

# REPORT TO COUNCIL



**Date:** October 16, 2017

**RIM No.** 1240-30

**To:** City Manager

**From:** Community Planning Department (TB)

**Application:** HRA17-0002      **Owner:** Dr. Alan Broome Inc.  
Inc. No. 447508

**Address:** 486 Cadder Avenue      **Applicant:** Christy & Associates Planning  
Consultants Ltd.

**Subject:** Heritage Revitalization Agreement

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Heritage Conservation Area: Abbott Street Conservation Area

Heritage Register: Included

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## 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 14, ODYD, Plan KAP69061 located at 486 Cadder Avenue, Kelowna, BC, in the form attached as Attachment "A" to the Report from the Community Planning Department dated October 16, 2017;

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

AND FURTHER THAT upon adoption of the Heritage Revitalization Agreement Authorization Bylaw, Heritage Revitalization Agreement Authorization Bylaw No. 7789 and all amendments thereto, be repealed.

## 2.0 Purpose

To enter into a new Heritage Revitalization Agreement for the subject property.

### **3.0 Community Planning**

Community Planning supports the proposed Heritage Revitalization Agreement (HRA) as it is consistent with the Adaptive Re-Use Guidelines and will replace an outdated HRA with new language and increased intensity of use.

The previous HRA bylaw allowed the heritage home (known as the Foster House) to be used for a Doctor's Office in exchange for long term restoration and protection of the heritage home. The previous HRA included language that has become out of date and is not consistent with definitions of the current Zoning Bylaw. The proposed changes to this language will allow increased intensity of use by no longer specifying specific employees and job roles that are permitted. This allows for increased number of employees including a second Doctor. In addition, the proposed HRA includes an expansion of the hours of operation to include evenings and Saturdays. The changes are minor in nature and the impact on the surrounding neighbourhood will be minimal.

### **4.0 Proposal**

#### **4.1 Background**

The Foster House was built in 1921 for William Rowell Foster and is located on the heritage register and has a heritage designation. W.R. Foster was the superintendent of the real estate department of Okanagan Loan and Investment Trust, and was a fruit grower in the 1930's. The house is considered a Craftsman style bungalow and includes key features such as a hipped roof, gabled dormer, gabled entry, double-hung wooden sash windows, and original wood doors.

The subject property has an existing Heritage Revitalization Agreement (HRA Bylaw No. 7789) that was adopted in March 1996 to allow for a medical doctor's office and one residential apartment. This was the first Heritage Revitalization Agreement to be adopted in British Columbia after heritage legislation was proclaimed in 1995. Through the HRA process, extensive building upgrades and restoration work was completed on the Foster House on both the interior and exterior in 1996. All servicing requirements were met under the original HRA and the home remains in good condition today. As a function of the HRA, the subject property has a heritage designation bylaw protecting the home in perpetuity.

#### **4.2 Proposed Heritage Revitalization Agreement**

The applicant provided a thorough application package that includes the history of the property and owners; the current owners; and study of the surrounding neighbourhood. Based on the information provided, a Heritage Revitalization Agreement was agreed upon to replace the previous Heritage Revitalization Agreement. The current owners are seeking to retire, and the proposed changes will allow for a transition period between the new owners.

The HRA that was adopted in 1996 contained specific wording regarding the permitted uses that restricted the medical doctor's office to two employees and one doctor, including a nurse and a secretary. There were also provisions for allowing a medical student for a maximum of one month between April and September.

The parties agree that the heritage property may, notwithstanding the R-1 (Single Family Residential-Low Density) zoning for the heritage property, be used for the following permitted uses within the heritage building on the heritage property:

- (a) a medical doctor's office, provided that
  - (i) a maximum of two employees shall be employed at any one time in addition to the doctor, including one nurse and a secretary;
  - (ii) patient visiting hours shall be restricted to between 8:00 a.m. and 5:00 p.m. Monday to Friday, inclusive; and
  - (iii) the teaching of one medical student shall be permitted for a maximum of one month during the months of April through September inclusive of each year during the term of this agreement.
- (b) one single family residential unit.

The proposed HRA would replace the original and would update the language to intensify the uses, employees, and extend the hours of operation. The proposal is to remove wording regarding specific staff roles and expand it to allow for Health Services Major and Health Services Minor as defined in the City of Kelowna Zoning Bylaw No. 8000:

**HEALTH SERVICES, MAJOR** means a **development** used for the provision of physical or mental **health services** on an out-patient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative or counseling nature. Typical **uses** include, but are not limited to, medical and dental **offices**, chiropractors, massage therapists and acupuncture clinics, health clinics, and counseling services. This **use** does not include the retail sale or dispensing of marihuana.

**HEALTH SERVICES, MINOR** means development used for the provision of counselling and therapeutic services.

This would allow for more flexibility of operation, eliminates outdated wording, and would not restrict the number or type of employees. The interior layout would remain unchanged and includes three exam rooms, waiting rooms, a small kitchen, and office space. The proposed HRA also allows for the property to be used as a Single Family Dwelling with a Secondary Suite as a secondary use. This ensures that future owners have the potential to live on the same site as the medical service, or to return the home solely to residential use. The site layout includes six parking stalls, which is consistent with the parking regulations in Section 8 of the Zoning Bylaw for Health Services Use.

