

Public Notice

penticton.ca

November 26, 2020

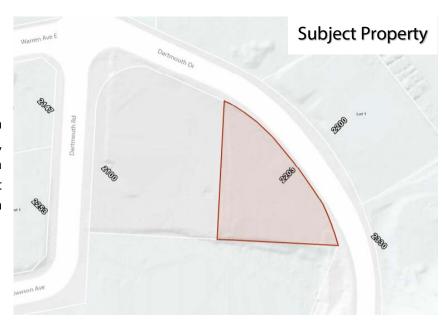
Subject Property:

#129-2203 Dartmouth Drive

Strata Lot 8, District Lot 3821S, Similkameen Division Yale District, Strata Plan KAS3795, Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form V



Development Variance Permit PL2020-8840



The applicants are proposing to construct a security/operator dwelling unit above an existing warehouse. The proposed security/operator dwelling unit exceeds the maximum permitted gross floor area. As such, the applicants have submitted a development variance permit application to vary Section 8.5.1 of Zoning Bylaw 2017-08 to request an increased floor area from 100m² to 120m².

Information:

You can find the staff report to Council and Development Variance Permit PL2020-8840 on the City's website at www.penticton.ca/latestannouncements. Select the Public Notice category.

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

Council Consideration:

Council will consider the Development Variance Permit at its Regular Council Meeting scheduled for 1:00 pm, Tuesday, December 8, 2020.

In response to COVID-19, Regular Council meetings will remain closed to the public. 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 Development Variance Permit, may submit a petition or written comments by mail or email no later than 9:30 am, Tuesday, December 8, 2020 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 December 8, 2020 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.

Audrey Tanguay Planning Manager



Council Report

penticton.ca

Date: December 8, 2020 File No: RMS/2203 Dartmouth Dr

To: Donny van Dyk, Chief Administrative Officer

From: Steven Collyer, Planner 1

Address: Unit 129 - 2203 Dartmouth Drive

Subject: Development Variance Permit PL2020-8840 and Development Permit PL2020-8839

Staff Recommendation

THAT Council approve "Development Variance Permit PL2020-8840" for Strata Lot 8 District Lot 3821S Similkameen Division Yale District Strata Plan KAS3795, located at Unit 129-2203 Dartmouth Drive, a permit to vary Section 8.5.1 of Zoning Bylaw 2017-08 to increase the maximum gross floor area for a security/operator dwelling unit from 100m² to 120m²;

AND THAT Council direct staff to issue "Development Variance Permit PL2020-8840".

AND THAT Council, subject to approval of "Development Variance Permit PL2020-8840", approve "Development Permit PL2020-8839", a permit to allow for the construction of a security/operator dwelling unit.

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 applicants are proposing to construct a security/operator dwelling unit above an existing warehouse. The proposed security/operator dwelling unit exceeds the maximum permitted gross floor area. As such, the applicants have submitted a development variance permit application to vary Section 8.5.1 of Zoning Bylaw 2017-08 to request an increased floor area from $100m^2$ to $120m^2$. The property is in a commercial zone and the proposed development is included within the Commercial and Mixed Use Development Permit Area, requiring a development permit to be approved prior to the applicants obtaining building permits for the proposed construction.

Background

The subject property is located on the southwest side of Dartmouth Drive, across the street from the Penticton SPCA (Figure 1). Surrounding land uses are primarily industrial in nature, with the Wiltse residential neighbourhood up the hill to the southeast. The property contains a commercial strata development consisting of 8 lots, completed in 2018. The property is zoned C7 (Service Commercial) and is designated 'Industrial' in the Official Community Plan (OCP).

The commercial development on this property was built in two phases, with the unit in question being part of the second phase which was completed in 2018. The original development plans included a security/operator dwelling unit, however it was not built at that time. The building below the proposed unit has been constructed to support a future 2nd level, as indicated in the letter of intent (Attachment 'E'). The applicants are now wishing to proceed with the proposed construction of the security/operator dwelling unit.



Figure 1 - Location Map

Technical Review

This application was reviewed by the City's Technical Planning Committee. Minor changes to the plans were required after staff review, including a reduction in the proposed roof height to meet the Zoning Bylaw regulation. The Building Department reviewed the development plans and provided a number of comments which will assist the applicants with future requirements for the building permit application. Development Cost Charges will be charged for the new residential unit in order to offset the increased demand on municipal infrastructure at time of building permit issuance.

Analysis

Development Variance Permit

When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause a negative impact neighbouring property and if the variance request is reasonable. Staff have reviewed the requested variance for the gross floor area of the proposed security/operator dwelling unit and are recommending support for the following reasons:

1. The security/operator dwelling unit will be located entirely above the existing building.

The proposed dwelling unit will be located above the existing building. The proposed construction does not impact the site configuration, traffic flow, or the amount of parking on-site. One existing parking space will be used exclusively for the proposed dwelling unit. The development plans show an access staircase proposed adjacent to the existing building to provide access to the security/operator dwelling unit. The building height will remain within the 12m permitted height in the C7 zone.

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2. The request for an additional 20m² of floor area will allow for a 2-bedroom unit.

The applicants have provided justification for the variance request within their letter of intent (Attachment 'E'). The Zoning Bylaw limitation on the gross floor area of the security/operator dwelling unit – $100m^2$ - reduces the opportunity for a 2-bedroom unit configuration. The proposed unit is $20m^2$ (215sqft) larger than what is permitted. The additional space allows for an extra room for the future occupants. As previously noted, the increased unit size will not increase the building footprint or lot coverage on the site.

