Public Hearing

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

Monday, September 28, 2015
at 6:00 p.m.

Mayor Calls Public Hearing to Order for “OCP Amendment Bylaw No. 2015-48”

CO Reads Opening Statement and Introduction of Bylaw

1. “OCP Amendment Bylaw No. 2015-48” (476 Lakeshore Drive W.)

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

   ‘Schedule B: Future Land Use’ to change the land use designation of that
   portion of Lot 1, District Lot 4, Group 7, Similkameen Division Yale District,
   Plan 2689, located at 476 Lakeshore Drive West, from LR (Low Density
   Residential) to MFLD (Multi Family Low Density).

   Notice: The Public Hearing was advertised in the Penticton Western News on Friday,
   September 18, 2015 and Wednesday, September 23, 2015 (pursuant to the
   Local Government Act).

CO No Correspondence received regarding the OCP Amendment (as of noon Wednesday,
September 23, 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 “OCP Amendment Bylaw No. 2015-48” is terminated and no new information can be
received on this matter.
2. Mayor Calls Public Hearing to Order for “Zoning Amendment Bylaw No. 2015-49”

CO Reads Opening Statement and Introduction of Bylaw

“Zoning Amendment Bylaw No. 2015-49” (476 Lakeshore Drive W.)

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

Rezone Lot 1, District Lot 4, Group 7, Similkameen Division Yale District, Plan 2689, located at 476 Lakeshore Drive West, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing).

Add 10.8.4 Site Specific Provisions

.3 In the case of Lot 1, District Lot 4, Group 7, Similkameen Division Yale District, Plan 2689, located at 476 Lakeshore Drive West, the maximum density shall be 0.85 FAR.

The applicant is proposing to develop a multi-family stratified building containing three residential units.

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, September 18, 2015 and Wednesday, September 23, 2015 (pursuant to the Local Government Act).

CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, September 23, 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. 2015-49” is terminated and no new information can be received on this matter.
3. Mayor Calls Public Hearing to Order for “Zoning Amendment Bylaw No. 2015-50”

CO Reads Opening Statement and Introduction of Bylaw

“Zoning Amendment Bylaw No. 2015-50” (619 Burns Street)

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

Rezone a portion of Lot 18, Block 29, District Lot 202, Similkameen Division Yale District, Plan 755, located at 619 Burns Street, from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing).

The applicant has applied to adjust the lot line between 619 and 631 Burns Street to encompass the apartment building. The rezoning is required to avoid dual zoning of the newly created lot.

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, September 18, 2015 and Wednesday, September 23, 2015 (pursuant to the Local Government Act).

CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, September 23, 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. 2015-50” is terminated and no new information can be received on this matter.
Resolutions

8.4 OCP Amendment Bylaw No. 2015-48 and Zoning Amendment Bylaw No. 2015-49
Re: 476 Lakeshore Drive West

451/2015

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. 2015-48”, being a bylaw to amend “OCP Bylaw 2002-20” changing the OCP designation on Lot 1, District Lot 4, Group 7, Similkameen Division Yale District, Plan 2689, located at 476 Lakeshore Drive W, shown as Attachment ‘C’ of this report, from LR (Low Density Residential) to MFLD (Multi Family Low Density) be given first reading and be forwarded to the September 28, 2015 Public Hearing;

THAT “Zoning Amendment Bylaw No. 2015-49”, a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 1, District Lot 4, Group 7, Similkameen Division Yale District, Plan 2689, located at 476 Lakeshore Drive W, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing) with a site specific zoning amendment to increase the maximum density from 0.75 FAR to 0.85 FAR, be given first reading and be forwarded to the September 28, 2015 Public Hearing;

THAT Council support “Development Variance Permit PL2015-047” for Lot 1, District Lot 4, Group 7, Similkameen Division Yale District, Plan 2689, located at 476 Lakeshore Drive W, a permit to reduce the minimum interior yard setback from 3.0m to 2.2m for the principal building and from 3.0m to 1.5m for an accessory building, to reduce the minimum rear yard setback from 6m to 1.5m for an accessory building and to increase the maximum lot coverage on the site from 40% to 42%;

AND THAT delegations and submissions be heard for “Development Variance Permit PL2015-047” during the September 28, 2015 Public Hearing;

AND THAT staff are directed to issue DVP PL2015-047, subject to adoption of “Zoning Amendment Bylaw No. 2015 -49”.

CARRIED UNANIMOUSLY
Council Report

Date: September 8, 2015

To: Eric Sorensen, City Manager

From: Audrey Tanguay, Senior Planner

Address: 476 Lakeshore Drive. W

Subject: OCP Amendment Bylaw No. 2015-48; Zoning Amendment Bylaw No. 2015-49; and Development Variance Permit PL2015-047

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. 2015-48”, being a bylaw to amend “OCP Bylaw 2002-20” changing the OCP designation on Lot 1, District Lot 4, Group 7, Similkameen Division Yale District, Plan 2689, located at 476 Lakeshore Drive W, shown as Attachment ‘C’ of this report, from LR (Low Density Residential) to MFLD (Multi family low Density) be given first reading and be forwarded to the September 28, 2015 Public Hearing.

