Public Hearing

to be held at
City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, August 4, 2015
at 6:00 p.m.

Mayor Calls Public Hearing to Order for “Zoning Amendment Bylaw No. 2015-39”

CO Reads Opening Statement and Introduction of Bylaw

1. “Zoning Amendment Bylaw No. 2015-39” (Cluster Housing)

Purpose: To amend Zoning Bylaw No. 2011-23 as follows:

Add ‘cluster housing’ as a permitted use in the RM2 zone and add a definition for ‘cluster housing’ into the definitions section

Notice: The Public Hearing was advertised in the Penticton Western News on Friday, July 24, 2015 and Wednesday, July 29, 2015 (pursuant to the Local Government Act).

CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, July 29, 2015)

Mayor Requests the Director of Development Services describe the proposed amendments

Mayor Invitation to applicant for comment or elaboration on the application

Mayor Invites those in attendance to present their views

Mayor Invites Council members to ask questions

Mayor Invites applicants to respond to questions and those in attendance may provide new additional information

PUBLIC HEARING for “Zoning Amendment Bylaw No. 2015-39” is terminated and no new information can be received on this matter.
2. Mayor Calls Public Hearing to Order for “OCP Amendment Bylaw No. 2015-42”

CO Reads Opening Statement and Introduction of Bylaw

“Official Community Plan Amendment Bylaw No. 2015-42” (3388 Skaha Lake Road)

Purpose: To amend Official Community Plan Bylaw No. 2002-20 as follows:

1) ‘Schedule B: Future Land Use’ to change the OCP designation on that portion of Lot B, District Lot 116, Similkameen Division Yale District, Plan EPP43254, located at 3388 Skaha Lake Road from TC (Tourist Commercial) to HR (High Density Residential), and 2) ‘Schedule H: Development Permit Area Map’ to remove it from the General Tourist Commercial Development Permit Area and include it in the High Density Residential Development Permit Area.

The applicant is proposing to construct three residential towers on ‘Proposed Lot 1’ in three phases: Phase I-14 storeys, Phase II-12 storeys, Phase III – 14 storeys.

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on July 24, 2015 and July 29, 2015 (pursuant to the Local Government Act).

CO Correspondence received regarding the OCP Amendment attached (as of noon Wednesday, July 29, 2015)

Mayor Requests the Director of Development Services describe the proposed amendments

Mayor Invitation to applicant for comment or elaboration on the application

Mayor Invites those in attendance to present their views

Mayor Invites Council members to ask questions

Mayor Invites applicants to respond to questions and those in attendance may provide new additional information

PUBLIC HEARING for “Official Community Plan Amendment Bylaw No. 2015-42” is terminated and no new information can be received on this matter.
3. Mayor Calls Public Hearing to Order for “Zoning Amendment Bylaw No. 2015-43”

CO Reads Opening Statement and Introduction of Bylaw

“Zoning Amendment Bylaw No. 2015-43” (3388 Skaha Lake Road)

Purpose: To amend Zoning Bylaw No. 2011-23 as follows:

1) Add a new a zone ‘14.5 CD5 – Comprehensive Development (3388 Skaha Lake Road)’ and 2) rezone that portion of Lot B, District Lot 116, Similkameen Division Yale District, Plan EPP43254, located at 3388 Skaha Lake Road from CT3 (Hotel Resort) to CD5 – Comprehensive Development (3388 Skaha Lake Road).

The applicant is proposing to construct three residential towers on ‘Proposed Lot 1’ in three phases: Phase I-14 story, Phase II-12 story, Phase III – 14 story.

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on July 24, 2015 and July 29, 2015 (pursuant to the Local Government Act).

CO Correspondence received regarding the Zoning Amendment attached (as of noon Wednesday, July 29, 2015)

Mayor Requests the Director of Development Services describe the proposed amendments

Mayor Invitation to applicant for comment or elaboration on the application

Mayor Invites those in attendance to present their views

Mayor Invites Council members to ask questions

Mayor Invites applicants to respond to questions and those in attendance may provide new additional information

PUBLIC HEARING for “Zoning Amendment Bylaw No. 2015-43” is terminated and no new information can be received on this matter.
8.9  Zoning Amendment Bylaw No. 2015-39
Re: Cluster Housing

It was MOVED and SECONDED
THAT Council give first reading to “Zoning Amendment Bylaw 2015-39”, a bylaw to add the use ‘cluster housing’ as a permitted use in the RM2 zone and to add a definition for ‘cluster housing’ into the definitions section of the bylaw; AND THAT the bylaw be forwarded to the July 20th, Public Hearing.