3. The scale is kept in line with the existing commercial development on the property.

The intent of permitting security/operator dwelling units is to provide the opportunity for small-scale residences to improve the surveillance of industrial and commercial properties (where permitted by zoning). The intent of regulating the gross floor area for these dwelling units is to ensure that they remain secondary to the primary use on the site. In this case, the site features 8 commercial strata lots with a number of different businesses. The request to allow for an increased living space size does not detract from the commercial use of the property. The Zoning Bylaw allows only one security/operator dwelling unit per property in the C7 (Service Commercial) zone. The applicants have provided a petition signed by the other seven strata owners in favour of the proposed development (Attachment 'G'). If an additional security/operator dwelling unit were proposed on the property in the future, a separate development application would come before Council for consideration.

Given the reasons above, staff support the development variance permit application to increase the permitted gross floor area for the security/operator dwelling unit from 100m² to 120m². Staff recommend that Council approve the development variance permit and direct staff to issue the permit.

Development Permit

The proposed development is included in the Commercial and Mixed Use Development Permit Area in the OCP. This development permit area applies to new development in commercial zones to encourage a wide range of developments that can support both commercial-only use and mixed-use (e.g., retail, office, residential) preserving affordable forms of commercial development and allowing for people to move into higher-density, higher-amenity neighbourhoods.

Staff have reviewed the applicable design guidelines in the OCP in relation to this proposed development (Attachment 'D'). The applicant has also submitted a development permit analysis (Attachment 'F'). The proposed addition design is considered to be in character with the surrounding industrial area in terms of exterior finishes. The orientation of the security/operator dwelling unit towards the west will allow it to take advantage of the afternoon sun for passive heating and natural light, as well as mountain views.

Staff recommend that Council, subject to approval of the development variance permit, consider approval of "Development Permit PL2020-8839".

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Alternate Recommendations

Council may consider the requested variance is unnecessary and that the applicants should build within the Zoning Bylaw regulations. If this is the case, Council should deny "Development Variance Permit PL2020-8840". If this decision is made, the applicants would need to redesign their proposal to reduce the gross floor area of the proposed security/operator dwelling unit to meet the maximum $100m^2$ permitted. If the applicant revises their plans to meet the Zoning Bylaw regulations, staff have delegated approval authority to process the Development Permit on its own.

1. THAT Council deny "Development Variance Permit PL2020-8840".

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 (applicant)

Attachment F - Development Permit Analysis (applicant)

Attachment G – Petition of Support from Strata

Attachment H – Draft Development Variance Permit PL2020-8840

Attachment I - Draft Development Permit PL2020-8839

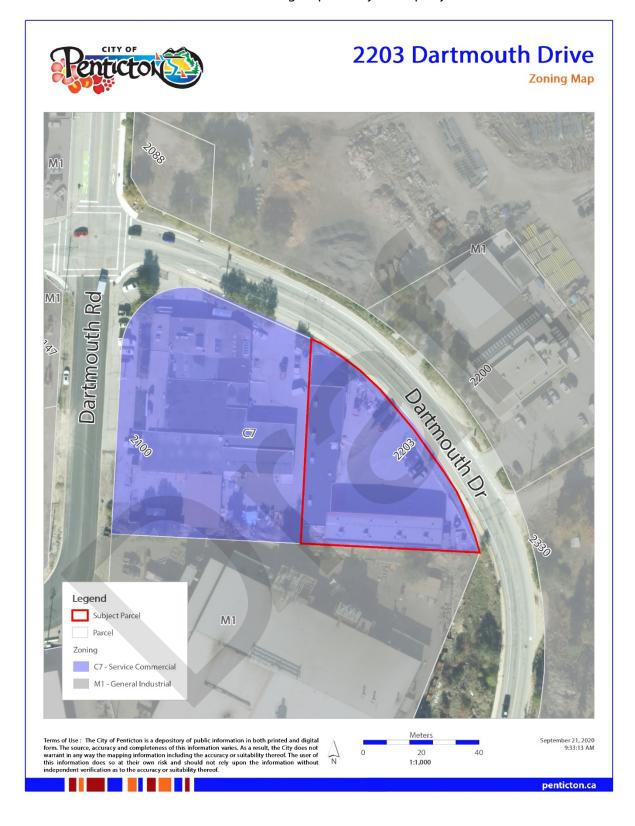
Respectfully submitted,

Steven Collyer, RPP, MCIP Planner 1

Concurrence

Director	Chief Administrative Officer
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Attachment C – Images of Subject Property





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Development Permit Analysis

The proposed development is located within the Commercial and Mixed Use 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.).

• The development is oriented towards the west in order to take advantage of mountain views in that direction. The access stairs are placed outside the building in order to maintain the space in the workshop below. The staircase configuration maintains unobstructed access to an access door into the workshop on the ground floor.

Guideline G3

Private and semi-private open spaces should be designed to optimize solar access.

 Private amenity space is provided on the west elevation, facing away from the parking lot below. The large windows on this side of the building, combined with the pitch of the roof in this direction, provide solar access directly into the proposed security/operator dwelling unit.

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 mountains have been provided for the new unit. The new second level is not anticipated to impact the views of any residences in the surrounding area, as those in the area of Wiltse Dr and Corbitt Dr to the east are much higher in elevation than the subject property (approximately 40m higher than the subject property).

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.

Having a residence on a commercial or industrial property improves 24/7 surveillance
of the site. Occupants of the unit will be present on the property beyond regular
business hours. Windows looking out over the parking area from the kitchen of the
proposed security/operator dwelling unit will improve visual overlook onto the subject
property, and the outdoor amenity space on the opposite side will allow for visual
overlook onto the neighbouring property to the west.

Guideline G16

Site and building access must prioritize pedestrian movement, minimize conflict between various modes of transportation and optimize use of space...

• The proposed security/operator dwelling unit optimizes the use of space on the site by being above the existing building. The only increase to lot coverage will be a new exterior staircase on the north façade providing access to the 2nd floor unit. With the applicants owning the unit below, potential conflicts between the business use on the first floor and residential use on the 2nd floor are minimized.

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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.

• The east and north facades face Dartmouth Dr. Each of these facades feature new materials and different finishes than the existing building, which complement the industrial character of the area. The pitched roof also provides visual interest to the existing building, which currently features a flat roof.

Guideline G28

Entries should be visible and clearly identifiable from the fronting public street.

• The main entrance to the security/operator dwelling unit is visible from the street. It is in a conspicuous location, close to the street and clearly indicates the main entrance to the security/operator dwelling unit by being located on the exterior of the building.

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.

• The development plans show windows facing the parking area of the property, as well as larger windows and a 2nd floor deck facing west towards the neighbouring property. With the exterior staircase and smaller windows on the north façade, the design allows for visual overlook in three directions – over semi-private and public areas, including the street.

Guideline CM24 Buildings containing live/work uses should be identifiable by the design of frontages, for instance by:

- Differentiating the living zones from the working zones architecturally through façade design and colour, e.g., with canopies and upper storey step backs
- Reflecting its uses through variation in material, roof lines, building articulation and/or fenestration pattern
- As shown on the development plans, the living space will be clearly identifiable by being on the second level, above the commercial uses below. In addition, the different façade materials and exterior finishes will differentiate the security/operator dwelling unit from the façade of the existing building. The new unit will have a unique roof pitch in comparison to the flat roof below.

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June 17, 2020

Mr. Blake Laven Director of Planning City of Penticton 171 Main St Penticton BC

Dear Mr. Laven,

Re: Proposed caretaker's suite at Unit 108, 2033 Dartmouth

On behalf of the owner of the above-listed strata unit, we are respectfully submitting a Development Variance Permit application for your review. The enclosed drawings illustrate the proposed second storey addition over an existing industrial bay. Structural drawings have been completed for this proposed addition; the original structure was designed to facilitate this second level addition. We are requesting a variance to permit construction of a 120 sq.m. caretaker suite, 20 sq.m larger than the 100 sq.m permitted in the city of Penticton zoning bylaw. As noted, the second level caretaker suite is situated over the exiting building and so does not add to the footprint of the existing building. The proposed bay projection and the access stairs do not encroach into the property setbacks. The requested 20m additional floor area allows for the creation of a second bedroom/ office for the caretaker/owner and his family. The proposed second level addition is designed to fit into it's industrial surroundings with a simple rectilinear forms, shed roof, grey metal siding and an exposed metal industrial-looking staircase. The existing industrial building is of straightforeward appearance without architectural character; the proposed second level caretaker suite will both enhance the visual quality of the development and reference the SPCA building across Dartmouth.

Thank you for your assistance to date on this project. If you require additional information, please do not hesitate to contact our office.

Yours truly,

Norman Goddard Architect AIBC

> Norman L. Goddard, Architect AIBC Suite 209 212 Main Street Penticton, BC V2A 5B1

norman@goddardarchitectureltd.com

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Development Permit Analysis

129-2203 Dartmouth Dr (Strata Lot 8) Saul Sharpe

G2. "demonstrate that the development is sensitive to and integrated within its context and surrounding uses and neighbours"

Architectural design will be cohesive to the existing building at 2203 Dartmouth Dr. and will be reflective of the Industrial area.

G7. "(CPTED) principles and balance the reduction of crime and nuisance opportunities with other objectives to maximize the enjoyment of the built environment."

The Caretaker's Suite will have adequate outdoor lighting (motion and other) at ground level and above. Access to the suite can only be gained via a locking gate and door that lead to the staircase. Windows of the suite overlook the three main areas below; street, parking lot and surrounding business lots.

G20. "Designs should respond to Penticton's setting and climate"

Caretaker's Suite has Simple Skillion roof made of corrugated tin to reflect heat and provide high ceilings. The roof extends and becomes a large overhang creating a shaded space. Natural light will be maximized by the many windows on all four sides and the outer glass doors and kept throughout the suite by utilizing an open concept floor plan.

CM3. "Mixed-use buildings should be designed with compatible uses, with more public uses (e.g., retail, commercial) on the ground floors fronting high pedestrian traffic areas and more private uses (e.g., residential, office) on upper floors or along quieter streets." Existing retail and commercial businesses will remain the same on ground level and the Caretaker's Suite will be built above with access points away from the public.

CM4 "Locate parking areas to the rear or interior of a site rather than between the street and building."

Designated parking space already on the property.

CM22 " live/work units may serve as gallery or retail space for residents. In such instances, the "work" portion of the unit should front the street."

The "work portion" of the unit will remain the same and face the street.

CM23 "- live/work units should have a minimum floor to floor height at-grade of 4.0m" The floor to floor height of the work/live unit is in excess of 6m.

CM24 " live/work uses should be identifiable by the design of frontages, through façade design and colour, through variation in materials, roof lines"

The Caretaker's Suite will be distinguishable due to it sloping roof line and siding as well as the private stairwell.