Rezone

Zoning Amendment

THAT “Zoning Amendment Bylaw No. 2015-49”, a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 1, District Lot 4, Group 7, Similkameen Division Yale District, Plan 2689, located at 476 Lakeshore Drive W, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing) with a site specific zoning amendment to increase the maximum density from 0.75 FAR to 0.85 FAR, be given first reading and be forwarded to the September 28, 2015 Public Hearing;
Development Variance Permit

THAT Council support “Development Variance Permit PL2015-047” for Lot 1, District Lot 4, Group 7, Similkameen Division Yale District, Plan 2689, located at 476 Lakeshore Drive W, a permit to reduce the minimum interior yard setback from 3.0m to 2.2m for the principal building and from 3.0m to 1.5m for an accessory building, to reduce the minimum rear yard setback from 6m to 1.5m for an accessory building and to increase the maximum lot coverage on the site from 40% to 42%;

AND THAT delegations and submissions be heard for “Development Variance Permit PL2015-047” during the September 28, 2015 Public Hearing;

AND THAT staff are directed to issue DVP PL2015-047, subject to adoption of “Zoning Amendment Bylaw No. 2015 -49”.

Strategic priority objective

N/A

Background

The subject property (Attachment ‘A’) is designated by the Official Community Plan (OCP) as LR (Low Density Residential) and is currently zoned R2 (Small Lot Residential). Photos of the site are included as Attachment ‘D’. The property is also identified as being in the “Downtown Multiple Family Development Permit Area” under OCP Bylaw 2002-20. The site extends to 1,024 m² (0.253 acre) and currently features a single detached dwelling and accessory building. These will be removed from the property.

Housing in this neighbourhood is slowly being replaced with more dense forms of construction. Other redevelopment in the immediate area features townhouses, duplexes and multi-family development, for example on Churchill and Alexander Avenue. These are reflected in parcel rezoning as indicated in Attachment C. General residential policies in the OCP support infill development within existing services areas, encourage intensification of residential land use around the downtown commercial core and encourage the development of higher-end residential development including multi-family development. The Downtown West Neighbourhood Plan and the OCP place an emphasis on maintaining and preserving the pedestrian environment of Okanagan Lake. Anticipating zoning amendment applications for development, the 2002 OCP also included this area in the Downtown Multiple Family Development Permit Area (DPA).

The applicant intends to develop a strata, multi-family project with 3 units (Attachment ‘F’), with each unit having an approximate floor area of 240 m² (2600 sq.ft). A 128m² parking garage is also proposed at the rear of the property. Staff has suggested to the applicant that he meets with the adjacent neighbours prior to this application being presented to Council for a decision. The applicant will be hosting an information meeting on Thursday September 17th between 4:30 and 7:30 at the Penticton Lakeside Resort and intends to notify the owners and residents within 100m of the site.

Proposal

The applicant is proposing the following amendments to the Official Community Plan Bylaw 2002-20:
Schedule B: Future Land Use Map’ to change the OCP designation of the site (as identified on Attachment B of this report) from LR (Low Density Residential) to MFLD (Multi Family Low Density Residential).

The applicant is requesting that the subject property be rezoned from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing), as identified in Zoning Bylaw 2011-23 and that a site specific zoning amendment be supported to increase the maximum density from 0.75 FAR to 0.85 FAR.

The applicant is also requesting a Development Variance Permit to vary the following sections of Zoning Bylaw 2011-23:

- Section 10.8.2.7 i.: reducing the minimum interior yard setback from 3.0m to 2.2m for the principal building; and from 3.0m to 1.5m for the accessory building
- Section 10.8.2.8 reducing the minimum rear yard setback from 6m to 1.5m for the accessory building
- Section 10.8.2.3 increasing the maximum lot coverage from 40% to 42%;

Project Specifications

The following table outlines the proposed development statistics on the plans submitted with the application:

<table>
<thead>
<tr>
<th>Item</th>
<th>Requirement RM2 Zone</th>
<th>Provided on Plans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Lot Coverage:</td>
<td>40 %</td>
<td>42 % (Variance required)</td>
</tr>
<tr>
<td>Maximum Density:</td>
<td>0.75 FAR</td>
<td>0.85 FAR (Site Specific)</td>
</tr>
<tr>
<td>Vehicle Parking:</td>
<td>1 space per unit (3 spaces)</td>
<td>6 spaces</td>
</tr>
<tr>
<td>Required Setbacks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal Building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front yard (Lakeshore Drive)</td>
<td>3m</td>
<td>7.9m</td>
</tr>
<tr>
<td>Rear yard</td>
<td>6m</td>
<td>25.1m</td>
</tr>
<tr>
<td>Interior Side yard</td>
<td>3m</td>
<td>2.2m (variance required)</td>
</tr>
<tr>
<td>Accessory Building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear yard</td>
<td>6m</td>
<td>1.5m (variance required)</td>
</tr>
<tr>
<td>Interior Side yard</td>
<td>3m</td>
<td>1.5m (variance required)</td>
</tr>
<tr>
<td>Maximum Building Height:</td>
<td>12m</td>
<td>12m</td>
</tr>
</tbody>
</table>

Other Information:
- Property is in the Downtown Multiple Development Permit Area
- The plans generally conform to the DPA guidelines.
- Development permit will be required prior to building permit application. The DP is staff issuable
Development Engineering Review

This application was forwarded to the City’s Technical Planning Committee and reviewed by the Engineering and Public Works Departments. No conditions prior to rezoning or variance permit approval were identified through this referral process.

Financial implication

N/A

Analysis

Support OCP and Zoning amendment

The subject property is designated for Low Density Residential under OCP Bylaw 2002-20. The OCP provides a list of criteria when considering re-designating areas to Medium Density Residential. The guidelines and staff’s comments are as follows:

The city will support rezoning to higher densities:

- On a parcel where the proposed development will be compatible in character and scale with the adjoining uses:

  The character of the neighborhood will not materially change as this is an area that has seen development pressure recently. The neighbourhood that the subject property is located in features predominantly residential style development, including low-rise apartment buildings, motels and houses. Existing properties along Lakeshore drive are currently designated MFLD (Multi Family Low Density). The character of Lakeshore Drive will be maintained.

- Where separation can be achieved through adequate setback distances and buffers from existing or planned lower density housing;

  The developer has presented a design with high aesthetic appeal. The building has been set to respect the front setback and building lines of the existing houses adjacent to this parcel. The proposal adds to the already diverse range of housing, types, tenures and densities.

- Near parks, commercial activities or public/institutional facilities;

  The OCP supports intensification of residential land use and density around the downtown core. The property is located directly adjacent to Okanagan Lake and is within 480 m of the downtown commercial core. This development will increase the residential offer adjacent to the downtown area and encourage more use of the Downtown amenities.

- On sites that afford direct and convenient vehicle access so as to avoid generating excessive traffic on local streets and;
No driveway access is proposed on Lakeshore Drive. All the traffic will be directed to the lane where garage parking, accommodating 6 vehicles is being proposed. All the units have pedestrian access on Lakeshore Drive and maintain a positive relationship with the street.

The development meets the following objectives of the OCP:

- Encourage residential intensification near commercial activities and institutional facilities
- Encourage densification in areas where existing services can accommodate higher densities.
- New development should be accommodated through infill development
- Encourage a wide range of Medium Density Residential housing, including triplexes and compact housing

The proposals are in general conformity with these OCP guidelines. Staff considers that the design is visually appealing and consistent with the character of the neighborhood and the recent development in the area. For these reasons staff are recommending that Council support the land use designation change, as set out above and refer the application to the September 28th Public Hearing.

Deny/Refer

Council may feel that the proposed amendments are not suitable for this site. If this is the case, Council should deny the bylaw amendments. If the OCP and zoning amendment do not go forward, the property will be restricted to a single family use. In that eventuality, Council should not support the OCP and zoning amendment. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with direction that Council feels is appropriate.

Support Variance

When considering a variance to a City bylaw, staff encourages Council to consider whether there is a hardship on the property that makes following the bylaw difficult or impossible, whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. The proposed variances are as follows:

Section 10.8.2.7 i. reducing the minimum interior yard setback from 3.0m to 2.2m for the principal building and from 3.0m to 1.5m for an accessory building.

The applicant is requesting a 0.8m interior setback reduction along both sides of the property for the principal building and 1.5m setback for the accessory building. As with other infill projects throughout the City, it is often difficult to build within required setbacks on lots that were originally intended for an alternative form of development. The reduced setback is requested in order to achieve the desired floor plans. Staff do not feel the variance will have a negative impact on any interests of acknowledged importance, including neighbouring properties, as this is a minor variance.

Section 10.8.2.8 reducing the minimum rear yard setback from 6m to 1.5m for the accessory building.

The garage is proposed to be located at 1.5m from the rear property line. The RM2 zoning does not contemplate separate setbacks for principal and accessory buildings. In other residential zones, accessory
buildings have a minimum rear yard setback of 1.5m. The proposed garage will align with the existing garages along the back alley. Utilization of the lane for vehicle access enables the development to present an attractive design to the street and preserve the pre-existing conditions along Lakeshore Drive (i.e. no vehicular access from the road).