The original hours of operation allowed were Monday to Friday between 8:00 am and 5:00 pm. The proposed extended hours are 8:00 am to 7:00 pm, Monday to Friday, and 9:00 am to 4:00 pm on Saturdays. The increased hours of operation will allow greater access to medical facilities for the patients and will not have a negative impact on the neighbourhood. There are no proposed changes to the exterior of the home as it has been kept in good condition with regular inspections throughout the duration of the previous HRA.

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<b>Original</b>	n/a	8:00 am – 5:00 pm	8:00 am – 5:00 pm	8:00 am – 5:00 pm	8:00 am – 5:00 pm	8:00 am – 5:00 pm	n/a
<b>Proposed</b>	n/a	8:00 am – 7:00 pm	8:00 am – 7:00 pm	8:00 am – 7:00 pm	8:00 am – 7:00 pm	8:00 am – 7:00 pm	9:00 am – 4:00 pm

4.3 Site Context

The subject property is located on the west side of Pandosy Street on the corner of Cadder Avenue. It is located within the Heritage Conservation Area and is in close proximity to Kelowna General Hospital. There are several other registered heritage homes in close proximity, and one Heritage Revitalization Agreement (Cadder House).

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Residential
East	RU6 – Two Dwelling Housing	Residential
South	RU1 – Large Lot Housing	Residential
West	RU1 – Large Lot Housing	Residential

**Subject Property Map: 486 Cadder Avenue**



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

### 5.2 Adaptive Re-Use Guidelines for Residential Heritage Buildings

#### Objectives:

- To conserve Kelowna’s residential heritage buildings listed in the Kelowna Heritage Register by enhancing their appearance and viability as functional buildings;
- To retain the desirable qualities of older residential neighbourhoods such as heritage houses, mature landscaping and pedestrian oriented street environments;
- To favourably consider a limited range of uses which would achieve the adaptive re-use of heritage buildings and at the same time, would preserve the prevailing character of neighbourhoods by limiting impacts such as high amount of traffic, noise, smell, etc.;
- To ensure that allowing adaptive re-uses within heritage buildings does not have a negative impact on the viability of existing commercial areas within Town Centre areas.

#### Proposed Uses & Location

There is an essential relationship between the proposed use in a heritage building and the property location relative to surrounding streets and the character of the neighbourhood. The type and intensity of a proposed adaptive re-use will be assessed according to which category of roadway can best accommodate that particular use. The roadway categories are based on the Official Community Plan 20 Year Major Road Network Plan:

- Major roads: identified on the 20 Year Major Road Network Plan.
  - Support a wider variety and intensity of uses without affecting the area’s character.
  - Potential to consider uses not normally permitted within residential areas.
- Local roads: not identified on the 20 Year Major Road Network Plan.
  - Support uses typically permitted in residential areas (e.g. home-based businesses, bed and breakfast homes, care centres).
  - The scale and conditions of these uses could be expanded under an HRA.

#### Site Specific Criteria

1. Neighbourhood Resident Concerns
  - Consider the concerns of neighbouring property owners.
  - Identify and, where possible, resolve issues when developing specific terms and conditions.
2. Residential Component
  - Residential component is mandatory in conjunction with non-residential use.
  - Minimize impacts on residential character of a neighbourhood.
  - Important for security purposes on a block with a high concentration of adaptive re-uses.
  - May not be desirable if it negatively impacts heritage character.
3. Concentration of Adaptive Re-uses
  - Avoid a concentration of adaptive re-uses in a given area to maintain the existing character.
  - Consider impacts on the ability to redevelop to higher density uses supported in the OCP.
4. Design Standards

- Restorations, renovations or alterations must respect the heritage character of the building and its surrounding area.
  - Refer to the character-defining elements in the Heritage Register record.
5. Scale
- Size and intensity should be compatible with the surrounding neighbourhood and accommodated within the existing building.
  - Use requirements and available floor area in existing building will limit the extent and nature of the adaptive re-use.

Scale of Use	Along Major Roads	Along Local Roads
Maximum number of non-resident employees at any given time	Four	Two
Maximum floor area for non-residential uses	60% to a maximum of 232 m <sup>2</sup> (2,500 ft <sup>2</sup> )	40% to a maximum of 139 m <sup>2</sup> (1,500 ft <sup>2</sup> )

6. Signage
- Maximum of one non-illuminated nameplate with a maximum area of 0.23 m<sup>2</sup> (2.5 ft<sup>2</sup>).
  - Must be placed within, flat against or hanging from the dwelling unit. May be hung from a free-standing for properties along major roads.
7. Parking / Access
- Consider on-site parking, access and traffic generation associated with adaptive re-use.
  - Required number of on-site parking spaces should conform to Zoning Bylaw requirements to limit the impact on adjacent properties.
8. Hours of Operation
- Limit excess traffic generation during non-regular working hours.
  - Limit hours of operation to daytime hours, Monday through Friday.
9. Screening
- Outdoor storage and parking areas should be well screened with fencing and landscaping.
  - Design should be compatible with the heritage building and form a year-round dense screen.

**6.o Application Chronology**

Date of Application Received: July 5, 2017

**Report prepared by:** Trisa Brandt, Planner  
**Reviewed by:** Terry Barton, Urban Planning Manager  
**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

**Attachments:**

Attachment "A": Previous Heritage Revitalization Agreement Authorization Bylaw No. 7789  
 Attachment "B": Exterior and Interior Photos of the Foster House  
 Draft Heritage Revitalization Agreement HRA17-0002