Subject: Heritage Alteration Permit

Owner: Richard Mohr
Judith Lynn Mohr
Craig Richard Mohr

Applicant: Craig Richard Mohr

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Council NOT authorize the issuance of Heritage Alteration Permit No. HAP17-0001 for Lot 27, DL 14, ODYD, Plan 535, located at 2210 Abbott Street, Kelowna, BC.

2.0 Purpose

To consider a Staff recommendation to NOT issue a Heritage Alteration Permit for proposed semi-detached housing with a detached accessory building.

3.0 Community Planning

Community Planning staff do not recommend support for the proposed Heritage Alteration Permit for the semi-detached housing and detached accessory building because the proposed height, massing, scale, and setbacks would have a significant impact in the area and be inconsistent with the Heritage Conservation Area Guidelines. Four variances are requested within the Heritage Alteration Permit including front yard setback, side yard setback, a height variance on the semi-detached housing, and a height variance on the accessory building. The combination of these variances creates massing that is inconsistent with the streetscape and the surrounding Heritage Conservation Area. The siting of the over-height detached accessory building is at 1.2m from the front property line and therefore is inconsistent with the established setbacks and heights for the residential block. The subject property is in a prominent location on the corner of the Abbott Street Recreation Corridor and Royal Avenue Beach Access making the project highly visible.

4.0 Proposal

4.1 Background

The subject property is located within the Abbott Street Heritage Conservation Area. The subject property was previously identified as Early Suburban, and the dominant style for the block is Late Arts and Crafts. There are several other new builds in the area that are of a modern design and are not consistent with the dominant style of the block.

The subject property was rezoned in 2015 to RU6 – Two Dwelling Housing, and a Heritage Alteration Permit (HAP14-0014) was issued for semi-detached housing. The Heritage Alteration Permit was Council issued and included three variances for 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 proposed). The development was never realized, and under new ownership the proposal has been significantly redesigned and requires a new Heritage Alteration Permit and Council consideration of new variances. The variances requested under the previous Heritage Alteration Permit were not as significant. Please see Attachment "A" for a rendering of the original HAP14-0014.

4.2 Project Description

The applicant has proposed to construct semi-detached dwelling units with a detached accessory building in a modern style that is inconsistent with the dominant style for the block (Late Arts and Crafts) as identified in the Abbott Marshall Heritage Conservation Area Design Guidelines. However, the building is architecturally cohesive and consistent in the proposed modern style. The building features a flat roof, with a mix of stone, concrete, and glass and large stone chimneys. The applicant has stated that the design was inspired by Frank Lloyd Wright's famous Fallingwater (Kaufmann Residence) constructed in 1935 in rural southwestern Pennsylvania. The applicant's proposed project utilized a series of horizontal planes, Cherokee-red window frames, multi-sash window assembly, and decorated soffits. The three storey proposal includes generous living space and square footage including access to multiple patios and balconies.

The site plan maintains driveway access from Royal Avenue with parking located within attached and detached garages for a total of 6 covered parking stalls. The detached garage features a single parking stall for each unit with bonus rooms located above.

The applicant has provided an attractive landscape plan that includes a variety of hedges, deciduous trees, and ornamental grasses, along with improvements to the Royal Avenue sidewalk to access the public beach. However, the opaque privacy fence that wraps around the property along the public interface is contrary to the OCP Heritage Conservation Area Guidelines that discourage opaque fences in the front yards of properties in the Conservation area and encourages sight lines to the front yard and residence from the front street in order to maintain a connection between public and private spaces and to improve the pedestrian experience.

4.3 Variances

The Heritage Advisory Committee reviewed the application on March 16th, 2017 and recommended non-support with several anecdotal comments. The applicant was able to apply some of the comments and made a site plan revision to reduce the initial number of variances by eliminating a site coverage variance and eliminating an Okanagan Site Line variances. However, the proposal still requires several variances that are of significant concern to Staff when examined in relationship to the OCP Design Guidelines for the

Heritage Conservation Area and with relationship to the streetscape of the Abbott Street Recreation Corridor.

The first two variances are related to the semi-detached main dwelling units on the rear of the property facing Okanagan Lake. One variance is to vary the side yard setback from the flanking Royal Avenue from 4.5m required to 2.3m proposed, and the other is to allow the building to be 3 storeys as proposed, when 2.5 are required. The definition of a half storey in the zoning bylaw does not accommodate a half storey with a flat roof, therefore the upper level is considered a 3rd full storey. The applicant has proposed to use this space as a living area for a future live-in caretaker, and it features a bedroom, recreation room, and large balcony. The flat roof adds considerably to the massing of the building, and the visual impact of the 3rd storey is significant when viewed from Abbott Street, Royal Avenue, and the public beach access. The OCP Heritage Conservation Area Guidelines state that new construction is encouraged to maintain the massing of the streetscape, and also larger buildings should use architectural design techniques to reduce the apparent massing and emulate the established neighbouring building massing. Supporting this variance would set a precedence in the Heritage Conservation Area which has many streets with modest single storey homes that would be negatively impacted by a 3 storey home adjacent.