Section 10.8.2.3 increasing the maximum lot coverage from 40% to 42%.

The increase in site coverage is minimal and will not have a negative impact on the existing neighbouring properties. The plans submitted show higher-end development, in line with the redevelopment trends of the neighborhood.

Considering the above, it is recommended that Council support the application and direct staff to issue the permit.

Deny/Refer

Council may consider that the number of variances requested demonstrate that the development will negatively affect the existing character of the neighborhood. If this is the case, Council has the ability to deny any or all of the proposed variances. Alternatively, Council may refer the application back to staff for further work with the applicant.

Alternate Recommendations

1. THAT Council support “OCP Amendment Bylaw No.2015-48” and “Zoning Amendment Bylaw No.2015-49” but deny support to “Development Variance Permit PL2015-044”.
2. THAT Council support “Zoning Amendment Bylaw No.2015-49” without additional conditions to those proposed by staff.
3. THAT Council support “Development Variance Permit PL2015-012” and impose additional conditions that it considers appropriate.

Attachments

Attachment A: Subject Property Location Map
Attachment B: OCP Map
Attachment C: Zoning Map
Attachment D: Images of Subject Property
Attachment E: Letter of Intent
Attachment F: Site Plan
Attachment G: Elevations
Attachment H: DVP
Attachment I: OCP Amendment Bylaw No. 2015-48
Attachment J: Zoning Amendment Bylaw No. 2015-49
Respectfully submitted,

Audrey Tanguay, MCIP
Senior Planner

Approvals

<table>
<thead>
<tr>
<th>Director</th>
<th>City Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>JGH</td>
<td>ES</td>
</tr>
</tbody>
</table>
Attachment A - Subject Property

Figure 1: Location Map
Attachment B - OCP Map

Figure 2: OCP Map
Attachment C - Zoning Map

Figure 3: Zoning Map
Attachment D - Images of the Subject Property

Figure 4: View from Lakeshore Drive W

Figure 5: View from Lakeshore Drive W
Figure 6: View from the Rear
Attachment “E” –

Letter of Rationale

GIROUX DESIGN GROUP
102 Ellis Street, Penticton, BC  V2A 4L5

8/19/2015

City of Penticton
Planning Department
171 Main Street, Penticton, BC  V2A 5A9

To the Planning Department Staff,

This letter is in reference to the property located at 476 Lakeshore Drive in Penticton, BC and a proposed rezoning and associated variances to the property. The property currently has an older single family residence situated on it. The lot is a very large parcel and is much better suited to a multi-family development. The location of the property is ideal for a multi-family project as it is close to both the parks and downtown, and is an area that should be enjoyed by more than just one family. The current mix of motels, apartments, townhouses, and large homes along the street allow the project to easily fit in to the neighborhood.

We explored a number of options with the rezoning and considered the financial feasibility of various concepts. Ultimately it was decided that the developer needed to have a development with at least three units, but it was felt that a four unit complex would be too much for the design limitations of the property. Therefore it was determined that a three unit development would be the best option. For this we are asking for a rezoning of the property to a RM2 low density multi-family zone. This development will require some variances along with a change to the lots designation in the OCP. However, we feel that these are very reasonable and are in harmony with other developments in the immediate area.
The variances required are as follows:

1) A reduction in the minimum lot width from 18.0 meters to 16.757 meters. The parcel of land is very deep and easily meets the minimum area required for a RM2 zone, however it is slightly narrower than required.

2) An increase in maximum lot coverage of 2%, from 40% to 42%. This increase allows for a more practical and economic design and allows for all the parking to be enclosed.

3) An increase in FAR density from 0.75 to 0.85. We feel this is reasonable as a duplex built on the property would have a FAR of 0.95. The size increase is required to allow for the additional staircase required for emergency escape, and to allow for a better final product for resale.

4) A decrease in side setbacks from 3.0 m to 2.2 m. Originally the building was designed within the setbacks required, however after discussion with the planning department they suggested increasing the width of the building to allow the front setback to be increased. This is the reason for the reduction of the side yard setback. Again, a duplex zone would only have a 1.5 m side yard, so this is a larger setback than if a duplex were built.

5) A decrease of the side setback for the auxiliary garage building from 3.0 m to 1.2 meters. This is in line with most of the garage parking structures currently along the lane, and allows for total enclosure of all parking spaces.

