

November 4, 2020

Subject Property:

452 Lakeshore Dr W

Lot 1, District Lot 4, Group 7, Similkameen Division
Yale (Formerly Yale-Lytton) District, Plan 2444

Application:

Rezone PL2020-8825

The applicant is proposing to build a three-storey, 4-unit multifamily development on the subject property.



To facilitate the proposal, the applicant has applied to rezone the property from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing) with a site-specific provision to permit a maximum of four (4) dwelling units.

Information:

You can find the staff report to Council and Zoning Amendment Bylaw 2020-45 on the City's website at www.penticton.ca/latestannouncements. Select the Public Notice category.

Please contact the Planning Department at planning@penticton.ca or (250) 490-2501 with any questions.

Council Consideration:

A Public Hearing has been scheduled for **7:00 pm, Monday, November 16, 2020** at the Penticton Trade and Convention Centre (273 Power St, Penticton).

All meetings will be live streamed via the City's website at: www.penticton.ca/city-hall/city-council/council-meetings. Select the 'Watch Live' button.

Public Comments:

Any person whose interest may be affected by the proposed bylaw:

1. May appear in person (adapted to comply with physical distancing requirements);
2. May telephone the evening of the Public Hearing. Contact the Corporate Officer at 250-490-2410 before 9:30 a.m. Monday, November 16, 2020 to register and receive the dial in number and participation instructions; or
3. Submit written comments by mail or email no later than 9:30 am, Monday, November 16, 2020 to

Attention: Corporate Officer, City of Penticton

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

Email: publichearings@penticton.ca

For more information on Public Hearings during Covid-19, please go to www.penticton.ca/publichearings.

No letter, report or representation from the public will be received by Council after the conclusion of the November 16, 2020 Public Hearing.

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.

Audrey Tanguay
Planning Manager



Council Report

penticton.ca

Date: November 3, 2020 **File No:** RMS/452 Lakeshore Dr W
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner 1
Address: 452 Lakeshore Drive West
Subject: Zoning Amendment Bylaw No. 2020-45 and Development Permit PL2020-8826

Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2020-45", for Lot 1 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 2444, located at 452 Lakeshore Drive West, a bylaw to rezone the subject property from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing) with the following site-specific provision:

- A maximum of four (4) dwelling units are permitted.

AND THAT Council forward "Zoning Amendment Bylaw No. 2020-45" to the November 16, 2020 Public Hearing at the Penticton Trade and Convention Centre at 7:00 p.m.

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2020-45", approve "Development Permit PL2020-8826", a permit to allow the construction of a 4-unit multifamily development.

AND THAT Council approve, through the issuance of "Development Permit PL2020-8826", in accordance with the Official Community Plan Bylaw No. 2019-08, Section 5.1.4.1.b, a minor variance to allow a balcony, porch, deck, platform or veranda to project up to 1.524m into a required side yard setback.

Strategic Priority Objective

Community Vitality: The City of Penticton, guided by the Official Community Plan, will promote the economic wellbeing and vitality of the community.

Proposal

The applicant is proposing to build a three-storey, 4-unit multifamily development on the subject property. In order to proceed with the proposed development, the applicant has submitted a Zoning Amendment Bylaw application to rezone the property from R2 (Small Lot Residential) zone to RM2 (Low Density Multiple Housing) zone and has submitted a Development Permit application to approve the form and character of the proposed development. The proposed rezoning includes a site-specific provision to allow a maximum of four (4) dwelling units.

Background

The subject property is located on the south side of Lakeshore Drive West, west of Winnipeg Street (Figure 1). Okanagan Lake is across the street to the north, and the properties on either side contain single detached dwellings. The subject property also contains a single detached dwelling which is 2 stories tall (Attachment 'C'). The existing house would be demolished if the proposed development is approved. There are multifamily residential uses further west and further east along Lakeshore Drive West, in the form of 2- to 3-storey multiplexes and 3- to 4-storey apartment buildings.

The property is zoned R2 (Small Lot Residential) and is designated 'Infill Residential' by the Official Community Plan (OCP).