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Attachment G – Petition of Support from Strata

Saul Sharpe Caretaker's Suite at 129-2203 Dartmouth Dr. (strata lot 8) Printed 08/29/20

This is to inform all registered owners according to The Land Title Office in KAS 3795 that I, Saul Sharpe, owner of strata lot 8, am now moving towards building the Caretaker's Suite originally proposed for phase 2 on top of unit 129-2203 Dartmouth Dr. (strata lot 8) which has the required load bearing wall and roof trusses. I am asking for your signature of approval to move forward on this project and that there are no objections to the build of the Caretaker's Suite at 129-2203 Dartmouth Dr. (strat lot 8) This document is intended for The City of Penticton to move forward, there will be further contact via survey lawyer in the near future to amend the strata plan to include the Caretaker's Suite.

101-SL1	Linda L Don Logan	sig J. Ragan date Ava, 24 2020
105-SL2	Linda+ Dor Logan Don	sig J. Lackan date Ang. 26, 2020
109-SL3	Cheryl Hubbard Alley Cats Alliance	sigdate
113-SL4	Harvey Ryll	sig Houng ld date of 1994
117-SL5	Loring Holdings Inc.	sig date Man Ching 27/98
121-SL6	Jeff Leonard	sig left hounad date August 2020
125-SL7	Hugo Deuschle	sig
	Ted Samuelson	date 2/2020

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Saul Sharpe Caretaker's Suite at 129-2203 Dartmouth Dr. (strata lot 8)

This is to inform all registered owners according to The Land Title Office in KAS 3795 that I, Saul Sharpe, owner of strata lot 8, am now moving towards building the Caretaker's Suite originally proposed for phase 2 on top of unit 129-2203 Dartmouth Dr. (strata lot 8) which has the required load bearing wall and roof trusses. I am asking for your signature of approval to move forward on this project and that there are no objections to the build of the Caretaker's Suite at 129-2203 Dartmouth Dr. (strat lot 8) This document is intended for The City of Penticton to move forward, there will be further contact via survey lawyer in the near future to amend the strata plan to include the Caretaker's Suite.

101-SL1	Don Logan	sig_ date
105-SL2	Don Logan	sig
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113-SL4	Harvey Ryll	sig_ date
117-SL5	Loring Holdings Inc.	sigdate
121-SL6	Jeff Leonard	sig
125-SL7	Hugo Deuschle	sigdate

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Development Variance Permit

Permit Number: DVP PL2020-8840

Owner Name
Owner 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:

Strata Lot 8 District Lot 3821S Similkameen Division Yale District Strata Plan

Legal: KAS3795 Together With An Interest In The Common Property In Proportion To The

Unit Entitlement Of The Strata Lot As Shown On Form V

Civic: Unit 129 - 2203 Dartmouth Drive

PID: 030-591-716

- 3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for the construction of a security/operator dwelling unit as shown in the plans attached in Schedule 'A':
 - a. Section 8.5.1: to increase the maximum gross floor area for a security/operator dwelling unit from 100m² to 120m².

General Conditions

- 4. 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'.
- 5. 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.
- 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.

DVP PL2020-8840 Page 1 of 3

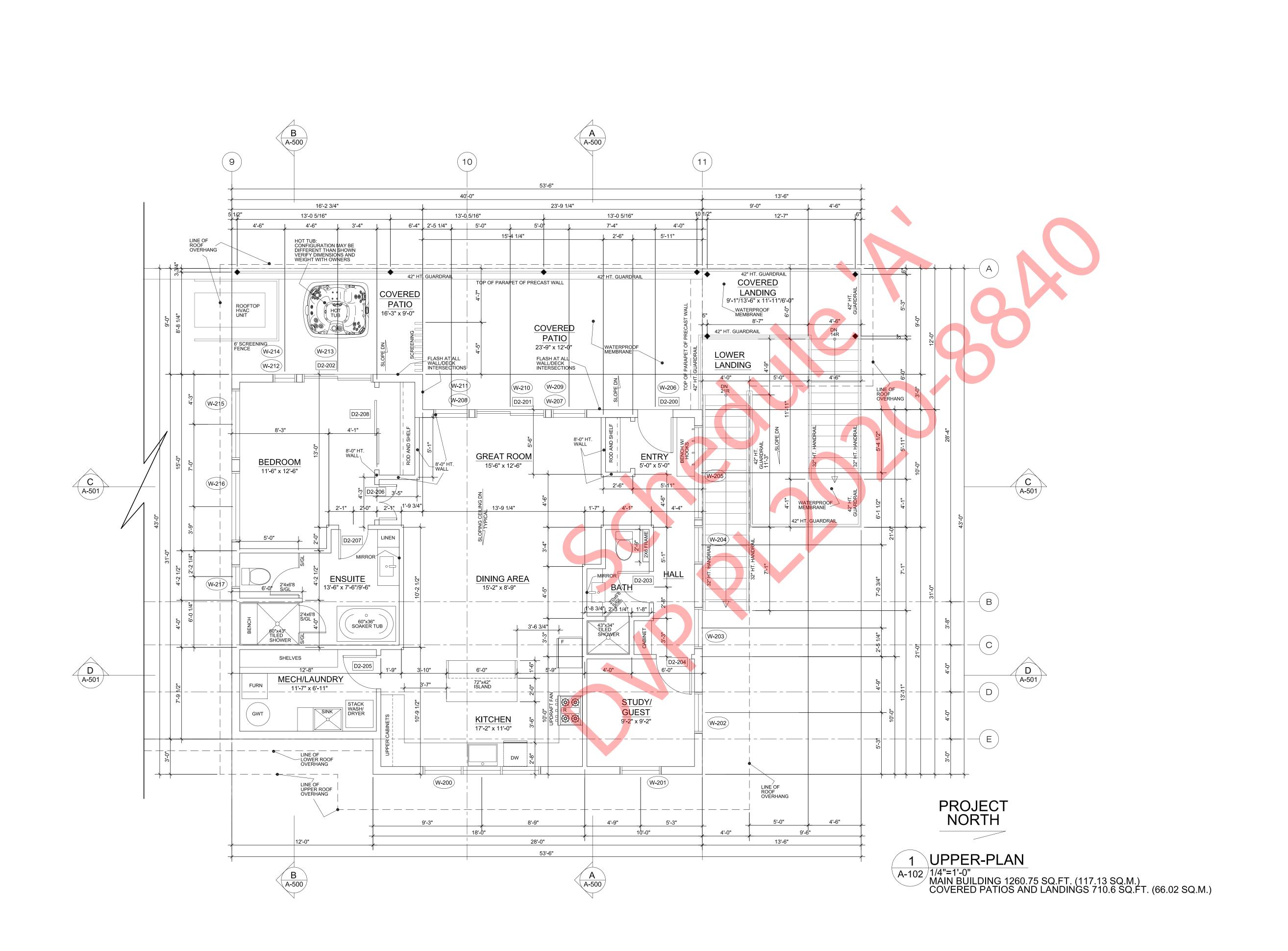
Authorized by	City Council, the	day of	, 2020
Issued this	day of	, 2020.	

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Angela Collison Corporate Officer



DVP PL2020-8840 Page 2 of 3





no.	date	revision
1	20.05.15	PRELIMINARY FOR REVIEW
2	20.05.20	RELEASE FOR PERMIT
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project title

SHARPE RESIDENCE

2203 DARTMOUTH RD PENTICTON, B.C.

dwg. title

UPPER PLAN

dr: DJ	date: 20.05.20
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sheet no.

A 102



Development Permit

Permit Number: DP PL2020-8839

Owner Name
Owner 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:

Strata Lot 8 District Lot 3821S Similkameen Division Yale District Strata Plan

Legal: KAS3795 Together With An Interest In The Common Property In Proportion To The

Unit Entitlement Of The Strata Lot As Shown On Form V

Civic: Unit 129 – 2203 Dartmouth Drive

PID: 030-591-716

3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a security/operator dwelling unit as shown in the plans attached in Schedule 'A'.

General Conditions

- 4. In accordance with Section 501(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 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.
- 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.

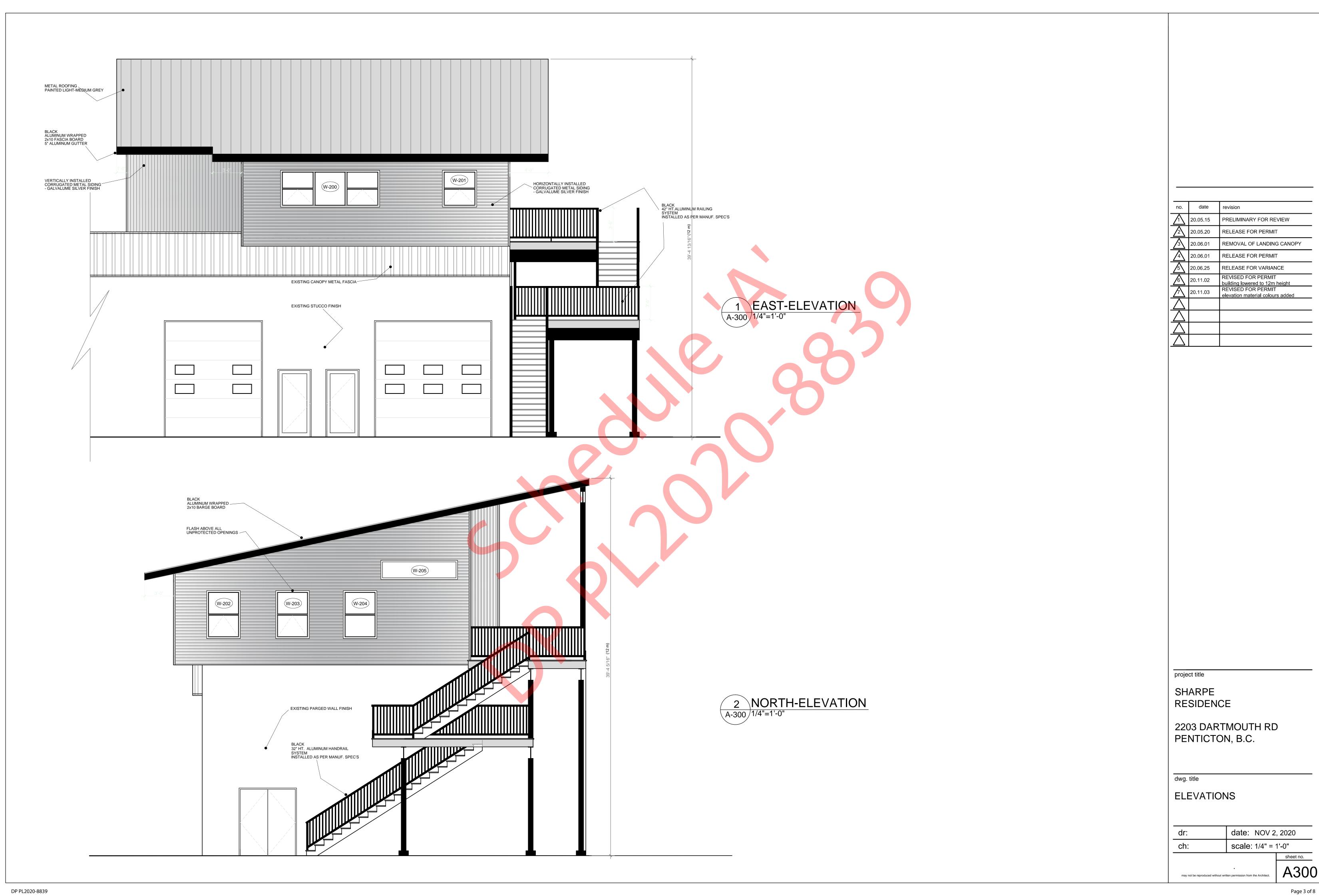
DP PL2020-8839 Page 1 of 8

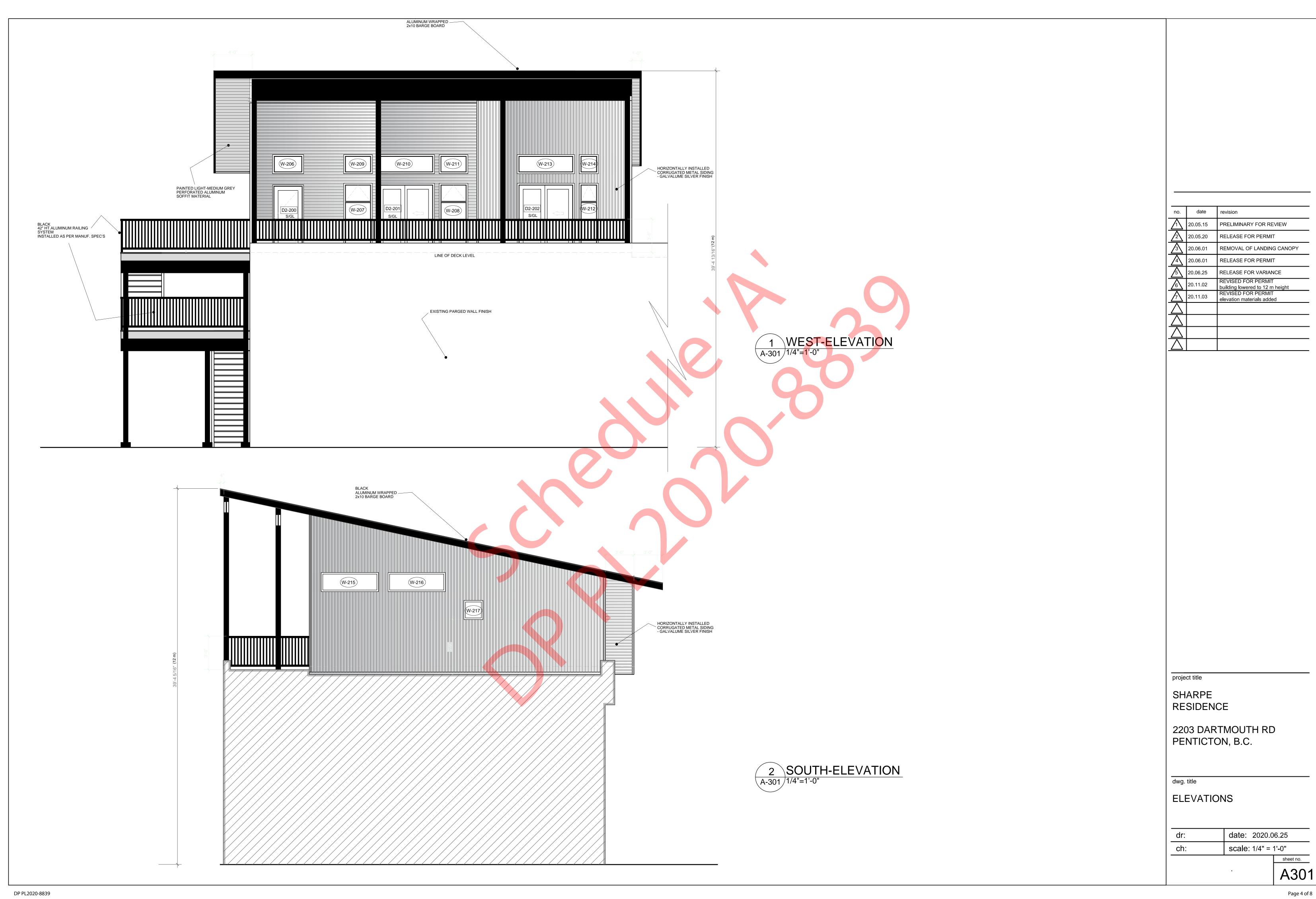
Authorized by	City Council, the	day of	, 2020
Issued this	day of	, 2020.	

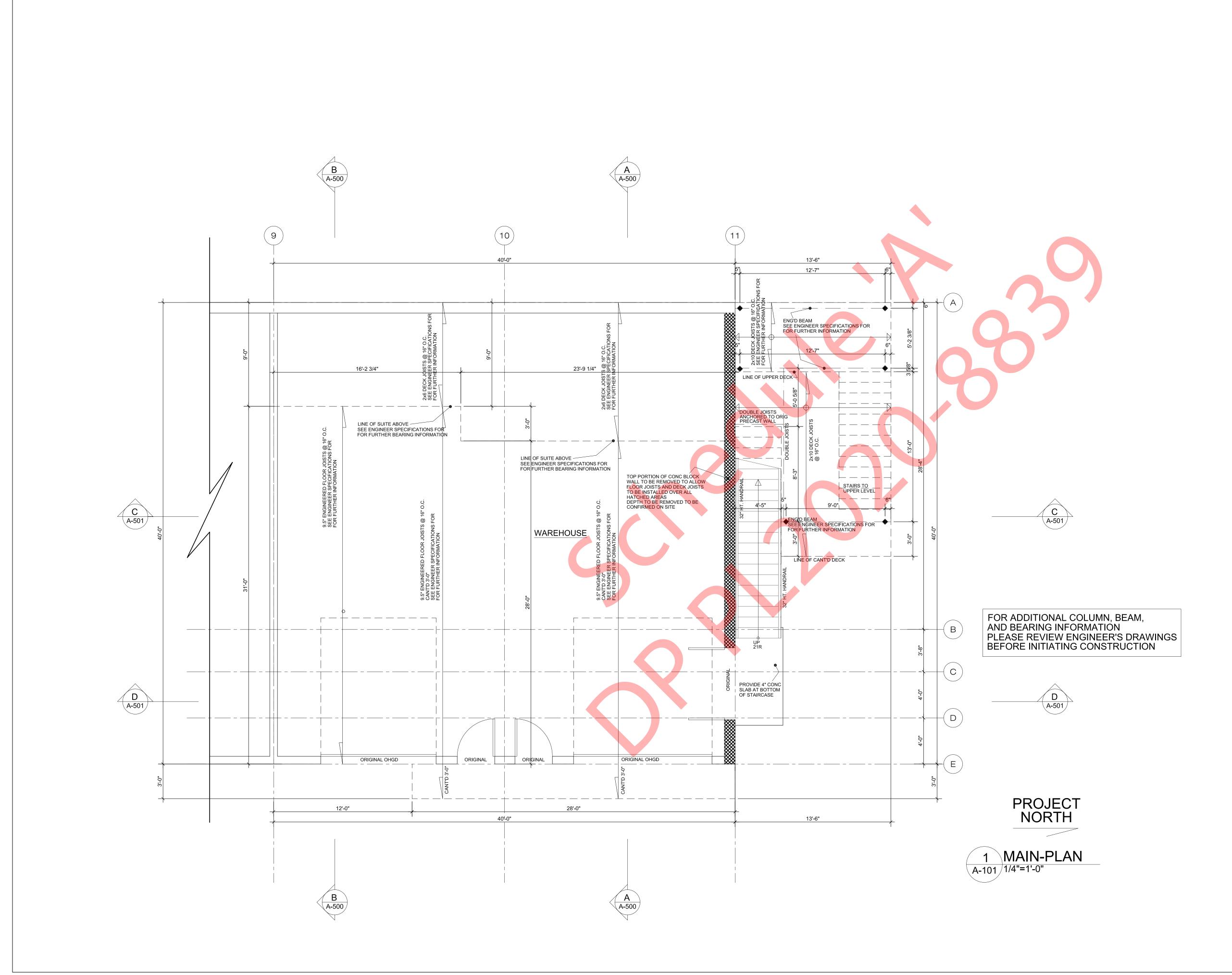
Angela Collison Corporate Officer



DP PL2020-8839 Page 2 of 8









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1	20.05.15	PRELIMINARY FOR REVIEW
2	20.05.20	RELEASE FOR PERMIT
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project title

SHARPE RESIDENCE

2203 DARTMOUTH RD PENTICTON, B.C.

dwg. title

LOWER PLAN

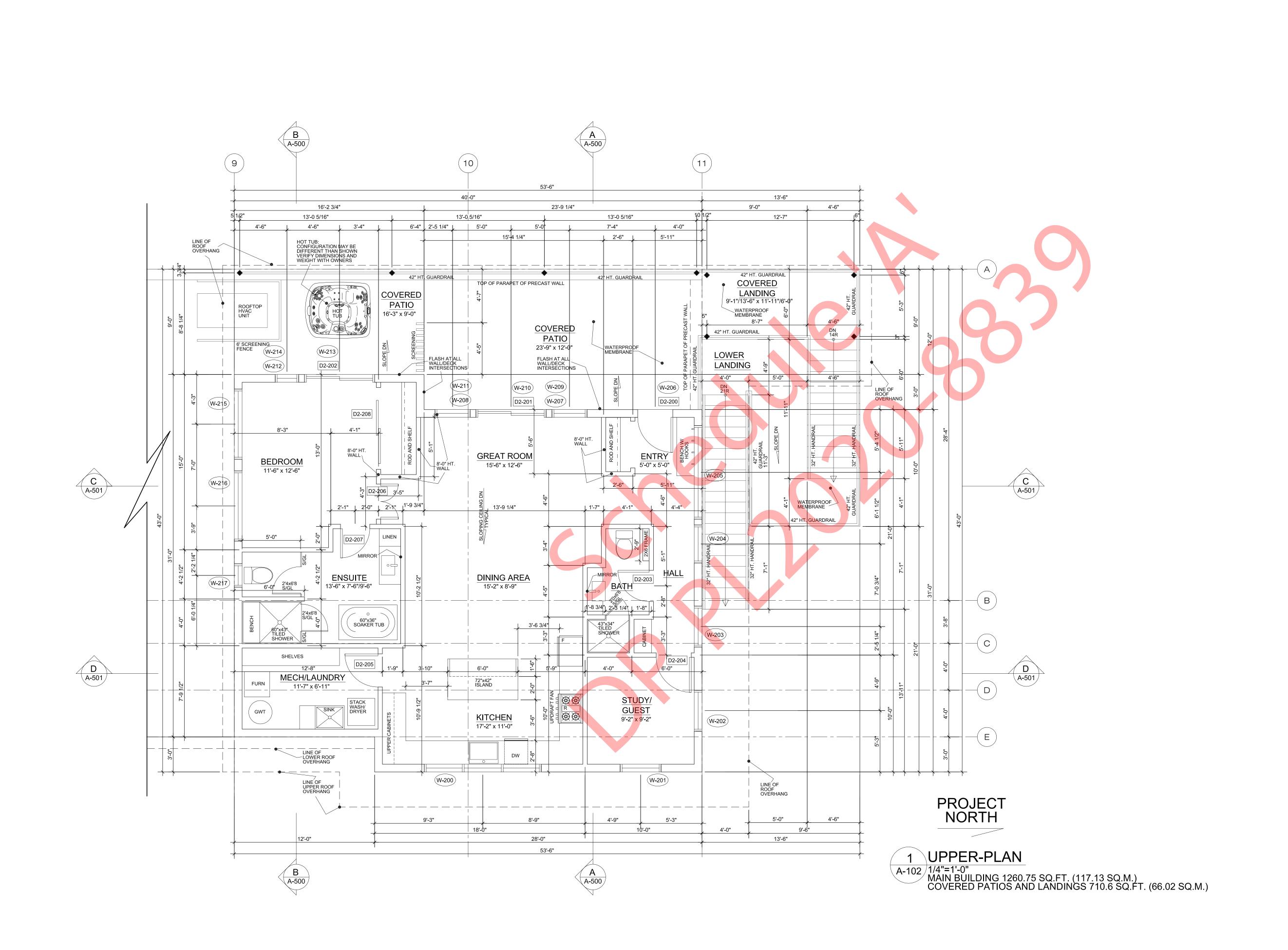
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SHARPE RESIDENCE

2203 DARTMOUTH RD PENTICTON, B.C.

dwg. title

UPPER PLAN

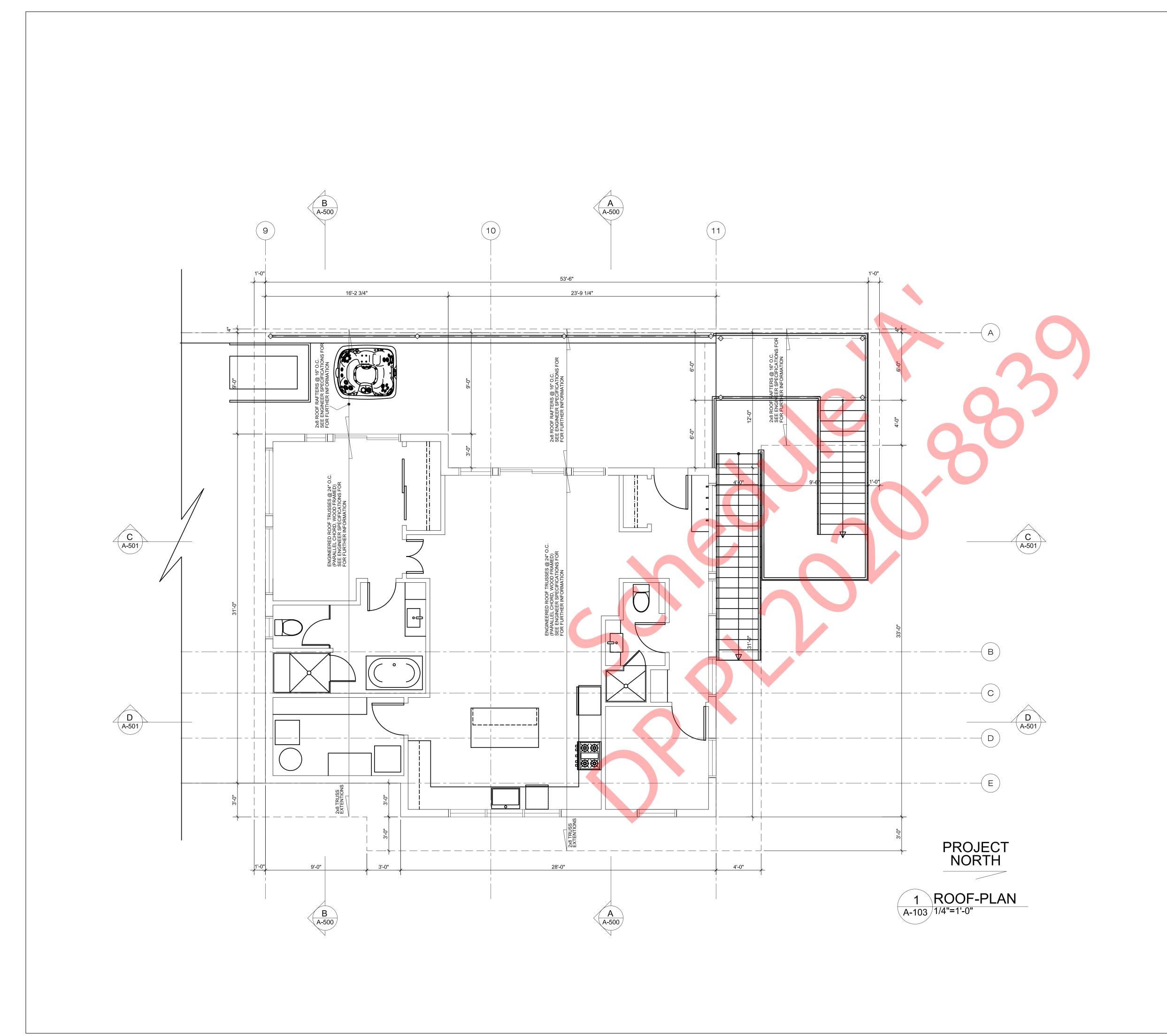
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A102





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2	20.05.20	RELEASE FOR PERMIT
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SHARPE RESIDENCE

2203 DARTMOUTH RD PENTICTON, B.C.

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ROOF PLAN

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| Sheet no. | A 103

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STEVEN J. BUZIKIEVICH