6) A decrease in the rear yard setback for the auxiliary garage building from 6.0 m to 1.5 meters. This is also in line with other garage buildings along the lane. The garage structure will allow for greater privacy for the neighboring properties, as well as a cleaner appearance for the development. Extra parking stalls are also provided within the structure to allow owners and visitors to park on site rather than on the street.
We strongly feel that the project will have a very positive impact on the neighborhood. As with any project we anticipate concern or opposition to the change. However we have made every effort to anticipate concerns about increased traffic, loss of privacy, and increased density, and believe that the proposed project is a balanced move in a progressive direction. The developer of the project is a successful developer from the Lower Mainland, and has been impressed so far by the cooperation he has received by City Planning staff. It is his hope to continue to do developments in Penticton, and we look forward to your continued support.

Kind Regards,

[Type the sender name]
Owner/Designer
Giroux Design Group
Attachment “F” – Building Rendering

Figure 8: Artist Rendering
Figure 9: Artist Rendering

Figure 10: Elevation on Lakeshore Drive W
Figure 11: Side Elevation (Facing East)

Figure 12: Side Elevation (Facing West)
Figure 13: Rear Elevation
Attachment G: Site Plan

SITE PLAN & CALCULATIONS
SCALE: 1" = 20'0"
LEGAL DESCRIPTION LOT 1, DL 4, Op 7, SDYVY-I.O. PLAN 2689
CIVIC ADDRESS: 476 LAKESHORE DRIVE WEST, PENTICTON, B.C. P.O. 0.000-0.000
SITE AREA: 1003.8 m²
FLOOR AREA: 873.1 m² (87.5%)
PARCEL COVERAGE: 81.3 m² (C2VERAGE 42.5%)

BASED ON MANDEVILLE LAND SURVEYING DWG. 15-0-06
FIELD SURVEY COMPLETED THIS 22ND DAY OF MAY, 2015
ELEVATIONS ARE GEODETIC BASED ON PENTICTON MONUMENT #4005
ALL DIMENSIONS ARE IN METRES AND DECIMALS THEREOF UNLESS OTHERWISE NOTED

Figure 14: Site Plan
Attachment H: DVP

Development Variance Permit

Permit Number: DVP PL2015-047

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.

2. This permit applies to:

   Legal: Lot 1, District Lot 4, Group 7, Similkameen Division Yale District, Plan 2689
   Civic: 476 Lakeshore Drive W
   PID: 010-971-912

3. This permit has been issued in accordance with Section 922 of the Local Government Act to vary: Section 10.8.2.7 to reduce the minimum interior yard setback from 3.0m to 2.2m for the principal building and from 3.0m to 1.5m for an accessory building, Section 10.8.2.8 to reduce the minimum rear yard setback from 6m to 1.5m for an accessory building and Section 10.8.2.3 to increase the maximum lot coverage from 40% to 42% as shown in the plans attached in Schedule A.

General Conditions

4. In accordance with Section 928(2) of the Local Government Act the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.

5. In accordance with Section 926 of the Local Government Act, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.

6. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.

7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the of, 2015

Issued this ____ day of _________, 2015

______________________________
Dana Schmidt,
Corporate Officer
The Corporation of the City of Penticton

Bylaw No. 2015-48

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 -48”.

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 1, District Lot 4, Group 7, Similkameen Division Yale District, Plan 2689, located at 476 Lakeshore Drive West, from LR (Low Density Residential) to MFLD (Multi Family Low Density) as shown in Schedule A.

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

READ A FIRST time this 8 day of September, 2015
A PUBLIC HEARING was held this 28 day of September, 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 18 day of September, 2015 and the 23 day of September, 2015 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

__________________________________________
Andrew Jakubeit, Mayor

__________________________________________
Dana Schmidt, Corporate Officer
476 Lakeshore Drive W.
Amend OCP from LR (Low Density Residential) to MFLD (Multi-Family Low Density)
The Corporation of the City of Penticton

Bylaw No. 2015-49

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. 2015-49”.

2. **Amendment:**

   Zoning Bylaw 2011-23 is hereby amended as follows:

   2.1 Rezone Lot 1, District Lot 4, Group 7, Similkameen Division Yale District, Plan 2689, located at 476 Lakeshore Drive West, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing).

   2.2 Add 10.8.4 Site Specific Provisions

   .3 In the case of Lot 1, District Lot 4, Group 7, Similkameen Division Yale District, Plan 2689, located at 476 Lakeshore Drive West, the maximum density shall be 0.85 FAR.

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

READ A FIRST time this 8 day of September, 2015

A PUBLIC HEARING was held this 28 day of September, 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 18 day of September, 2015 and the 23 day of September, 2015 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

__________________________________
Andrew Jakubeit, Mayor

__________________________________
Dana Schmidt, Corporate Officer
476 Lakeshore Drive W.

- Rezone from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing)

- Site specific zoning amendment to increase the maximum density from 0.75 FAR to 0.85 FAR
Regular Council Meeting
held at City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, September 8, 2015
Following the Public Hearing at 6:00 p.m.

