

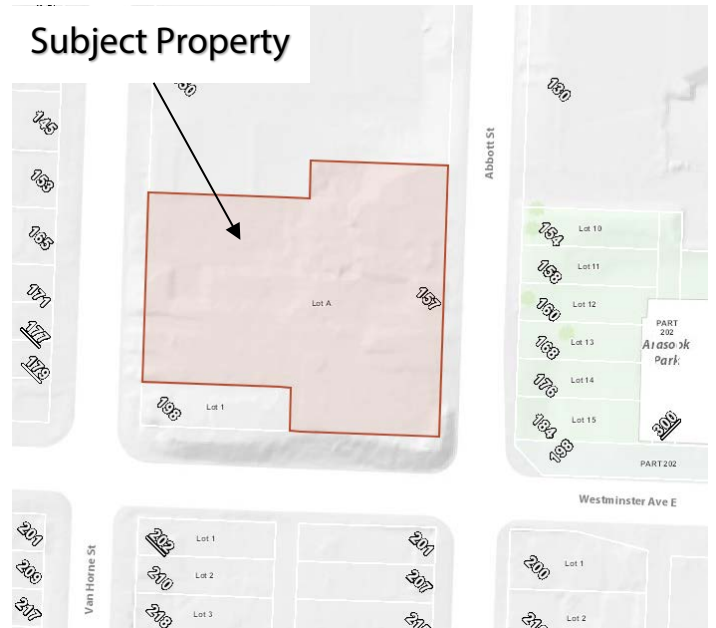
September 19, 2019

Subject Property:
157 Abbott Street

Lot A, District Lot 202, Similkameen Division Yale District,
Plan KAP81594

Application:
Development Variance Permit PL2019-8577

157 Abbott Street is being subdivided into 11 new RD3 lots. The developers are proposing a 'living lane' whereby the lane width will be 4.0m of paving with 1.0m of landscaping on either side, which will be considered boulevard. They have applied to vary Section 6.2 of Subdivision and Development Bylaw 2004-81, Section 00400: Schedule "G" – Roads, Table 3.0, reducing the required pavement width from 6.0m to 4.0m. (Refer to Figure 1, Page 2)



Information:

The staff report to Council and Development Variance Permit PL2019-8577 will be available for public inspection from **Friday, September 20, 2019 to Tuesday, October 1, 2019** at the following locations during hours of operation:

- Penticton City Hall, 171 Main Street
- Penticton Library, 785 Main Street
- Penticton Community Centre, 325 Power Street

You can also find this information on the City's website at www.penticton.ca/publicnotice.

Please contact the Planning Department at (250) 490-2501 with any questions.

Council Consideration:

Council will consider this application at its Regular Council Meeting scheduled for **6:00 pm, Tuesday, October 1, 2019** in Council Chambers at Penticton City Hall, 171 Main Street.

Public Comments:

You may appear in person, or by agent, the evening of the Council meeting, or submit a petition or written comments by mail or email no later than **9:30 am, Tuesday, October 1, 2019** to:

Attention: Corporate Officer, City of Penticton

171 Main Street, Penticton, B.C. V2A 5A9

Email: corpadmin@penticton.ca

No letter, report or representation from the public will be received by Council after the conclusion of the October 1, 2019 Council Meeting.

Please note that all correspondence submitted to the City of Penticton in response to this Notice must include your name and address and will form part of the public record and will be published in a meeting agenda when this matter is before the Council or a Committee of Council. The City considers the author's name and address relevant to Council's consideration of this matter and will disclose this personal information. The author's phone number and email address is not relevant and should not be included in the correspondence if the author does not wish this personal information disclosed.