CARRIED UNANIMOUSLY
Date: July 6, 2015        File No: 3360-01
To: Mitch Morozuk, Acting City Manager
From: Blake Laven, Planner

Subject: Adding the use ‘cluster housing’ as a permitted use in the RM2 zone

Staff Recommendation

THAT Council give first reading to “Zoning Amendment Bylaw 2015-39”, a bylaw to add the use ‘cluster housing’ as a permitted use in the RM2 zone and to add a definition for ‘cluster housing’ into the definitions section of the bylaw;

AND THAT the bylaw be forwarded to the July 20th, Public Hearing.

Strategic priority objective

N/A

Financial implication

N/A

Background

Development Services staff have been approached by several developers in the city with demand for multiple duplex and single detached dwellings on a single parcel. The zoning bylaw does not currently permit this type of development, except for bareland strata organizations. As there is demand for this type of development and the OCP calls for gentle densification in certain areas of the city, staff have investigated ways to accommodate these types of development. Up until now, these types of development have normally gone through a site specific zoning amendment procedure. What staff are proposing through this bylaw amendment is to create a use that will accommodate this demand.

Proposal

That the use ‘cluster housing’ be included as a permitted use in the RM2 zone.

And that the following definition for cluster housing be include in the definitions section (Section 4.2) of Zoning Bylaw 2011-23:
CLUSTER HOUSING means a grouping of three or more attached or detached dwelling units on a single parcel with common amenity areas.

Analysis

New approaches to housing delivery are always being brought forward. During the drafting of Zoning Bylaw 2011-23 the idea of cluster housing was not necessarily contemplated and was not included in the bylaw. In the past year, Council has supported a number of projects that would meet this definition and that have been accommodated through ‘site specific’ bylaw amendments. With the addition of this new use, developers will have more options to respond to market demand for housing in Penticton.

The RM2 (Low Density Multiple Housing) zone is a zone that allows for multiple family housing in a low density setting. The inclusion of multiple duplex and single family housing in this zone is in keeping with the intent of the zone. Most RM2 zoned properties are in areas that act as buffers between higher and lower density development or in those areas between low density residential and commercial areas. This type of development is appropriate in those areas.

For these reasons staff recommend that Council give first reading to the Bylaw and forward it to the July 20th, 2015 Public Hearing for comment from the public.

Alternate Recommendations

1. THAT Council not give first reading to the bylaw.

2. THAT Council send the bylaw back to staff for further research as directed by Council.

Attachments

Attachment A: “Zoning Amendment Bylaw No. 2015-39”

Respectfully submitted,

______________________________
Blake Laven, RPP, MCIP
Planning Manager

Approvals

<table>
<thead>
<tr>
<th>Director</th>
<th>Acting City Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>JGH</td>
<td>MM</td>
</tr>
</tbody>
</table>
The Corporation of the City of Penticton

Bylaw No. 2015-39

A Bylaw to Amend Zoning Bylaw 2011-23

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the Local Government Act;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2011-23;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as “Zoning Amendment Bylaw 2015-39”.

2. **Amendment:**

Zoning Bylaw 2011-23 is hereby amended as follows:

2.1 Add the following definition to Section 4.2 DEFINITIONS:

CLUSTER HOUSING means a grouping of three or more attached or detached dwelling units on a single parcel with common amenity areas.

2.2 Add to 10.8 RM2 – Low Density Multiple Housing

10.8.1 PERMITTED USES

cluster housing

READ A FIRST time this 6 day of July, 2015
A PUBLIC HEARING was held this 4 day of August, 2015
READ A SECOND time this day of , 2015
READ A THIRD time this day of , 2015
ADOPTED this day of , 2015

Notice of intention to proceed with this bylaw was published on the 24 day of July, 2015 and the 29 day of July, 2015 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer
8.2 Official Community Plan Amendment Bylaw No. 2015-42 and Zoning Amendment Bylaw No. 2015-43
Re: 3388 Skaha Lake Road

386/2015

It was MOVED and SECONDED
THAT prior to consideration of the bylaw and in accordance with Section 879 of Local Government Act, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

1. One or more persons, organizations or authorities;
2. The Regional District of Okanagan Similkameen;
3. Local First Nations;
4. School District #67; and
5. The provincial or federal government and their agencies.