Resolutions

8.5 Zoning Amendment Bylaw No. 2015-50 and DVP PL2015-051
Re: 619 & 631 Burns Street

452/2015

It was MOVED and SECONDED
THAT “Zoning Amendment Bylaw No. 2015-50”, a bylaw to amend Zoning Bylaw 2011-23 to rezone a portion of Lot 18, Block 29, District Lot 202, Similkameen Division Yale District, Plan 755, located at 619 Burns Street, from RD2 (Duple Housing: Lane) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the September 28, 2015 Public Hearing;
THAT Council approve “Development Variance Permit PL2015-051” for Lot 18, Block 29, District Lot 202, Similkameen Division Yale District, Plan 755, located at 619 Burns Street, a permit to reduce the lot width from 13m to 9.5m and to reduce the lot area from 390m2 to 290m2;
AND THAT Council approve “Development Variance Permit PL2015-051” for Lot 17, Block 29, District Lot 202, Similkameen Division Yale District, Plan 755, located at 631 Burns Street, a permit to reduce the interior setback from 3.0m to 1.2m and to reduce the lot area from 670m2 to 565m2, in order to facilitate a lot line adjustment, while retaining one developable lot for duplex housing,
AND THAT staff are directed to issue “DVP PL2015-051”, subject to adoption of “Zoning Amendment Bylaw No.2015-50”.

CARRIED UNANIMOUSLY

Minutes of September 8, 2015 Regular Council
Staff Recommendation

Zoning Amendment

THAT “Zoning Amendment Bylaw No. 2015-50", a bylaw to amend Zoning Bylaw 2011-23 to rezone a portion of Lot 18, Block 29, District Lot 202, Similkameen Division Yale District, Plan 755, located at 619 Burns Street, from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the September 28, 2015 Public Hearing;

Development Variance Permit

THAT Council approve “Development Variance Permit PL2015-051” for Lot 18, Block 29, District Lot 202, Similkameen Division Yale District, Plan 755, located at 619 Burns Street, a permit to reduce the lot width from 13m to 9.5m and to reduce the lot area from 390m2 to 290m2,

AND THAT Council approve “Development Variance Permit PL2015-051” for Lot 17, Block 29, District Lot 202, Similkameen Division Yale District, Plan 755, located at 631 Burns Street, a permit to reduce the interior setback from 3.0m to 1.2m and to reduce the lot area from 670m2 to 565m2, in order to facilitate a lot line adjustment, while retaining one developable lot for duplex housing,

AND THAT staff are directed to issue “DVP PL2015-051", subject to adoption of “Zoning Amendment Bylaw No.2015-50”.

Strategic priority objective

N/A

Background

The subject property (Attachment ‘A’) is currently two separate legal lots with one apartment building straddling both lots; 619 Burns Street is zoned RD2 (Duplex Housing: Lane) and 631 Burns Street is zoned RM2 (Low Density Multiple Housing). The current building, constructed in the 1960s, is mostly contained
within 631 Burns Street. However, a small portion of the building equating to approximately 4m x 5m, crosses the property line into 619 Burns Street. 619 Burns Street, therefore, can only be used as yard space and the development potential of the site is limited.

The applicant is applying to adjust the current lot line of 631 Burns Street in order to expand the lot in a way that encompasses the entirety of the apartment building. In doing this, the applicant would also like to retain development potential of 619 Burns Street. As a consequence, a number of variances are being requested.

First, in order to retain development potential of 619 Burns Street, the applicant is seeking an extension of the lot line of ‘631’ only as far as it needs to so that the BC Building Code requirements concerning a building’s distance to lot lines can be met. This means that instead of observing the required 3.0m side yard setback for this zone, the applicant would like to reduce this setback to 1.2m. Furthermore, because a lot line adjustment is, in effect, a ‘subdivision’, we must look at the size of the new lot being created. That is, 631 Burns Street is increasing from 425m2 to 565m2, which does not meet the minimum lot size for RM2 lots. This requires a variance.

In addition, the minimum lot size for RD2 lots, which 619 Burns Street is currently zoned as, is 13m. However, the applicant is applying for a lot width reduction to 9.5m in order to facilitate the lot line adjustment. This reduction will also trigger a variance in respect to minimum lot size: from 390m2 to 290 m2.

The rezoning element to this application is triggered by the lot line adjustment; moving the lot line further into 619 Burns Street, without an accompanying rezoning, would create one lot with two zones on it (RD2 and RM2). The rezoning only applies to the small strip of land that is being gained through the lot line adjustment.