Blake Laven, RPP, MCIP
Manager of Planning

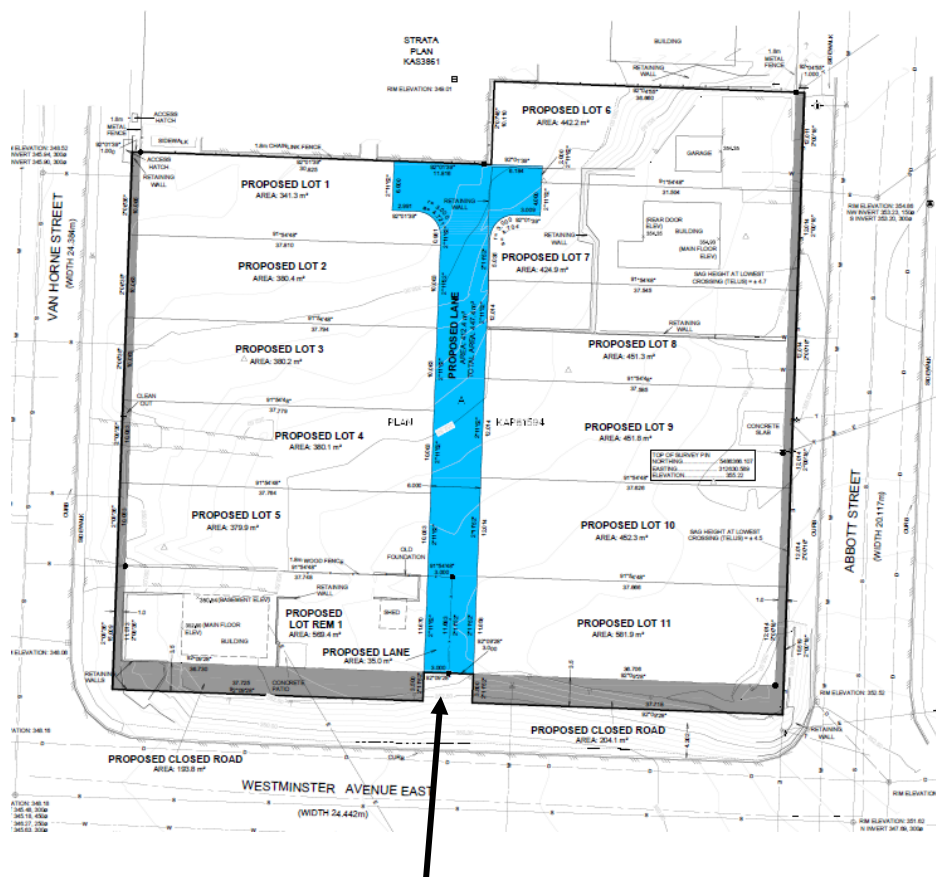


Figure 1: Reduce width of paving in the lane from 6.0m to 4.0m

Date: October 1, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Blake Laven, Planning Manager
Address: 157 Abbott Street

Subject: Development Variance Permit PL2019-8577

File No: RMS/Address

Staff Recommendation

THAT Council support "Development Variance Permit PL2019-8577", a permit reducing the pavement width for a lane from 6.0m to 4.0m, with the remaining 2.0m deemed 'boulevard' for the purposes of Good Neighbour Bylaw 2012-5030, to support the construction of a 'living lane' as part of the 11 lot subdivision of Lot A, District Lot 202, Similkameen Division Tale District, Plan KAP81594, located at 157 Abbott Street.

Strategic priority objective

This application meets Council's Strategic Priority of Community Design: The City of Penticton will attract, promote and support sustainable growth and development congruent with the community's vision for the future.

Background

In December 2018, City Council gave zoning approval to a development proposal for 157 Abbott Street, which will see the creation of 11 new RD3 (Residential Infill) zoned lots, with rear lane access.

As the concept for the development has progressed, the development proponents are proposing the rear lane as a 'living lane'. The lane right-of-way is intended to be 6.0m in width but will feature only 4.0m of paving with 1.0m of landscaping on either side of the pavement. The city's Subdivision and Development Bylaw requires City lanes to be 6.0m in width, with the full width paved with asphalt. To realize their vision for this development, the proponents are requesting a variance to the paving provision of the bylaw.

Proposal

The applicants are requesting a variance to Section 6.2 of Subdivision and Development Bylaw 2004-81, allowing a pavement width of 4.0m, which is currently listed as 6.0m in Section 00400: Schedule "G" – Roads, Table 3.0.

Technical Review

Public Works and Engineering have concerns when reductions to established bylaw standards are contemplated, especially in the case where the City will ultimately be receiving the infrastructure for the long term. In this case, the risk to maintenance is minimized by the requirement for adjacent property owners to maintain the landscaped

areas, as this is required by Section 7.3.2 of the Good Neighbour Bylaw. This means that the non-paved areas of the lane will be the responsibility of the land owners to maintain, in a similar way to the boulevard on a street.

The Development Engineering Department has identified that there are many lanes in the City that have similar reduced width such as these ones. Public Works has indicated that the reduced travel width at the end of the lane will require garbage and recycling will not occur from the lane, which will require all carts to be placed on the fronting streets. The reduced paving width and additional landscaping will also assist in stormwater management.

Even with the reduced width, the lane will be required to be engineered to good engineering practice for the intended use, prior to the City signing off on the design. The developer will be required to install a concrete edging strip to hold together the edge of asphalt on the lane to reduce the edge damage as cars move on and off the paved area, which will be installed prior to the subdivision being registered and individual building permits issued.

Financial implication

While installation of the lane will be fully on the cost of the developer, the City will ultimately own the infrastructure once installed. Given that this is a unique design, there may be some additional maintenance costs that a more traditional lane would see. Maintenance of the landscaping however would fall to the adjacent property owners as per the good neighbour bylaw.