AND THAT it is determined that the Public Hearing is sufficient consultation;

AND THAT “OCP Amendment Bylaw No. 2015-42”, being a bylaw to amend “OCP Bylaw 2002-20” changing the OCP designation on that portion of Lot B, District Lot 116, Similkameen Division Yale District, Plan EPP43254, located at 3388 Skaha Lake Road, shown on Attachment ‘C’ of this report, from TC (Tourist Commercial) to HR (High Density Residential) and including the same portion of the property in the High Density Residential Development Permit Area, be given first reading and be forwarded to the August 4th, 2015 Public Hearing.

Rezone

AND THAT “Zoning Amendment Bylaw No. 2015-43”, being a bylaw to add a new comprehensive development zone into Zoning Bylaw 2011-23 for the development of three (3) residential towers on that portion of Lot B, District Lot 116, Similkameen Division Yale District, Plan EPP43254, located at 3388 Skaha Lake Road, shown on Attachment ‘C’ of this report, be given first reading and be forwarded to the August 4th, 2015, Public Hearing.

Excess or Extended Service

THAT Council direct staff to bring forward a report in regard to an ‘excess or extended service’ for the sewer line located in Skaha Lake Road from the subject property to the Lee Avenue lift station, prior to building permit issuance.

CARRIED UNANIMOUSLY
Council Report

Date: July 20, 2015
To: Mitch Morozuik, Acting City Manager
From: Blake Laven, Planning Manager
Subject: Official Community Plan Amendment Bylaw No. 2015-42 and Zoning Amendment Bylaw No. 2015-43 for 3388 Skaha Lake Road

Staff Recommendation

OCP

THAT prior to consideration of the bylaw and in accordance with Section 879 of Local Government Act, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

1. One or more persons, organizations or authorities;
2. The Regional District of Okanagan Similkameen;
3. Local First Nations;
4. School District #67; and
5. The provincial or federal government and their agencies.

AND THAT it is determined that the Public Hearing is sufficient consultation;

AND THAT “OCP Amendment Bylaw No. 2015-42”, being a bylaw to amend “OCP Bylaw 2002-20” changing the OCP designation on that portion of Lot B, District Lot 116, Similkameen Division Yale District, Plan EPP43254, located at 3388 Skaha Lake Road, shown on Attachment ‘C’ of this report, from TC (Tourist Commercial) to HR (High Density Residential) and including the same portion of the property in the High Density Residential Development Permit Area, be given first reading and be forwarded to the August 4th, 2015 Public Hearing.

Rezone

AND THAT “Zoning Amendment Bylaw No. 2015-43”, being a bylaw to add a new comprehensive development zone into Zoning Bylaw 2011-23 for the development of three (3) residential towers on that portion of Lot B, District Lot 116, Similkameen Division Yale District, Plan EPP43254, located at 3388 Skaha Lake Road, shown on Attachment ‘C’ of this report, be given first reading and be forwarded to the August 4th, 2015, Public Hearing.

Excess or Extended Service
THAT Council direct staff to bring forward a report in regard to an `excess or extended service` for the sewer line located in Skaha Lake Road from the subject property to the Lee Avenue lift station, prior to building permit issuance.

**Strategic priority objective**

This project will add valuable units to the city’s housing stock supporting housing affordability in Penticton, meeting the strategic priority of creating an affordable community.

**Background**

The subject property is a large vacant property located in an area identified as the part of the Skaha Urban Village by the City’s Official Community Plan. The developer intends to construct three residential towers with attached ground floor garden suites and subdivide a portion of the site for a future hotel use.

The development lands are the remainder of a larger lot that went through receivership in the economic downturn in 2009. A portion of the property, approximately 3 acres in size at the south east corner, was subdivided, in 2012, to create a lot to accommodate what is now the Regency Retirement Resort, a 159 unit congregate housing facility. A further portion of the property along Wilson Street was subdivided and zoned to accommodate a 50 unit townhouse development, in 2014 – that project is now under construction with completion scheduled for early next year. The remaining portion of the property has two obvious development areas. The largest piece, an area roughly 2.5 acres, and the subject of this application, is intended for residential tower construction. The other piece, which is currently under subdivision application, is being considered as a future hotel site.