Figure 1: Rendering of Proposal as Viewed from Royal Avenue



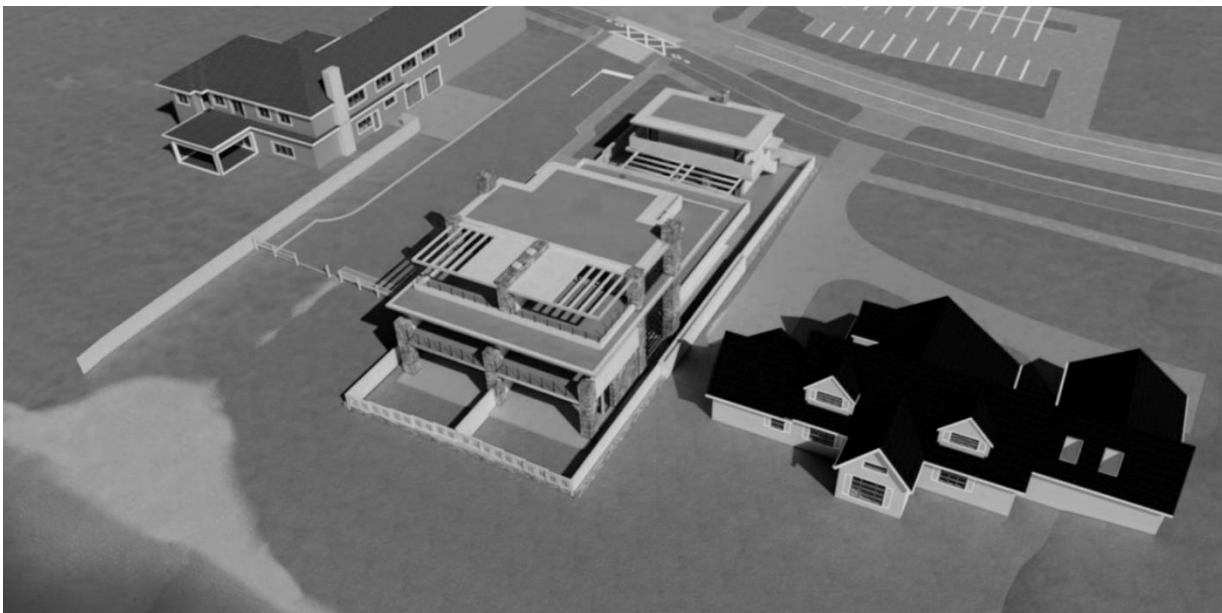
The other two variances are related to the accessory building which features two garage spaces with two office spaces above along with an outdoor wrap around covered balcony. The applicant has requested a variance to the front yard setback for a detached accessory building from 18.0m required to 1.21m proposed. This is to locate the detached garage in what is considered the front yard without maintaining the required front yard setback from Abbott Street and the recreation corridor. This is contrary to the OCP Heritage Conservation Area Guidelines regarding maintaining established front yard setbacks by placing additions and new constructions within 10% of the adjacent building setback. However, it is often the case with properties that have riparian setbacks or topographical challenges that a variance to the required front yard setback for an accessory building could be supported.

The final variance is for the height of the accessory building from 4.5m maximum to 5.95m proposed. The combination of the minimal front yard setback variance and the height variance on the accessory building create significant massing at the front property line. This is inconsistent with the established streetscape for this portion of Abbott Street and will have a negative impact on the pedestrian realm.

Figure 3: Rendering of Accessory Building as Viewed from Across Abbott Street



Figure 4: Rendering Showing Setback Variance on Accessory Building



4.4 Site Context

The subject property is located within the Abbott Street Heritage Conservation Area. The subject property was previously identified as Early Suburban, and the dominant style for the block is Late Arts and Crafts. There are several other new builds in the area that are of a modern design and are not consistent with the dominant style of the block.