Analysis

Council originally supported the zoning of these properties to support the vision for a unique development in an area currently undergoing revitalization. While there is some risk in having the reduced pavement width, the road right of way is still the required 6.0m and the landscaping areas will be designed to be driven upon, so the risks are minimal. The requirement to maintain the landscaping will ultimately be the responsibility of those that live in the neighbourhood.

For these reasons, staff are recommending support for the reduced pavement width.

Alternate recommendations

Council may feel that the reduced pavement width is not in the best interest of the City. If this is the case, Council should deny the requested variance permit.

Attachments

Attachment A – Property location map

Attachment B – Subdivision Plan

Attachment B – Letter from proponent requesting reduced pavement width reduction

Attachment C – “Development Variance Permit PL2019-8577”

Respectfully submitted,

Concurrence

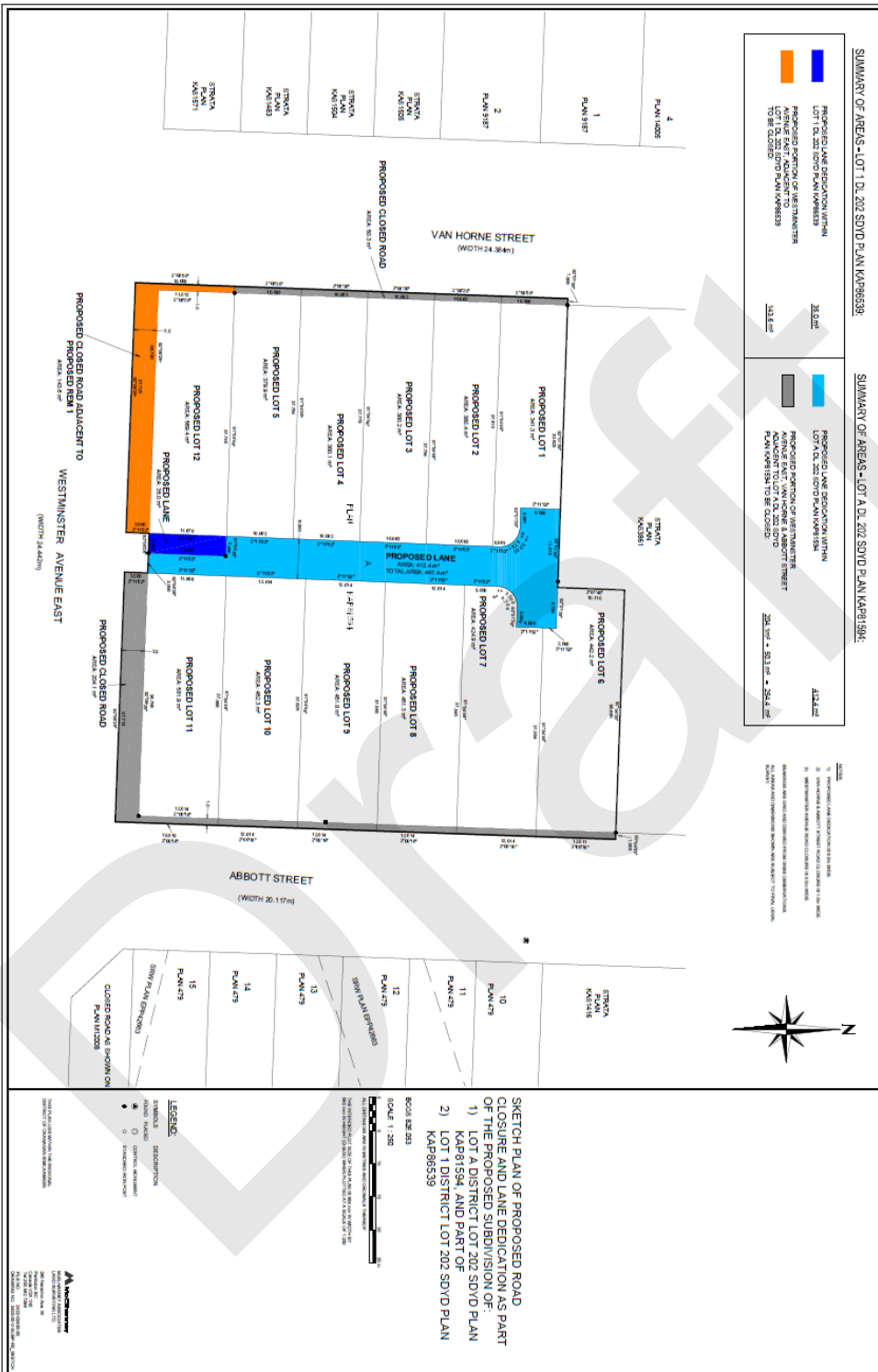
Blake Laven, RPP, MCIP
Planning Manager

Acting DS Director	Chief Administrative Officer	Manager DS Eng MCH
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Attachment A
Property Location Map



Subdivision Plan showing 6.0m lane right of way



157 Abbott Street- Letter of Intent

Development Variance Permit for the Lane at 157 Abbott St.