The current OCP designation and zoning on the subject lands is for tourist commercial uses, including resort development. This designation is reflective of the historic use of the property as a waterslide and RV Park as well as a previous development application from 2003, which would have seen a time-share style resort constructed on the property. For the portion of the property intended for residential development, the current OCP designation and zoning is not consistent with the style of development that the property owner feels the property is suited towards. To move forward with the residential development, an amendment to the OCP and zoning bylaw is required. The amendment will not affect that portion intended for hotel development.

Because this is a unique site, none of the existing zones available in Zoning Bylaw 2011-23 are suitable for this particular project, without the need for several variances and site specific amendments. In cases like this, the City has supported property specific `comprehensive development` or `CD` zones. That is what is being contemplated in this case.

**Proposal**

The applicant is proposing to amend the City’s Official Community Plan Bylaw 2002-20 as follows:

1. To amend `Schedule B: Future Land Use Map` to change the OCP designation of a portion of the site (as identified on Attachment C of this report) from TC (Tourist Commercial) to HR (High Density Residential).
2. To amend `Schedule H: Development Permit Area Map` to remove the portion of the site (as identified on Attachment C of this report) from the General Tourist Commercial `Development Permit Area and into the High Density Residential Development Permit Area`
The applicant is also proposing to amend the City’s Zoning Bylaw 2011-23 as follows:

1. To add a new zone, which will be called 14.5 CD5 – Comprehensive Development (3388 Skaha Lake Road)
2. To rezone a portion of the site (as identified on Attachment C of this report) from CT3 (Hotel Resort) to CD 5 – Comprehensive Development (3388 Skaha Lake Road)

Project Specifications

The proposed development will happen in a phased approach (Attachment ‘E’) with Phase I seeing the construction of Tower No.1, located on the northwest portion of the property fronting Skaha Lake Road, as well as a portion of the parkade and garden apartments, which will front Skaha Lake Road. Tower No.1 will be a 14 storey development of 84 units. As part of Phase I the public walkway running from Wilson Street to Skaha Lake Road, adjacent to the townhouse development and subject lands, will be completed. Council had earlier passed an ‘excess or extended service’ resolution in regard to the construction of the walkway. The walkway was supposed to be completed at the subdivision stage that created the townhouse property, but that was deferred to this stage of the project. This will become a condition of Development Permit approval.

Phase II will include the completion of the parkade as well as Tower No.2, which is located on the back portion (east) of the lot adjacent to the townhouse development and is currently proposed as 12 storeys in height. Phase II will also see the construction of garden apartments constructed on the back of the parkade. These garden apartments will provide a softer transition to the townhouse development on the neighbouring property.

Phase III, the final phase of the project, includes the construction of the final tower, Tower No. 3, and its associated parkade. Tower No. 3 will be located on the south east portion of the property, fronting Skaha Lake Road and adjacent to the commercial plaza.

Each phase of construction will have a separate development permit process and opportunity for further analysis of design and technical review.

The overall specification of the project in relation to the new CD zone is presented in the following table:

<table>
<thead>
<tr>
<th>Item</th>
<th>CD Zone</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of suites</td>
<td>NA</td>
<td>240 apartments + 20 garden suites</td>
</tr>
<tr>
<td>Vehicle Parking</td>
<td>1 per unit + 15 visitorspaces = 275</td>
<td>280 spaces</td>
</tr>
<tr>
<td>Bicycle Storage</td>
<td>Resident 0.5 per unit =130 spaces</td>
<td>130 resident</td>
</tr>
<tr>
<td></td>
<td>Guest 0.1 per unit = 26</td>
<td>34 guest</td>
</tr>
<tr>
<td>Building Height</td>
<td>Maximum height permitted by Transportation Canada (airport)</td>
<td>45m from existing grade</td>
</tr>
<tr>
<td></td>
<td>Maximum Height 45m and 14 storeys</td>
<td>Tower No 1: 14 storeys, 44.5m</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tower No 2: 12 storeys, 38.0m</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tower No 3: 14 storeys, 44.5m</td>
</tr>
<tr>
<td></td>
<td>Minimum height 20m and 6 storeys</td>
<td>NA</td>
</tr>
<tr>
<td>Density</td>
<td>2.0 FAR without density bonus</td>
<td>3.04 FAR</td>
</tr>
<tr>
<td></td>
<td>Density Bonus $15 square meter</td>
<td>$146,000 (approx)</td>
</tr>
</tbody>
</table>

Technical Review

Council Report
Staff have been working with the property developer with regard to this site for the past year. The application has been to the City’s Technical Planning Committee several times. While there are challenges with the site, staff are confident that the proposed density of the development can be accommodated into the City’s various infrastructure systems with contributions from the developer with minor upgrades where warranted.