The subject property was previously listed on the Penticton Heritage Registry, however a previous owner submitted a request to Council to remove the property from the registry, and Council unanimously approved this removal on May 5, 2020 (113/2020).

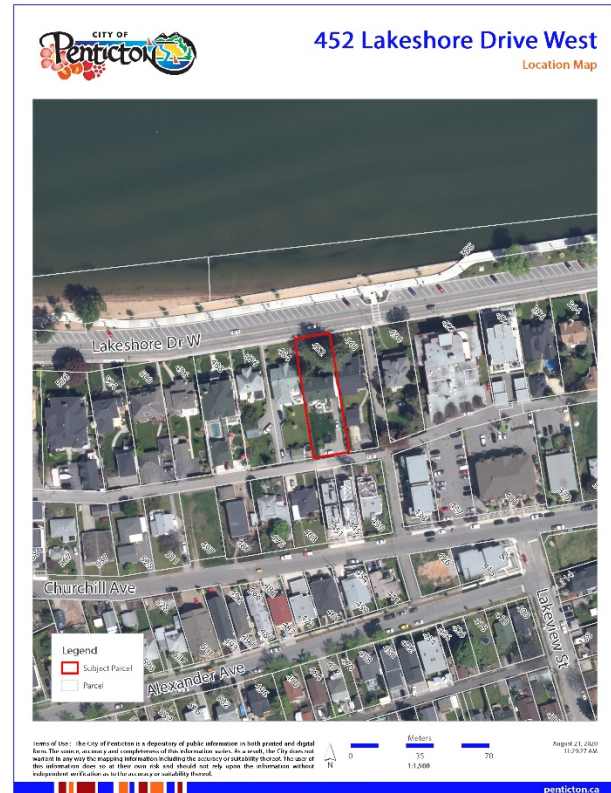


Figure 1 - Location Map

Financial Implication

This application does not pose any significant financial implications to the City. Development costs are the responsibility of the developer.

Technical Review

The proposed development was reviewed by the Technical Planning Committee (TPC). The TPC worked with the applicant to reduce the number of proposed units from five to four and to set the building further back to better align with neighbouring buildings. The TPC required the applicant to show additional information on the development permit plans, including the location of the future transformer pad. The Building Department provided comments to the applicant to adjust some building details on the current plans as well as information about the future building permit application requirements. Engineering requirements were also provided to the applicant, and required works will be completed at the building permit stage, should this rezoning and development permit be approved.

Development Statistics

The following table outlines how the proposed development meets the applicable Zoning Bylaw regulations:

	RM2 Zone Requirement	Provided on Plans
Minimum Lot Width:	18 m	18.28 m
Minimum Lot Area:	540 m ²	1,116 m ²
Maximum Lot Coverage:	40%	38.8%
Maximum Density:	0.8 Floor Area Ratio (FAR)	0.79 FAR
Vehicle Parking:	1 parking space per dwelling unit 0.25 visitor parking spaces per dwelling unit Total: 5 parking spaces required	9 parking spaces provided
Required Setbacks (principal building) Front Yard (Lakeshore Dr W): Side Yard (west): Side Yard (east): Rear Yard (lane):	3.0 m 3.0 m 3.0 m 6.0 m	8.5 m 3.0 m 3.0 m Approx. 20.0 m
Required Setbacks (accessory building) Front Yard (Lakeshore Dr W): Side Yard (west): Side Yard (east): Rear Yard (lane):	3.0 m 1.2 m 1.2 m 6.0 m	Approx. 38.5m 6.7 m 1.8 m 6.0 m
Maximum Building Height (principal building)	12 m	11 m
Maximum Building Height (accessory building)	4.5 m	3.6 m
Minimum Amenity Space	20 m ² per dwelling unit Total: 80 m ² required 25% of required space must be at ground floor level Total: 20 m ² required at ground floor level	Total provided: 184 m ² Ground floor level: 70 m ²
Other Information:	Proposed site-specific provision to allow a maximum of four (4) dwelling units.	

Analysis

Rezoning

The OCP designation for the property is 'Infill Residential'. The Infill Residential designation supports new housing types compatible with single detached houses in character and scale, with 1 to 4 units per single lot. The proposed development is consistent with this OCP designation.