August 9, 2019
Blake Laven, Planning Manager
City of Penticton
171 Main Street
Penticton, BC V2A 5A9

Dear Blake,

RE: Development Variance Permit for the Lane at 157 Abbott Street, Penticton.

Van Abbott Holdings Inc. is pleased to submit a formal Development Variance Permit to the City of Penticton for the property located at 157 Abbott Street, Penticton. Van Abbott Holdings Inc. is proposing to subdivide this property into eleven fully serviced lots with rear lane.

The submission seeks to propose a lane design that is unique to Penticton. VanAbbott Holdings Inc. has been inspired by 'Living Lanes' in other progressive communities such as Vancouver and Montreal.

Living lanes essentially reduce the width of paved surfaces and supplement the required lane width with more environmentally friendly, permeable materials. In this case the landscaping recommendation is hearty ground cover such as clover that can handle the inevitable compaction of vehicle traffic, and would be engineered with to appropriate drainage supports. Essentially the right of way width is still 6.0m (as per bylaw) it is only the pavement width that is being reduced.

Operationally, there are many other lanes in the city that are less than 6.0m paved and items such as garbage collection etc. execute effectively. Refer to Image #2 below taken of a 3.35 metre lane between Hastings and Douglas Avenues.

VanAbbott Holdings Inc., strongly believes that this unique lane style can bring value to the subdivision and character that will define the neighbourhood.

The risk on this Development Variance is extremely low as VanAbbott Holding Inc., will pave the lane if the Living Lane fails. The respectful request is that the attempt to try to create this unique lane be supported, and ample time provided for landscaping to grow and mature prior to determining success or failure. VanAbbott Holdings Inc., would work in collaboration with City of Penticton Staff on this over the coming years.

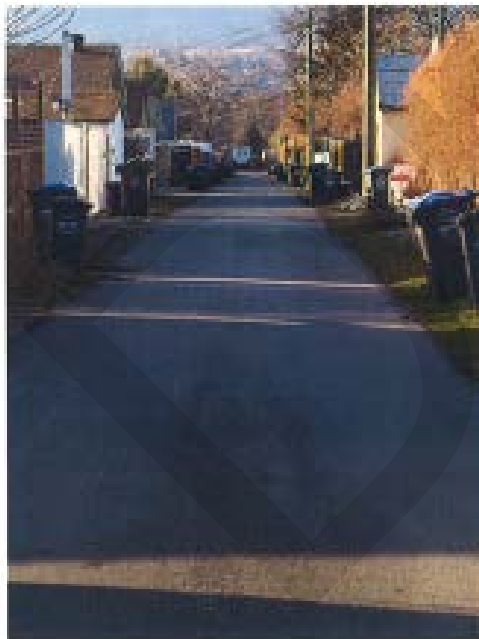
The intent is to build more desirable family oriented units in the downtown area. These lots will be a community within our community, designed like no other subdivision in Penticton. Our vision is to keep with the character of the neighbourhood, while gently modernizing it.

In conclusion, please accept the enclosed application package for 157 Abbott Street. We would greatly appreciate your consideration in granting the request for development permit variance as it relates the lane at 157 Abbott.

Image #1: Lane Viewing North; demonstrates how the asphalt, rock and groundcover can work together



Image #2: Image of 3.35 metre lane currently receiving garbage pick-up in Penticton; between Hastings & Douglas Avenues (photo taken Nov. 20th, 2018)



Your truly,
Van Abbott Holding Inc.

Attachment D
"Development Variance Permit PL2019-8577"



City of Penticton
171 Main St. Penticton B.C. V2A 5A9
www.penticton.ca ask@penticton.ca

Development Variance Permit

Permit Number: DVP PL2019-8577

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 A DISTRICT LOT 202 SIMILKAMEEN DIVISION YALE DISTRICT PLAN KAP81594
Civic: 157 Abbott Street
PID: 026-772-108
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary Section 6.2 of Subdivision and Development Bylaw 2004-81, reducing the pavement width of a lane as listed in Table 3 of Section 00400: Schedule "G" – Roads from a minimum width of 6.0m to a minimum width of 4.0m.
4. The landscape portion of the lane shall be deemed 'boulevard' for the purposes of Good Neighbour Bylaw 2012-5030.

General Conditions

5. In accordance with Section 501 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.
6. In accordance with Section 504 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.
7. 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.
8. 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.
9. 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 3rd day of September, 2019

Development Variance Permit PL2019-8577
Issued this _____ day of _____, 2019

Angie Collison,
Corporate Officer|

Draft