Specifically of note, is the requirement to upsize the sewer line running along Skaha Lake Road from the subject lands to the Lee Avenue pumping station. The estimated total cost for the project is $550,000 with the residential development triggering a project budgeted at approximately $480,000 and the hotel development approximately $70,000. Not all of those works will be attributable to the developer, but some will, which is why staff are recommending that a report come before Council for an ‘excess or extended service’ resolution at a later date. The developer is aware of the situation and the developer’s engineer and city staff are investigating options for getting these works constructed. Some of these works may be included in the City’s 2016 or 2017 work plans as there is community wide benefit to have the line upgraded, beyond the benefit to the developer. Options for including the works as part of the development cost charge program are also being looked at.

All buildings will be required to be constructed to minimum BC Building Code health and safety standards and given the scale of the development a registered architect and engineers will be required to be involved. The development will also have to have a comprehensive storm water management plan, which is underway.

When this site was going through development application in 2003, the thought was that the overhead electrical lines would be converted to an underground system for aesthetic reasons. That was investigated again, but the cost to do so would be prohibitive. So, staff are not recommending that the developer be required to make that change. There will most likely be the need to replace two electrical poles. As that occurs the lines will be moved further from the subject property into the boulevard area as is happening at other locations of Skaha Lake Road. This will give further separation from the development.

**Financial implication**

N / A

**Analysis**

**Support for OCP amendment**

The City’s Official Community Plan (OCP) has guidelines for staff and Council to follow when considering an application for a land use designation change to high density residential. Those guidelines include:

Supporting changes to high density residential:

- In areas that are designated as an ‘urban village’ or in close proximity to the downtown
- In locations along major roads or within easy access to a major road
- Where utility servicing is adequate or can be upgraded
- Where impact on nearby lower density development can be minimized
- Where appropriate design studies have been carried out to document the neighbourhood impact and conformity with the urban village concept
- Taller buildings are encouraged to be situated in the urban villages along Main Street and Skaha Lake Road

The plans brought forward by the applicant are aligned with these guidelines and the subject property is in a location that meets the intent of the guidelines.

The development lands are also in an area identified as an ‘urban village’. While in general, high density residential is supported in all the urban villages, the Skaha Urban Village is supposed to feature more ‘tourist’ focused uses. Staff feel that this is true as development gets closer to Skaha Lake, but do not feel that the subject lands are appropriate for this use (except for the remainder portion that will retain its hotel zoning). It could be that this property was included in that description because there was a resort proposed for it while the urban village plan was being created. Nevertheless, staff do not feel that the subject application is necessarily contrary to the urban village vision. The development lands are right on the border with the Peach Tree Urban Village, which does support the style of development, height and density being proposed.

The OCP amendment bylaw also proposes to remove the subject property from the Tourist Commercial Development Permit Area and to place it in the ‘High Density Residential Development Permit Area’. This change is an administrative change that will allow for staff and Council to use the high density guidelines when evaluating any development permits that may come forward from the project. The General Tourist Commercial guidelines would not be appropriate to use when evaluating a residential project.

Staff feel that the project represents good urban planning principles and is in-line with the vision and intent of the OCP. For these reasons staff are recommending that Council support the land use designation change.

**Deny/ refer OCP amendment**

Council may feel that this is not an appropriate type of development for the site, given the focus of the Skaha Urban Village on tourist uses. If that is the case, Council should deny the application. Alternatively, Council may wish to see changes to the plans prior to supporting the application. In that case, Council should refer the application back to staff to work with the applicant as Council directs.

**Support for zoning amendment**

If Council were to support the OCP amendment to designate these lands for high density residential development, a new zone would be appropriate for the development of the property. Rather than apply for RM4 (High Density Residential) zoning, which would have required several variances and site specific changes, the developer has elected to design a comprehensive development zone for this project. This is typical for multi-tower development or developments that do not fit into the existing zoning regime. There are 4 other properties in the city that are governed by comprehensive development zoning. Comprehensive development zones give the ability to look at a site on a ‘site specific’ level and construct a zone that is reflective of the best way to develop that particular property.

In this case, the zoning that is being applied to this property has benefits to both the developer and the City. The zone has reductions in parking and setbacks, but allows for a density bonus scheme that will contribute to City wide housing affordability.

The proposal meets several of the OCP principles for residential development, including:
- Requiring a high architectural standard for multi-family residential buildings
- Directing high density residential uses to the urban villages (Skaha Urban Village)
- Providing a smooth transition between proposed high density and existing low density areas
- Incorporating trails into the design (adjacent connection to Wilson Street)
- Allowing for reduced parking standards to accommodate anticipated density changes
- Facilitating the residential densification of the Main Street-Skaha Lake Road spine
- Facilitating the development of affordable housing in Penticton

In addition to the several on-site amenities that are being proposed for the residents of the complex, the developer will also be constructing a walkway from Wilson Street to Skaha Lake Road, creating an important active transportation link between the two streets.

For the reasons listed above, staff are recommending that Council support the bylaw amendment and forward the bylaw to the August 4th, Public Hearing for comment from the public.

Deny / Refer zoning amendment

Council may not feel that the plans submitted are appropriate for this property or that the CD zone created is not in the community’s interest. If that is the case, Council should not support the zoning amendment. Alternatively, Council may wish to refer the application back to staff to work with the applicant with direction that Council feels is appropriate.

Alternate recommendations

1. THAT “OCP Amendment No. Bylaw 2015-42” and “Zoning Amendment Bylaw No. 2015-43” are not supported.

2. THAT “OCP Amendment No. Bylaw 2015-42” is supported, but “Zoning Amendment Bylaw No. 2015-43” is referred back to staff for further refinement.
**Attachments**

Attachment A – Subject property location map  
Attachment B – Proposed Subdivision Plan  
Attachment C – Zoning and OCP Amendment Bylaw Reference Map  
Attachment D – Rendering of proposed towers  
Attachment E – Site and elevation plans  
Attachment F - OCP Amendment Bylaw No. 2015-42  
Attachment G – Zoning Amendment Bylaw No. 2015-43.

Respectfully submitted,

Blake Laven, MCIP, RPP  
Planning Manager  
City of Penticton  
Approvals

<table>
<thead>
<tr>
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</tr>
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<td>JGH</td>
<td>CM</td>
</tr>
</tbody>
</table>
Attachment A
Subject Property Location Map
Attachment C
Bylaw Reference Map

**Proposed Lot 1:**

- **Zone Amendment**
  From: CT3 (Hotel Resort)
  To: CD 5 (3388 Skaha Lake Road)

- **OCP Amendment**
  From: TC (Tourist Commercial)
  To: HR (High Density Residential)

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**Proposed Lot 2:**

- **Zone Amendment**
  Unchanged from CT3 (Hotel Resort)

- **OCP Amendment**
  Unchanged from: TC (Tourist Commercial)
14.5 CD5 – Comprehensive Development (3388 Skaha Lake Road)

14.5.1 Purpose

This zone provides for the comprehensive development of three (3) residential towers with ground floor garden apartments, on Lot B, District Lot 116, Similkameen Division Yale District, Plan EPP43254, located at 3388 Skaha Lake Road.

14.5.2 Permitted Uses

1. apartment
2. congregate housing
3. day care centre, minor
4. day care centre, major
5. extended care residence
6. minor home occupation (subject to specific use regulation 8.4)
7. vacation rental
8. accessory use, building or structure

14.5.3 Development Regulations

1. Minimum parcel size: 4000 m²
2. Maximum lot coverage: 60%
3. Maximum density (without density bonus): 2.0 FAR
4. Minimum height of residential tower: 20 m and 6 storeys
5. Maximum height: 45 m and 14 storeys
6. Minimum front yard: 4.5 m
7. Minimum side yard: 0.0 m
8. Minimum rear yard: 3.0 m