The property is located south of the Royal Avenue beach access and immediately to the west of Kelowna General Hospital and parking areas. It is a prominent and highly visible corner on the popular Abbott Street recreation corridor.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	Road	Royal Avenue Public Beach Access
East	HD1 – Kelowna General Hospital	Parking Lot
South	RU1 – Large Lot Housing	Single Family Residential
West		Okanagan Lake

Subject Property Map: 2210 Abbott Street



4.5 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Maximum Height	9.5m or 2.5 stories	9.5m or 3 stories ❶
Minimum Front Yard	9.0 m (detached accessory building)	1.2 m ❷
Minimum Side Yard (south)	2.3 m	2.31 m
Minimum Side Yard (north)	4.5 m	2.31 m ❸
Minimum Rear Yard	7.5 m	7.6 m
Maximum Site Coverage (buildings)	40%	39.9%
Maximum Site Coverage (buildings, driveways, and parking)	50%	50%
Maximum Height of Accessory Building	4.5m (to mid-point)	5.947m (to mid-point) ❹
Maximum Accessory Building Footprint	90m ²	50.6m ²
❶ Indicates a requested variance to the maximum number of stories of the semi-detached dwellings.		
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.		
❹ Indicates a requested variance to the maximum height of an accessory building.		

5.0 **Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

Heritage Policies

Conservation Areas.¹ Development in the Abbott Street and Marshall Street Heritage Conservation Area outlined on Map 9.1 will be assessed using the Abbot Street and Marshall Street Heritage Conservation Area Guidelines in Chapter 16.

6.0 **Technical Comments**

6.1 Building & Permitting Department

- Development Cost Charges (DCC’s) are required to be paid prior to issuance of any Building Permit(s)
- HPO (Home Protection Office) approval or exemption is required at time of Building Permit application.
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. A minimum Geodetic Elevation of 343.66 meters is required for all habitable spaces including the parking garage(s). Minimum building elevations are required to be established prior to the release of the Development Permit.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this complex at time of permit application.

¹ City of Kelowna Official Community Plan Chapter 9.2.4 (Arts, Culture & Heritage)

6.2 Development Engineering Department

- Please see Schedule “C” attached to the Report from Community Planning dated June 27, 2017.

6.3 Heritage Advisory Committee

The above noted application was reviewed by the Community Heritage Committee at the meeting held on March 16, 2017 and the following recommendations were passed:

THAT the Heritage Advisory Committee recommends that Council not support Heritage Permit Application No. HAP17-0001 for the property located at 2210 Abbott Street to:

- vary the maximum number of stories of a semi-detached dwelling from 2.5 stories permitted to 3 stories proposed;
- vary the minimum front yard setback for a detached accessory building from 9.0m permitted to 1.2m proposed;
- vary the minimum side yard setback for a flanking street from 4.5m permitted to 2.31m proposed;
- vary the maximum site coverage including buildings, driveways and parking from 60% permitted to 62.4% proposed;
- vary the maximum height of an accessory building from 4.5m permitted to 5.95m proposed; and
- vary the Lake Okanagan Sight Line (adjacent property).

Anecdotal Comments:

- The Heritage Advisory Committee recommends revisions to the application in order to reduce the massing of the structures for consistency with the adjacent properties and to reduce the number of parking spaces proposed. The Heritage Advisory Committee is concerned that the accessory building is too large and pushes the project above what is acceptable in the Heritage Conservation area. The variances indicate a clear desire to do more than the zone allows and noted that without the detached accessory building, fewer variances would be required, which would include the site coverage and Okanagan Lake Site Line, and the minimum parking requirement would still be met.

7.0 Application Chronology

Date of Application Received: January 13, 2017

Date Public Consultation Completed: May 6, 2017

8.0 Alternate Recommendation

THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP17-0001 for Lot 27, DL 14, ODYD, Plan 535, located at 2210 Abbott Street, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule “AA,”
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule “BB”;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 13.6.6(c): RU6 –Two Dwelling Housing Development Regulations

To vary the maximum height of the principal building from 2.5 storeys required to 3 storeys proposed;

Section 13.6.6(d): RU6 –Two Dwelling Housing Development Regulations

To vary the maximum height of an accessory building/structure from 4.5 m required to 5.95 m proposed;

Section 13.6.6(g): RU6 –Two Dwelling Housing Development Regulations

To vary the required minimum side yard from a flanking street from 4.5 m required to 2.3 m proposed;

Section 6.5.8(a): Accessory Development

To vary the required front yard setback for a detached accessory building/structure from 18.0m required to 1.21m proposed;

AND THAT Council's consideration of this Heritage Alteration Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated June 27, 2017;

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 permit 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.

Report prepared by: Trisa Brandt, Planner I

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment "A": Original HAP14-0014 Expired

Attachment "B": Heritage Conservation Area Guidelines

Attachment "C": Conceptual Renderings

Draft Heritage Alteration Permit HAP17-0001

Schedule "A": Development Engineering Requirements

Schedule "AA": Site Plan and Floor Plans

Schedule "BB": Elevations