Proposal

The applicant is requesting that the portion of land gained through a lot line adjustment be rezoned from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing). The applicant is also requesting that the following variances are approved in order to facilitate lot line adjustment and eventual redevelopment:

- 631 Burns – vary interior setback from 3.0m to 1.2m
- 631 Burns – vary lot area from 670m2 to 565 m2
- 619 Burns – vary lot width from 13m to 9.5m
- 619 Burns – vary lot area from 390sq.m to 290sq.m

Financial implication

N/A

Technical review

This application was forwarded to the City’s Technical Planning Committee (TPC) and reviewed by various departments within the City. No irregular conditions or restrictions were observed through this process. Preliminary cost estimates have been communicated to the applicant.
**Analysis – Zoning Amendment**

**Support Zoning Amendment**

Rezoning that portion of the lot which will be gained by 631 Burns Street through a lot line adjustment is in keeping with the City’s Official Community Plan and promotes the highest and best use for both lots. As per the City’s OCP, 631 and 619 Burns Street are Medium Density Residential allowing for small apartment buildings and duplex construction. Facilitating more development in this area is encouraged. In order for development to take place on this lot, the lot line adjustment and associated rezoning are necessary.

Staff recommend that Council support “Zoning Amendment Bylaw 2015-50” and forward the application to the September 28, 2015 public hearing for comment from the public.

**Deny**

Council may feel that these two lots can achieve a higher density if amalgamated and redeveloped in the future. If that is the case, Council should deny first reading of the amendment bylaw.

Alternatively, Council may wish to refer the matter back to Planning staff with recommendations and further direction.

**Analysis – Development Variance Permit**

**Support Development Variance Permit**

This lot has some historical anomalies that make redevelopment challenging. However, the applicant has worked with the City in achieving creative solutions to retain the existing apartment building, which contains six low-rent units; while opening up development potential for the currently underutilized land adjacent to the building. Variances are a necessary part of that process. The following provides analysis for each requested variance:

- **631 Burns – vary interior setback from 3.0m to 1.2m**
  This reduction is reasonable given that it only relates to a portion of wall, 5m wide that will be 1.2m from the property line. Additionally, there are no windows on this elevation. The distance will not have a negative effect on the redevelopment of the duplex lot.

- **631 Burns – vary lot area from 670m² to 565 m²**
  The current RM2 lot is 425m². It is considered ‘legally non-conforming’ because it does not meet the minimum lot size for the RM2 zone. In the process of adjusting the lot line, the ‘legal non-conforming’ status of the lot is challenged and due process requires that a formal variance be approved.

- **619 Burns – vary lot width from 13m to 9.58m**
  Although the minimum lot size for RD2 lots is 13m, it is common to see 9.0m duplex lots in Penticton. A number of these lots are across the street from this property. A duplex can be built on a 9m lot without the need for additional variances.

- **619 Burns – vary lot area from 390sq.m to 290sq.m**
  Although the lot does not meet the minimum lot size, duplex lots under 290m² are not uncommon, including those already existing on Burns Street, as identified above. A duplex can be built on a lot of 290m² without the need for additional variances.
Given the above, staff recommend that Council approve the variance permit application and are directed to issue the permit upon successful rezoning.

Deny/refer

Council may consider that the design could be amended to respond to the lot’s site-specific context. If this is the case, Council should deny the application. Alternatively, Council may wish to refer the application back to staff to work with the applicant in changing the design.

Alternate recommendations

1. THAT Council deny first reading of “Zoning Amendment Bylaw No. 2015-50” and deny support to “DVP PL2015-051”
2. THAT Council support “Zoning Amendment Bylaw No. 2015-50” and “DVP PL2015-051” with conditions that Council feels are appropriate.
3. THAT Council refer the application back to staff to work with the applicant in terms of the design of the proposed development.

Attachments

Attachment A: Subject property location map
Attachment B: Close-up aerial of subject property
Attachment C: Zoning map of neighbourhood
Attachment D: OCP map of neighbourhood
Attachment E: Images of subject property
Attachment F: Letter of intent
Attachment G: Draft DVP, including site plan and elevation drawings

Respectfully submitted,

Lindsey Fraser
Planner I

Approvals

<table>
<thead>
<tr>
<th>Director</th>
<th>City Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>JGH</td>
<td>ES</td>
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Attachment ‘A’ – Subject Property Location Map

Figure 1: Subject property (631 and 619 Burns Street) highlighted in blue
NOTE: 631 Burns Street also displays the civic address of 627 Burns Street. This secondary address is a historical hold-over with, seemingly, no relevance to the current property. “627” will be removed during the subdivision process, by the City.
Figure 3: Zoning of 631 and 619 Burns Street
Figure 4: OCP Designation of MR (Medium Density Residential)
Attachment E – Images of Subject Property

**Figure 5:** Subject property looking west

This portion is 631 Burns Street (Zoned RM2)

This portion is 619 Burns Street (Zoned RD2)

Site of future duplex (shed to be removed when site develops)

**Figure 6:** Subject property showing future development site
Figure 7: Parking is adequate and holds 6+ stalls for existing building
Dear Mayor and Council

Our intention is to proceed with a variance application and Subdivision to move a lot line at 631 Burns and 619 Burns to allow lots to conform with variance to existing zoning for the neighborhood. Currently the two lots at these addresses have one building that straddles partially onto 619 burns. Currently each lot is approximately 46 feet wide. Our intention is to provide 631 Burns which is zoned RM2 with a frontage of approximately 60ft. This will leave a 619 Burns with a zoning of RD 2 with approximately a 32 foot duplex lot.