14.5.4 Other Regulations

1. Notwithstanding Section 7.1.1.4 in the case of the use ‘apartment’ vehicle parking shall be provided at the following rate:
   i. 1 space per dwelling unit
   ii. 1 shared vehicle space per building
   iii. 5 guest spaces per residential building
2. Amenity space shall be provided at the following rate:
   i. 5.0 m² per unit

14.5.5 Density Bonus

1. Notwithstanding Section 14.5.3.4, the maximum density on this property may be increased to 3.05 FAR, with a contribution of $15.00 per square meter for any density above 2.0 FAR, to be deposited into a fund to support housing affordability in the City of Penticton.
2. The density bonus will be applied at the time of building permit issuance for each individual tower, with 1/3 of the total density of the project allocated to each tower.
Attachment D

Architect Rendering of Proposed Building with surrounding development
Attachment E
Proposed Site Plan and Elevations
The Corporation of the City of Penticton

Bylaw No. 2015-42

A Bylaw to Amend Official Community Plan Bylaw 2002-20

WHEREAS the Council of the City of Penticton has adopted an Official Community Plan Bylaw pursuant to Section 903 of the Local Government Act;

AND WHEREAS the Council of the City of Penticton wishes to amend Official Community Bylaw 2002-20;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**
   
   This bylaw may be cited for all purposes as “Official Community Plan Amendment Bylaw No. 2015 -42.”

2. **Amendment:**
   
   “Official Community Plan Bylaw No. 2002-20” is hereby amended as follows:

   2.1 Amending Schedule ‘B’ Future Land Use to change the land use designation of that portion of Lot B, District Lot 116, Similkameen Division Yale District, Plan EPP43254, located at 3388 Skaha Lake Road, from TC (Tourist Commercial) to HR (High Density Residential) as shown in Schedule A.

   2.2 Amending Schedule ‘H’ Development Permit Area Map to change Lot B, District Lot 116, Similkameen Division Yale District, Plan EPP43254, located at 3388 Skaha Lake by removing it from the General Tourist Commercial Development Permit Area an include it in the High Density Residential Development Permit Area as shown in Schedule A.

2.3 Schedule “A” attached hereto forms part of this bylaw.

READ A FIRST time this day of , 2015

A PUBLIC HEARING was held this day of , 2015

READ A SECOND time this day of , 2015

READ A THIRD time this day of , 2015

ADOPTED this day of , 2015

Notice of intention to proceed with this bylaw was published on the ___ day of____, 2015 and the ___ day of ____ , 2015 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

______________________________________________
Andrew Jakubeit, Mayor

______________________________________________
Dana Schmidt, Corporate Officer
3388 Skaha Lake Road  
(Area of Proposed Lot 1)

1. To amend `Schedule B: Future Land Use Map` to change the OCP designation from TC (Tourist Commercial) to HR (High Density Residential)

2. To amend `Schedule H: Development Permit Area Map` to remove the portion of the site from the General Tourist Commercial `Development Permit Area` and into the High Density Residential Development Permit Area
The Corporation of the City of Penticton

Bylaw No. 2015-43

A Bylaw to Amend Zoning Bylaw 2011-23

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the Local Government Act;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2011-23;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**
   
   This bylaw may be cited for all purposes as “Zoning Amendment Bylaw No. 2015-43”.

2. **Amendment:**

   Zoning Bylaw 2011-23 is hereby amended as follows:

   2.1 Add the following:

   **14.5 CD5 – Comprehensive Development (3388 Skaha Lake Road)**

   **14.5.1 PURPOSE**
   
   This zone provides for the comprehensive development of three (3) residential towers with ground floor garden apartments, on Lot B, District Lot 116, Similkameen Division Yale District, Plan EPP43254, located at 3388 Skaha Lake Road.

   **14.5.2 PERMITTED USES**

   .1 apartment
   .2 congregate housing
   .3 day care centre, minor
   .4 day care centre, major
   .5 extended care residence
   .6 minor home occupation (subject to specific use regulation 8.4)
   .7 vacation rental
   .8 accessory use, building or structure

   **14.5.3 DEVELOPMENT REGULATIONS**

   Minimum parcel size: 4000 m2
   Maximum lot coverage: 60%
   Maximum density (without density bonus): 2.0 FAR
   Minimum height of residential tower: 20 m and 6 storeys
   Maximum height: 45 m and 14 storeys
   Minimum front yard: 4.5 m
   Minimum side yard: 0.0 m
   Minimum rear yard: 3.0 m
14.5.4 OTHER REGULATIONS
.1 Notwithstanding Section 7.1.1.4 in the case of the use ‘apartment’ vehicle parking shall be provided at the following rate:

i. 1 space per dwelling unit
ii. 1 shared vehicle space per building
iii. 5 guest spaces per residential building

.2 Amenity space shall be provided at the following rate:

i. 5.0 m² per unit

14.5.5 DENSITY BONUS
.1 Notwithstanding Section 14.5.3.4, the maximum density on this property may be increased to 3.05 FAR, with a contribution of $15.00 per square meter for any density above 2.0 FAR, to be deposited into a fund to support housing affordability in the City of Penticton.

.2 The density bonus will be applied at the time of building permit issuance for each individual tower, with 1/3 of the total density of the project allocated to each tower.

2.2 Rezone a portion of Lot B, District Lot 116, Similkameen Division Yale District, Plan EPP43254, located at 3388 Skaha Lake Road, from CT3 (Hotel Resort) to CD 5 (Comprehensive Development Zone 5) as shown in Schedule A.

2.3 Schedule ‘A’ attached hereto forms part of this bylaw.

READ A FIRST time this day of 2015
A PUBLIC HEARING was held this day of 2015
READ A SECOND time this day of 2015
READ A THIRD time this day of 2015
RECEIVED the approval of the day of 2015
Ministry of Transportation on the
ADOPTED this day of 2015

Notice of intention to proceed with this bylaw was published on the day of 2015 and the day of 2015 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer
3388 Skaha Lake Road
(Area of Proposed Lot 1)

1. To add a new zone, which will be called 14.5 CD5 – Comprehensive Development (3388 Skaha Lake Road)

2. To rezone a portion of the site from CT3 (Hotel Resort) to CD 5 – Comprehensive Development (3388 Skaha Lake Road)
Hello Corporate Officer, City of Penticton

Thank you for the opportunity of providing feedback on application PL2015-015 and PL2015-014. I have concerns with both requests.
We are owners of Unit 206 Stecoly Lane, 240 Yorkton Ave. The changes do not affect us directly but have a significant effect on the neighbourhood. The change to high density residential provides concerns with regard to the change to the neighbourhood. The buildings on that side of Skaha Lake road are what we might term "lower" density. The lot on Wilson Road behind this proposed development, is newly developed townhouses and to the north is a 4 or 5 storey building. Adding three buildings to a height of 12 and 14 storeys creates significant impacts:

1. The buildings would cast large shadows which will impact gardens in that shadow
2. The buildings will block natural light for buildings/townhomes adjacent to them. Natural light is important for people. For example Seasonal affective disorder which is caused by the darkness of winter impacts many people.
3. The buildings would block views of the hills for a very large number of families who now enjoy that view
4. Large buildings impact wind (which we have a great deal of coming from the south from the lake) and this would create unknown effects for neighbours with three large buildings together .
5. The buildings are completely out of character with the neighbourhood

If the decision is made to go ahead with "high density" buildings then I would request that the height be limited and a permanent restriction set for this and any future development of buildings to no higher than 6 – 8 storeys. It is important to remember this is a residential area of mainly single family dwellings and townhouses.

I agree that the site of a hotel next to a Seniors facility and in this residential neighbourhood is not appropriate but what is the "comprehensive development" that would be going in next to the Seniors Centre? I would appreciate some idea. I think the Council needs to be aware of not falling into the trap of "developers dollars" driving the agenda versus a strategic vision for the future of this area into which all the residents of the area have input. Piecemeal changes like these requested do not allow for a comprehensive review of what this neighbourhood will look like in 10 and 20 years from now.

Also in relation to these proposals, I am disturbed by the recent Council decision to remove the splash park and children's play area from Skaha Beach park, which my grandchildren greatly enjoy, in favour of a "for profit" park and another 100 slips to the Marina. Skaha beach is the best beach in Penticton and will be destroyed by the additional noise and pollution of another 100 or more boats added to the Marina, to say nothing of the proposed large commercial development. I am saddened that the new Council appears to be in the pocket of developers rather than serving the citizens of Penticton.

Sincerely
William and Lois Keen
206 Stecoly Lane
240 Yorkton Ave