Staff consider that the proposed rezoning will allow for development that is supported by the following OCP policies:

OCP Policy 4.1.1.1	Focus new residential development in or adjacent to existing developed areas.
OCP Policy 4.1.1.4	Ensure all new developments fully cover the cost of the required infrastructure and services they require, including roads, water, sewer, storm water, and provision of parks, schools, and emergency services.
OCP Policy 4.1.3.1	Encourage more intensive “infill” residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided by Development Permit Area Guidelines.
OCP Policy 4.1.3.5	Ensure through the use of zoning that more-intensive forms of residential development are located close to transit and amenities, such as parks, schools and shopping.
OCP Policy 4.1.3.6	Require amenity area in all multifamily and mixed-use projects through regulations in the Zoning Bylaw.
OCP Policy 4.1.4.1	Work with the development community – architects, designers and builders – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.
OCP Policy 4.1.5.1	Recognize that some traditionally single-family neighbourhoods will see intensification as the city grows, but ensure that new forms of residential development are compatible with the neighbourhood in scale and design, and are appropriately located (e.g., greater density close to collector roads, services and amenities).
OCP Policy 4.1.5.3	Use Multifamily and Intensive Residential Development Permit Area Guidelines to direct, through the City’s approval processes, the character and feel of residential neighbourhoods, as well as guide water and energy conservation.
OCP Policy 4.2.2.5	Require that vehicle access to parking in residential areas is from the laneway in neighbourhoods where laneways exist.
OCP Policy 4.2.3.8	Require adequate levels of secure bike parking in new multi-family, mixed-use and commercial development.
OCP Policy 4.2.7.8	Ensure new residential developments provide an appropriate amount of parking for residents and their guests.

Staff consider that the application proposes an appropriately-scaled development in an area of the community that has been identified for a moderate increase in density by the OCP. The proposed rezoning to RM2 with a site-specific provision to permit a maximum of four dwelling units is consistent with the Infill Residential designation, which outlines 4 as the maximum number of dwelling units on a single lot.

Given that there is adequate policy through the OCP to support the proposal, staff recommend Council give first reading to “Zoning Amendment Bylaw No. 2020-45”, and forward the bylaw to the November 16, 2020 Public Hearing to obtain comments and feedback from the public.

Development Permit

The proposed development is included in the Multifamily Residential Development Permit Area, which is established to enhance neighbourhoods and create sensitive transitions in scale and density by addressing issues such as privacy, landscape retention, and neighbourliness. Staff have completed a development

permit analysis (Attachment 'D') that shows how the development conforms to the DPA guidelines. The applicant also provided a development permit analysis with their submission (Attachment 'E').

The ground floor patios at the front of the building project into the required side yards and are proposed to be varied through the Development Permit, as permitted by Section 5.1.4 of the OCP: "Minor variances to setbacks may be considered to accommodate desirable architectural criteria, such as porches, balconies, projecting design features, awnings and canopies, provided that the building face still meets required." Staff consider this is an acceptable variance through the development permit because the patios provide increased amenity space for the first floor units, allow for visual overlook onto the pedestrian realm, and provide an interesting architectural feature at the front façade of the building.

The proposed development has been designed with the OCP policies in mind and with due consideration of impacts on neighbouring property owners. As such, staff recommend that Council consider approving the Development Permit after adoption of the Zoning Amendment Bylaw.

Alternate Recommendations

Council may consider the proposed rezoning is not suitable or desirable for this site. If this is the case, Council should deny first reading of the Zoning Amendment Bylaw.

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2020-45" and deny "Development Permit PL2020-8826".

Council may consider the proposed rezoning is appropriate for this location, however Council may feel that improvements could be made to the design of the proposed development to more accurately reflect the Development Permit Area guidelines. If this is the case, Council should give first reading to the Zoning Amendment Bylaw, and provide specific direction to the applicant regarding the proposed design which Council feels appropriate.

2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2020-45" and provide specific direction on updates to the development plans to more accurately reflect the applicable Development Permit Area guidelines.

Attachments

Attachment A – Zoning Map of Subject Property
Attachment B – Official Community Plan Map of Subject Property
Attachment C – Images of Subject Property
Attachment D – Development Permit Analysis (staff)
Attachment E – Letter of Intent and Development Permit Analysis (applicant)
Attachment F – Draft Development Permit PL2020-8826
Attachment G – Zoning Amendment Bylaw No. 2020-45

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner 1

Director <i>BL</i>	Chief Administrative Officer DvD
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Attachment A – Zoning Map of Subject Property



452 Lakeshore Drive West

Zoning Map



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August 21, 2020
11:31:25 AM

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452 Lakeshore Drive West

Official Community Plan Map



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August 21, 2020
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Attachment C – Images of Subject Property



Development Permit Analysis

The proposed development is located within the Multifamily Residential Development Permit Area. The following analysis demonstrates how the proposal is aligned with the applicable design guidelines.

- Guideline G1* *Prior to site design, analysis shall be undertaken to identify significant on-site and off-site opportunities and constraints, including built and natural elements (e.g., structures, slopes and drainage, significant landscape features, etc.).*
- Site analysis was completed to review elevations on the property. The main building is set back approximately 8m from the front lot line in order to better align with existing buildings on neighbouring properties. This assists with maintaining a consistent street wall and preserving neighbours views. Upper levels of the building are stepped back to reduce the bulk of the building along the closest part to the street.
- Guideline G3* Private and semi-private open spaces should be designed to optimize solar access.
- The building design incorporates patios/decks for each unit which provide solar access to the outdoor and indoor areas of the units. The location of the open parking area increases the opportunity for solar access onto the building throughout the day due to the southern exposure.
- Guideline G4/G6* Views through to the mountains and the lakes should be carefully considered and incorporated into the design of new development. Building placement and orientation should respect significant public water, mountain and ridgeline views.
- Views through to the lake and mountains have been provided for each unit in the proposed development. The new building has been set back from the street approximately 5m further back than the minimum 3m required setback in an effort to maintain views from each neighbouring property.
- Guideline G5* *Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.*
- The proposed front yard setback is increased for this project to maintain a similar setback as existing buildings on neighbouring properties. Projecting patios at grade assist with providing a connection to the street and public realm along Lakeshore Drive West, while keeping views towards the lake.
- Guideline G7* *All designs shall consider Crime Prevention Through Environmental Design (CPTED) principles and balance the reduction of crime and nuisance opportunities with other objectives to maximize the enjoyment of the built environment.*
- The design provides visual overlook into the street to the north and the parking area/lane to the south with amenity spaces facing these directions. The garage provides a secure area for vehicles and bicycles.
- Guideline G11* *Barrier-free pedestrian walkways to primary building entrances must be provided from municipal sidewalks, parking areas, storage, garbage and amenity areas.*
- Barrier-free pedestrian access is provided on-site and within the building. A ramp is provided for access into the building from the parking area. A sidewalk will be installed along the west side of the building to connect to the front entrance and the street. Elevators are proposed within two units to access living space above the ground level.

- Guideline G13 Entry to ground-level residential units should be no more than 1.8m above the grade of adjacent public sidewalks and walkways.*
- The main entrance is less than 1m above the grade of the public right of way along the street.
- Guideline G16 Site and building access must prioritize pedestrian movement, minimize conflict between various modes of transportation and optimize use of space...*
- The parking area for the proposed development is accessed from the rear lane while the primary pedestrian entrance is at the front, accessed from Lakeshore Drive West. A sidewalk is provided to connect the rear parking area to the main entrance and the street, which reduces conflict between vehicles and pedestrians.
- Guideline G19 All multifamily developments should accommodate sustainable modes of transportation...*
- The property is located near a bus stop on Lakeshore Drive West and includes spaces for secure bicycle storage in the garages. There is a direct connection to the sidewalk on Lakeshore Drive West and a wider, multiuse pathway is located on the lake side of the street, which can be accessed by a crosswalk 25 metres east of this property.
- Guideline G23 Articulation of building mass should include horizontal (minor) setbacks and stepbacks (along upper storeys) to provide visual interest and enrich the pedestrian experience. Balconies and/or cantilever upper floors may be considered as a means to breaking up massing while promoting overlook and/or weather protection.*
- The proposed building is stepped back at the 2nd and 3rd floors, with large decks facing the street on these levels. This design choice provides visual interest, connection to the public realm, and reduces the perceived mass of the building from the street.
- Guideline G24 Street-facing units should utilize a layering of elements – including but not limited to street-facing entries, stairs, stoops, porches, patios and landscape elements – to create transitions between the public (e.g., street, sidewalk), semi-public (e.g., walkway, ramp, stair), semi-private (e.g., stoop, balcony) and private areas.*
- Each unit has a porch or deck facing Lakeshore Drive West. These amenity areas create transitions between the public street and private living space by providing an outdoor amenity area. These spaces also provide visual overlook onto activities along the street.
- Guideline G28 Entries should be visible and clearly identifiable from the fronting public street.*
- The main building entrance faces Lakeshore Drive West and is clearly identifiable by a pathway leading from the public sidewalk, steps, landscaping and water features. The main entrance alcove projects closer to the street than the main face of the building, which defines it separately from the rest of the north building façade.
- Guideline G29 Development should orient windows, porches, balconies and patios toward the public realm, allowing for casual overlook of parks, open spaces, and parking areas.*
- Large windows, patios and decks on all levels of the building face Lakeshore Drive West and provide visual overlook onto the public realm. Upper level decks and a common patio area at the rear of the building provide overlook onto the parking area and the public lane.
- Guideline G35 Tree planting...*

- The landscape plan shows a number of new trees at the front, rear, and along the sides of the building to provide buffering between the public realm and adjacent properties. These trees are in addition to substantial plantings as shown on the landscaping plan.

Guideline G58 Garbage/recycling areas and other similar structures should be located out of public view in areas that mitigate noise impacts and which do not conflict with pedestrian traffic.

- The garbage/recycling bins will be stored in the garages. This provides enclosed space for the bins and easy access to the rear lane on collection day.

Guideline MF1 All multifamily development should incorporate community amenity spaces that provide opportunity for recreation and play and address the needs of all age groups likely to reside within the development.

- The proposed development has been designed with a common amenity patio between the building and garage. In addition to the amenity space on-site, the subject property is located across the street from Okanagan Lake with a number of amenities and park areas.
- The subject property is located within walking distance of downtown, shopping, restaurants, and transit.

Guideline MF2 In an effort to promote community and social sustainability, multifamily developments should exhibit a preference for courtyard forms with views into them from ground-oriented ground floor units.

- A common area patio is proposed at the rear of the new building. This space can be utilized by tenants as a community space, with visual overlook provided by main floor windows and 3rd storey balconies on the south façade.

Guideline MF6 Entrances to apartment lobbies should be connected to adjacent sidewalks and provide seating, as well as clear pedestrian-oriented signage. Public art is also encouraged.

- The main entrance and front lobby has direct access from the public sidewalk. In addition, barrier-free access is provided at the rear of the building into the rear lobby, which has elevator access to living space on the upper stories.
- Two water features are proposed at the front of the building, facing towards the public realm, as engaging features on the site which reflect the lake across the street.



OCTOBER 7, 2020

Giroux Design Group Inc.
23216 Garnet Valley Rd.
Summerland, BC V0H 1Z3

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

Re: 452 Lakeshore Drive Rezoning & Development Permit Application

To City of Penticton Planning Department,

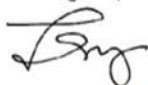
This letter is regarding the proposed rezoning and development of the property located at 452 Lakeshore Drive. The property is currently zoned R2 (Small Lot Residential) and is currently house a two-storey single family dwelling.

The proposal is to rezone the property to RM2 (Low Density Multiple Housing) and build one four-unit townhouse and a detached six car garage building. The townhouses will be built for resale and marketed as high-end lakefront properties. The proposal fits within the City of Penticton's Official Community Plan as the area is designated for Infill Residential Residential development which includes RM2 zoning and allows for up to four dwelling units.

The property has lane access at the rear with a garage and exterior parking accessed from there. The proposed development requires no variances to the zoning bylaw, and we believe it meets the intent of the OCP for the area of town. The project will allow more residents to enjoy lake front living and the form and character of the building will fit nicely with the existing neighbourhood.

Thank you for considering our proposal.

Best regards,



Tony Giroux **ASTTBC.CTech, RBD**
Owner/Registered Building Designer
Giroux Design Group Inc.

452 LAKESHORE DRIVE: DEVELOPMENT PERMIT ANALYSIS

PEDESTRIAN CONNECTIVITY

The development is on a major road with pedestrian sidewalks and a waterfront walkway. The location allows for easy walking or cycling to the nearby shopping, parks, and schools. City Bus stops are close by which allows for easy transit use.

PARKING

Each townhouse has an enclosed garage for secure parking, with two units having double car garages and two units having single car garage with three tandem exterior parking stall in front of the garage doors. In total there are nine vehicle parking spaces provided, the zoning bylaw requires five. One Class I Bicycle space is provided in each garage for a total of four spaces. One Class II Bicycle space with rack is provided to the east of the rear entry of the building. No variances are required for parking as the required number of spaces are exceeded. Vehicular access to the property is provided from the lane at the south side of the property. The drive aisle width meets the requirements as set out in the bylaw. The exiting lane is in good condition and has easy access to Churchill Avenue, as well as access to Power Street.

DESIGN FOR CLIMATE

The building is designed to take full advantage of its waterfront location, with large walkout decks on all three floors facing north. The east and west facing sides of the building are designed with windows to allow light into the units, with deciduous trees planted along these building faces to provide shade in the summer months and sun in the winter months.

ORIENTATION & MASSING

The lowest floor of the building has large patios facing Lakeshore Drive which keep the structure of the building setback more in line with the neighboring houses. The front wall of the lowest floor is 8.5 m (28') from the front property line, rather than the allowable 3.0 m (10') setback. We believe this along with the second and third floors being tiered further back will reduce the impact on the two neighboring houses as well as soften the impact on Lakeshore drive. Cantilevered projections and architectural features give the exterior of the building an attractive appearance. The building size is within the allowable parcel coverage and floor area ratios allowed in the bylaw. The building and the single storey garage at the rear of the property also are designed with flat roofs to keep the height of the building down.

LANDSCAPING (ENHANCING THE URBAN FOREST)

The proposed number of plants and trees exceed the minimum requirements set forth by the City of Penticton. Deciduous trees are planted along the east and west property lines, as well as there are trees planted on the street and lane sides of the property. Planting beds are also distributed along all four property lines, with a variety of ornamental grasses, flowers and shrubs. Attractive water features are included in the front yard (the depth of the water feature will be shallow as not to create a hazard), as well as common ground level patio is located at the rear of the building. All planting beds are to be equipped with automatic irrigation systems on timers and with moisture sensors. The majority of the plants chosen are drought resistant plants (once established) to reduce the need for water. Each unit has deck at the north and south of the building to allow for outdoor living.

WASTE MANAGEMENT

Garbage and recycling will be collection is provided by individual roll out bins that can be placed in the parking spots along the alley during collection. Space is provided in each garage for the bins on non-collection days.

FENCES

6' high wood privacy fences will be placed along the west and east property lines, with the exception of the front yard where a 4' high metal fence will be constructed to match the neighbouring properties. No fence will be placed on the front or rear property lines.

The proposed development will allow more residents to enjoy living close to our beautiful Okanagan Lake beach, and with a very limited number of properties remaining that allow for developments such as this we believe it is the proper use of land. It is also a development that fits into the well thought out vision for this area of the City as presented in our new Official Community Plan.

Thank you for considering our proposal.

Best regards,



Tony Giroux **ASTTBC.CTech, RBD**
Owner/Registered Building Designer
Giroux Design Group Inc.

452 Lakeshore Dr W

Rezone the subject property from
R2 (Small Lot Residential) to RM2
(Low Density Multiple Housing) with
the following site-specific provision:

A maximum of four (4) dwelling
units are permitted.



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2020-45

Date: _____

Corporate Officer: _____