These changes would make the lot size at 631 Burns conforming to its current zoning requirements. By doing so we understand that creating a 32 foot duplex lot would require a variance as it would not meet current zoning.

Our intention is to build a front to back duplex similar to the recent development in the area. I have enclosed pictures of this recent development as well as pictures of the current building at 631 Burns. This will allow the current building at 631 Burns to sit on its own lot leaving this development possible to proceed.

Marc Tougas
Property owner.
Attachment G – Draft DVP

Development Variance Permit

Permit Number: PL2015-051

Name
Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.

2. This permit applies to:

   Legal: Lot 18, Block 29, District Lot 202, Similkameen Division Yale District, Plan 755 AND Lot 17, Block 29, District Lot 202, Similkameen Division Yale District, Plan 755

   Civic: 619 AND 631 Burns Street

   PID: 012-103-535 AND 012-103-527

3. This permit has been issued in accordance with Section 922 of the Local Government Act, to vary the following sections of Zoning Bylaw 2011-23 to allow for a lot line adjustment, as shown in the plans attached in Schedule A:

   - Section 10.8.2.2: Reduce the minimum lot area for 631 Burns Street from 670 m² to 565 m²
   - Section 10.8.2.7: Reduce the minimum side yard setback for 631 Burns Street on the north side of the property from 3.0m to 1.2m
   - Section 10.6.2.1: Reduce the minimum lot width for 619 Burns Street from 13.0m to 9.5m
   - Section 10.6.2.2: Reduce the minimum lot area for 916 Burns Street from 390 m² to 290 m²

General Conditions

4. In accordance with Section 928(2) of the Local Government Act, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.

5. In accordance with Section 926 of the Local Government Act, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.

6. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.

7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.

8. This permit does not include off-site infrastructure costs that may be required at the building...
permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the ______ day of _________, 2015

Issued this _____ day of __________, 2015

________________________
Dana Schmidt,
Corporate Officer
SKETCH PLAN SHOWING PROPOSED SUBDIVISION OF
LOTS 17 and 18, Bk 29, DL 202, SDYD, PLAN 755

SCALE 1:200

CIVIC ADDRESS: 619/631 BURNS STREET, PENTICTON, B.C.
PID: 012-103-535 (LOT 18)
PID: 012-103-527 (LOT 17)

PROPOSED LOT A
AREA = 291.9m²
EXISTING GARAGE

PROPOSED LOT B
AREA = 564.9m²
EXISTING BUILDING

STRATA PLAN KAS654

THIS PLAN IS BASED ON LAND TITLE AND
SURVEY AUTHORITY RECORDED AND A FIELD SURVEY
TRANSCENDS INTERESTS HAVE NOT BEEN CONSIDERED

LANE SURVEYING COMPANY AND SURVEYOR ACCEPT NO RESPONSIBILITY
HERE AND HEREBY DISCLAIM ALL OBLIGATIONS AND DUTIES FOR ERRONEOUS
INACCURACIES, BUT NOT LIMITED TO DIRECT, INDIRECT, INCIDENTAL,
AND CONSEQUENTIAL DAMAGES ARISING OUT OF OR IN CONNECTION WITH
THIS PLAN OR ANY USE THEREOF

FIELD SURVEY COMPLETED THIS 30TH DAY OF JULY, 2015.
ALL DIMENSIONS ARE IN METRES AND DECIMALS THEREOF
UNLESS OTHERWISE NOTED

MANDEVILLE LAND SURVEYING INC.
PROFESSIONAL LAND SURVEYORS
555 MARTIN STREET
PENTICTON, B.C. V2A 2L4
PHONE: (250) 498-6377
FILE: 15-001
DRL: 15-001

COUNCIL REPORT
Page 14 of 14
The Corporation of the City of Penticton

Bylaw No. 2015-50

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 2015-50”.

2. **Amendment:**

2.1 Zoning Bylaw 2011-23 Schedule ‘A’ is hereby amended as follows:

Rezone a portion of Lot 18, Block 29, District Lot 202, Similkameen Division Yale District, Plan 755, located at 619 Burns Street, from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing).

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

READ A FIRST time this 8 day of September, 2015

A PUBLIC HEARING was held this 28 day of September, 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 18 day of September, 2015 and the 23 day of September, 2015 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer
Rezone a portion of 619 Burns Street from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing)