

Public Notice

penticton.ca

April 8, 2021

Subject Property: 783 Martin Street

Lot A, District Lot 202, Similkameen Division Yale District, Plan 899; Except: Plan EPP84131

Application:

Development Variance Permit PL2020-8904

The applicant is proposing to build a 7-unit townhouse development on the subject property. In order to proceed with the development, the applicant is requesting the following four variances



to Zoning Bylaw No. 2017-08 (RM3 - Medium Density Multiple Housing regulations):

- 1. Table 4.1: to increase the amount of building face projecting 0.6m into a required side yard (north) from 25% to 35%.
- 2. Table 5.2: to reduce the required landscape buffer (south) from 3.0m to 0.5m.
- 3. Section 10.9.2.8: to reduce rear yard from 6.0m to 5.0m.
- 4. Section 10.9.4.1: to increase hard surfacing from 60% to 81%.

Information:

You can find the staff report to Council and Development Variance Permit PL2020-8904 on the City's website at www.penticton.ca/publicnotice.

Please contact the Planning Department at planning@penticton.ca 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, April 20, 2021 at Penticton City Hall, 171 Main St.

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, April 20, 2021 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 April 20, 2021 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: April 20, 2021 File No: RMS/783 Martin St

To: Donny van Dyk, Chief Administrative Officer

From: Steven Collyer, Planner II

Address: 783 Martin Street

Subject: Development Variance Permit PL2020-8904

Development Permit PL2018-8241

Staff Recommendation

THAT Council approve "Development Variance Permit PL2020-8894" for Lot A District Lot 202 Similkameen Division Yale District Plan 899 Except: Plan EPP84131, located at 783 Martin Street, a permit to vary the following sections of Zoning Bylaw 2017-08, to future the development of a 7-unit townhouse:

- 1. Table 4.1: to increase the amount of building face projecting 0.6m into a required side yard (north) from 25% to 35%.
- 2. Table 5.2: to reduce the required landscape buffer (south) from 3.0m to 0.5m.
- 3. Section 10.9.2.8: to reduce rear yard from 6.0m to 5.0m.
- 4. Section 10.9.4.1: to increase hard surfacing from 60% to 81%.

AND THAT Council direct staff to issue "Development Variance Permit PL2020-8904".

AND THAT Council, subject to approval of "Development Variance Permit PL2020-8894", approve "Development Permit 2018-8241", a permit to approve the form and character of a 7-unit townhouse development on the subject property.

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 7-unit townhouse development on the subject property. In order to proceed with the development, the applicant is requesting four variances to the applicable Zoning Bylaw No. 2017-08 regulations. The applicant is requesting to:

• Increase the amount of building face projecting 0.6m into a required side yard (north) from 25% to 35%

- Reduce the required landscape buffer (south) from 3.0m to 0.5m
- Reduce rear yard from 6.0m to 5.0m
- Increase hard surfacing from 60% to 81%

The proposed townhouse use is considered within the Multifamily Residential Development Permit Area by the Official Community Plan (OCP). As such, the applicant has also submitted a development permit application, included for Council's consideration prior to the applicant obtaining building permits for the development.

Background

The subject property is located on the west side of Martin Street, across the street from the Public Library and Museum (Figure 1). The property contains a single detached dwelling, which is proposed to be demolished to facilitate the proposed development. The property is located at the periphery of the downtown, and surrounding land uses consist of a mix of residential, commercial, and institutional uses. The property is within walking distance to the Penticton Public Library, Penticton Museum and Archives, Penticton Secondary School, KVR Middle School, and numerous shops and services in the downtown.

The subject property is designated 'Detached Residential' by the Official Community Plan (OCP) and is zoned 'RM3 (Medium Density Residential)' in the Zoning Bylaw.

The applicant first submitted their development application package in the spring of 2018. On September 18, 2018, Council approved Zoning Amendment Bylaw No. 2018-44, which rezoned the subject property from RD1 (Duplex Housing) zone to RM3 (Medium Density Multiple Housing)

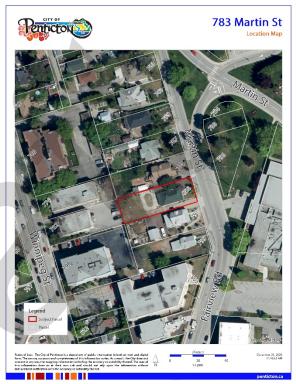


Figure 1 - Property location map

zone to allow the proposed townhouse development. Prior to adoption of the Zoning Amendment Bylaw, a 1.0m road dedication at the front of the property was taken by the City.

When Council approved the rezoning in 2018, they also approved Development Variance Permit PL2018-8240 to vary the following sections of the Zoning Bylaw for the proposed development:

- Table 5.2: to decrease the minimum width of a landscape buffer abutting a residential zone from 3.0m to 0.5m.
- Section 10.9.2.8: to decrease the minimum rear yard from 6.0m to 5.0m.
- Section 10.9.4.1: to increase the maximum hard surfacing of a lot from 60% to 81%.

A development permit was applied for in 2018, but was never approved. Since that time, staff have gone back and forth with the applicant to address the details of the final site design and the development permit has remained open. During that time the variance permit that was approved in 2018 expired, because development variance permits expire 2 years after issuance if construction has not commenced.

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The applicant has applied for a new development variance permit application requesting the same variances Council approved in 2018, with the additional request for the increase in permitted building projections towards the side property line. Staff have included the 2018 development permit, with revised plans, for Council's consideration with the new variance request so that Council has the approval authority for the final form and character of this development.

Technical Review

This application was reviewed by the City's Technical Planning Committee, a group of City staff from various departments who review development applications. The committee had a number of comments for the applicant to address. Additional details regarding amenity space, landscaping, and garbage/recycling collection were required. Engineering requested confirmation of turning radii to access the garages, which was provided. A new driveway letdown is required to fully separate it from the driveway currently shared with the neighbour to the south. Servicing upgrades will be required based on the increased demand to 7 units. The Building Department noted spatial separation requirements between the two proposed buildings, which led to a minor change in design. Future building permit requirements were provided to the applicant. The location of the boulevard tree and transformer at the front of the property were addressed with the applicant with input from the Parks and Electrical Departments. Staff also advised the applicant that this property is located on the Lake to Lake bike route, which is planned for the opposite side of Martin Street from the subject property.

Development Statistics

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

| | RM3 Zone Requirement | Provided on Plans |
|--------------------------|--|---|
| Minimum Lot Width: | 25 m | 18.28 m * |
| Minimum Lot Area: | 1,400 m ² | 1,011 m ² * |
| Maximum Lot Coverage: | 50% | 42% |
| Maximum Density: | 1.6 Floor Area Ratio (FAR) | 0.9 FAR |
| Vehicle Parking: | 1 parking space per dwelling unit 0.25 visitor parking spaces per dwelling unit Total: 8 parking spaces | 9 parking spaces |
| Required Setbacks | | |
| Front Yard (Martin St): | 3.0 m | 4.0 m |
| Side Yard (north): | 4.5 m | 4.5 m |
| Side Yard (south): | 4.5 m | 6.4 m |
| Rear Yard: | 6.0 m | 5.0 m – Variance Requested |
| Maximum Building Height: | 24 m | 9.38 m |
| Maximum Hard Surfacing: | 60% | 81% - Variance Requested |
| Minimum Amenity Space: | 20m² per dwelling unit Minimum 25% at ground level Total: 140m² | 140m ² 100% at ground level |

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| Minimum Landscape | 3.0 m adjacent to low density | 3.0 m (north) |
|-----------------------|---|------------------------------------|
| Buffer: | residential zones | 0.5 m (south) – Variance Requested |
| Maximum Architectural | 25% of building face up to 0.6m | 35% of building face – Variance |
| Projection: | into required yard | Requested |
| Other Information: | * The minimum lot width and lot area regulations only apply when a new parcel is being created and do not apply to existing properties. | |

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 each of the requested variances and are recommending support for the following reasons:

1. Increase the amount of building face projection into north side yard.

The subject property has a narrow width, which limits the building envelope. In order to maximize living space, the design includes architectural projections into the required 4.5m side yard. The design shows 35% of each building face projecting 0.6m into this required setback, which exceeds the maximum 25% allowed. The projection area is fully enclosed and does not include outdoor amenities, such as decks, which are features that could impact the neighbours privacy to a greater degree. The proposed design maintains a 3.9m (12.8ft) distance from the extent of the projection to the property line.

2. Reduce landscape buffer width along the south property line from 3.0m to 0.5m.

The minimum required landscape buffer width from multifamily to residential properties is 3.0m. As a result of the narrow width of the lot, and providing sufficient room for vehicle access into the garages, the applicant is requesting a reduced landscape buffer along the south property line. The request is to reduce the width from 3.0m to 0.5m. The landscaping plan shows plantings within this area, albeit in a narrower strip than is normally required. To limit impacts, a 1.8m (6ft) privacy fence will be installed along the property line. This landscaping will be required through a landscaping bond the City holds in association with the building permit. The landscaping bond ensures that the proposed landscaping shown on the issued development permit plans is actually installed.

3. Reduce minimum rear yard setback from 6.0m to 5.0m.

When the Zoning Amendment Bylaw was adopted in 2018, the City obtained a 1.0m road dedication at the front of the property. This dedication moved the front property line west by 1.0m. In order to meet the front yard setback requirement and generally keep a similar street feel with existing buildings on Martin St, the applicant has shifted the buildings back on the property and is requesting a reduced rear yard setback. A grass amenity area and fencing are proposed along the

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property line, which acts as a buffer to the rear neighbour. The property behind the subject property contains an apartment building, with a parking lot at the rear near the shared property line (Attachment 'C'). The reduced rear yard setback is not anticipated to negatively impact this rear neighbour.

4. Increase the hard surfacing from 60% to 81%.

The maximum hard surfacing requirement ensures adequate storm water management and for aesthetic value. The proposed buildings have a total lot coverage of 42%, which is less than the 50% building lot coverage that is permitted in the RM3 zone. The hard surfacing calculation includes the buildings, driveways, as well as the small patios in each unit's rear yard. Storm water management will be addressed through the building permit stage and will be required to meet the Storm Water Planning Guidebook for BC to ensure all storm water is retained on-site and does not impact adjacent properties. The plans also show adequate landscaping in the front yard, along the north property line in each unit's rear yard, as well as a common amenity lawn at the rear of the property.

Given the reasons above, staff support the development variance permit application. Staff recommend that Council approve "Development Variance Permit PL2020-8904" and direct staff to issue the permit.

Development Permit

The proposed 7-unit townhouse development is included in the Multifamily Residential Development Permit Area in the OCP. This development permit area applies to all multifamily development in the City, including multiplexes, cluster housing, rowhouses, townhouses and apartments. The intent of this development permit area is to enhance neighbourhoods and create sensitive transitions in scale and density by addressing issues such as privacy, landscape retention and neighbourliness.

Staff have reviewed the applicable design guidelines in the OCP in relation to this proposed development (Attachment 'D'). The proposed townhouse development is considered to be in keeping with the OCP design guidelines and an appropriate development form at the periphery of the downtown.

Staff recommend that Council, subject to approval of the development variance permit, consider approval of "Development Permit PL2018-8241".

Alternate Recommendations

Council may consider the requested variances are unnecessary and that the applicants should build within the Zoning Bylaw regulations. If this is the case, Council should deny "Development Variance Permit PL2020-8904". If this decision is made, the applicants would need to substantially redesign their proposal. 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 and that application can remain open.

1. THAT Council deny "Development Variance Permit PL2020-8904".

Attachments

Attachment A – Zoning Map of Subject Property
Attachment B – Official Community Plan Map of Subject Property

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Attachment C – Images of Subject Property

Attachment D – Development Permit Analysis (staff)

Attachment E – Letter of Intent (applicant)

Attachment F – Draft Development Variance Permit PL2020-8904

Attachment G – Draft Development Permit PL2018-8241

Respectfully submitted,

Steven Collyer, RPP, MCIP Planner II

Concurrence

| Director | Chief Administrative Officer |
|----------|---------------------------------|
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Attachment A – Zoning Map of Subject Property



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Attachment C – Images of Subject Property





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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 building
 elevations were updated to consider the structural components of the proposed
 cantilevers. The road widening taken in 2018 resulted in the buildings being pushed
 further back on the property.
- Guideline G3
- Private and semi-private open spaces should be designed to optimize solar access.
- The buildings have large windows facing south, where the building setback is greater and solar access into each unit is easily achieved.
- 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 minimal which improves connectivity between the building and the street, and connects with the pedestrian realm.
- The proposed front yard setback is less than the older homes on either side, which each have approximately 9.5m front yard setbacks
- Landscaping and trees are proposed in the front yard to create interest from the public realm.
- Guideline G11
- Barrier-free pedestrian walkways to primary building entrances must be provided from municipal sidewalks, parking areas, storage, garbage and amenity areas.
- A path along the north side of the buildings provides direct pedestrian access from the street to each unit. The garages, visitor parking spaces, and shared lawn area are also accessible via this path.
- 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 entries to each unit are 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 street because there is no rear lane behind the property. Despite the access from the street, a separate path on the other side of the buildings provides dedicated pedestrian access to each unit, which minimizes conflicts between vehicles and pedestrians on the site.
- Guideline G17 On-site parking location and design should minimize visual impact and provide safe connections for pedestrians...

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- Safe pedestrian access is provided for in this design. A path is proposed along the north side of the buildings to access each unit. Seven of the nine parking spaces on-site are provided in garages. Depending on vehicle size, it may be possible to accommodate two cars in each garage. By orienting the building lengthwise on the property, there is no parking between the building and the street, and parked cars will not be easily visible from the public realm.
- Guideline G21 Orientation of buildings should face public spaces (e.g., street and lane) with a preference for ground-oriented types (e.g., a front door for everyone or every business.
 - Each townhouse unit has its own entrance at the ground level. The design of the end unit closest to Martin St faces towards the street in a positive way with windows and landscaping on that side.
- 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 design of both buildings includes projections, cantilevers, and multiple finish materials to create visual interest. These features exist on all facades and not solely the street-facing façade which improves the visual interest on all sides. The approximately 2m cantilevers over the driveway help break-up the asphalt area and provide more living space in each unit.
- Guideline G28 Development should activate the public realm (e.g., sidewalks) and shared open spaces by placing active uses at street level.
 - The entrance to each townhouse unit is at ground level, with a driveway for vehicle access at the south side and a path for pedestrian access at the north side. These connections to the public sidewalk help activate the public realm.
- 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 on all levels of Building 2 face Martin St and provide for visual overlook onto the public realm. All units have windows looking over the driveway and over the amenity areas at the north side of the buildings.
- Guideline G35 Tree planting...
 - The landscape plan shows a number of new trees in the front yard and along the sides of the buildings to provide buffering between the public realm and adjacent properties. In addition, the applicant will pay for a City boulevard tree to be planted in the City right-of-way, at the future building permit stage.

Mechanical/utility cabinets and transformer pads (units) shall be located at the rear of the property, behind the building. Where this is unachievable, units may be located at the edge of the front yard and must be incorporated into landscaped areas and screened from the street.

> • The transformer pad is located at the edge of the front yard in a landscaped area. This location allows easy access by the City staff as needed. The transformer box shall be covered in decorative wrap. Additional utility meters shall be located at the sides of the building, or incorporated into the front façade.

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Guidelines G54/G55

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 area is located at the rear of the property. It is screened by
fencing and located far enough from the building that is does not impede pedestrian
traffic, while still being easy for residents to access. The applicant will be required to
engage a private collector for this development with an arrangement to not block the
driveway with bins or totes.

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 plans show an amenity lawn area at the rear of the property for use by future residents. In addition, each unit has a private yard space on the north side of the buildings.
- The subject property is located within walking distance of the KVR trail and recreation amenities at Penticton High School.
- The future Lake to Lake bike route will be constructed along Martin St in front of this
 property, providing connections to commercial areas as well as Okanagan and Skaha
 Lakes.

Guideline MF3

Amenity spaces should incorporate vegetation for the purpose of active and passive recreation and/or visual interest, and incorporate safe play areas in interior courtyards.

• The shared amenity lawn will be a grass surface, with landscaping and fencing along the edges to create visual interest at the rear of the property.

Guideline MF4

Visitor parking should be in public view, easily accessible near the main entry to the site, and clearly indicated by pavement markings and/or signs.

 Two visitor parking spaces are provided. One space is located to the west of Building 1, at the rear of the property. The other space is located between the two buildings. The spaces are to be clearly marked for visitors.

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783 Martin Street

Site Description

783 Martin Street is currently zoned RM3. Abutting the properties western lot line are midrise apartment buildings. One lot to the south (799 Martin Street) was recently rezoned to 9 townhouse units. Older, single family residential properties are immediately on the north and south.

Proposal

Our proposal is to develop the property to allow a townhouse complex that will fit seamlessly into the community and fill a need for affordable family housing We feel that the townhouse development will be an excellent use for the site as it is not nearly as dense as the apartment buildings to the west and accordingly will be a much nicer use next to the older homes. The townhouse use is also in keeping with the recent rezoning of 799 Martin Street.

The proposed development will consist of 7 townhouses with each unit having two car garages on one side and the front door on the opposite side to animate the landscape.

Affordability for families was of paramount importance with the design and that is why we have come up with 7 townhouses and have strived to keep the square footage down while ensuring they are extremely liveable and efficient. Each townhouse will be 3 stories with the lower level being the garage and entry. The midlevel will be the kitchen, dining and living room On the top level there will be 3 bedrooms to appeal to families.

The exterior has been designed with a modern, contemporary style. Attached is a coloured rendering showing how the homes will look.

Variance Report

There are 4 variances that we are asking for which are noted below along with an explanation of why each variance is required.

-Reduce the rear yard setback from 6.0m to 5.0m - This is due to a requirement by the City of Penticton to take one meter across the entire front of the property for future road widening. Thus rather than the front yard being reduced, we felt it would be better to move the building back and retain the required front yard setback, which of course means that the rear yard would have to be reduced by 1m.

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-Decrease the landscape buffer along the south property line from 3.0m to .5m. This variance is required to provide functional design while providing enough space to manoeuver into the garages. A cedar hedge and fence is proposed along the entire lot line to provide adequate screening for the neighbouring property.

-Increase maximum hard surface form 60% to 81% - While putting the garages doors on opposite sides of the building provides a much nicer design, it does create additional walkways. Thus as these additional walkways would be a hard surface, this in turn increases the total amount of hard surface on the site.

-Increase the allowable projection into the sideyard from 25% to 35%. To animate the building facades and not provide a simple flat face we have used projections. These projections are incorporated into the interior floor plans which also adds interest to them.

We are confident that our design is well thought out, fills a void in the community and will ultimately provide an excellent addition to the "Uptown" neighbourhood,

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Development Variance Permit

Permit Number: DVP PL2020-8904

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:

Lot A District Lot 202 Similkameen Division Yale District Plan 899 Except: Plan

Legal: EPP84131

Civic: 783 Martin Street

PID: 012-015-253

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 seven-unit townhouse development, as shown in the plans attached in Schedule 'A':

- a. Table 4.1: to increase the amount of building face projecting 0.6m into a required side yard (north) from 25% to 35%.
- b. Table 5.2: to reduce the required landscape buffer (south) from 3.0m to 0.5m.
- c. Section 10.9.2.8: to reduce rear yard from 6.0m to 5.0m.
- d. Section 10.9.4.1: to increase hard surfacing from 60% to 81%.

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.

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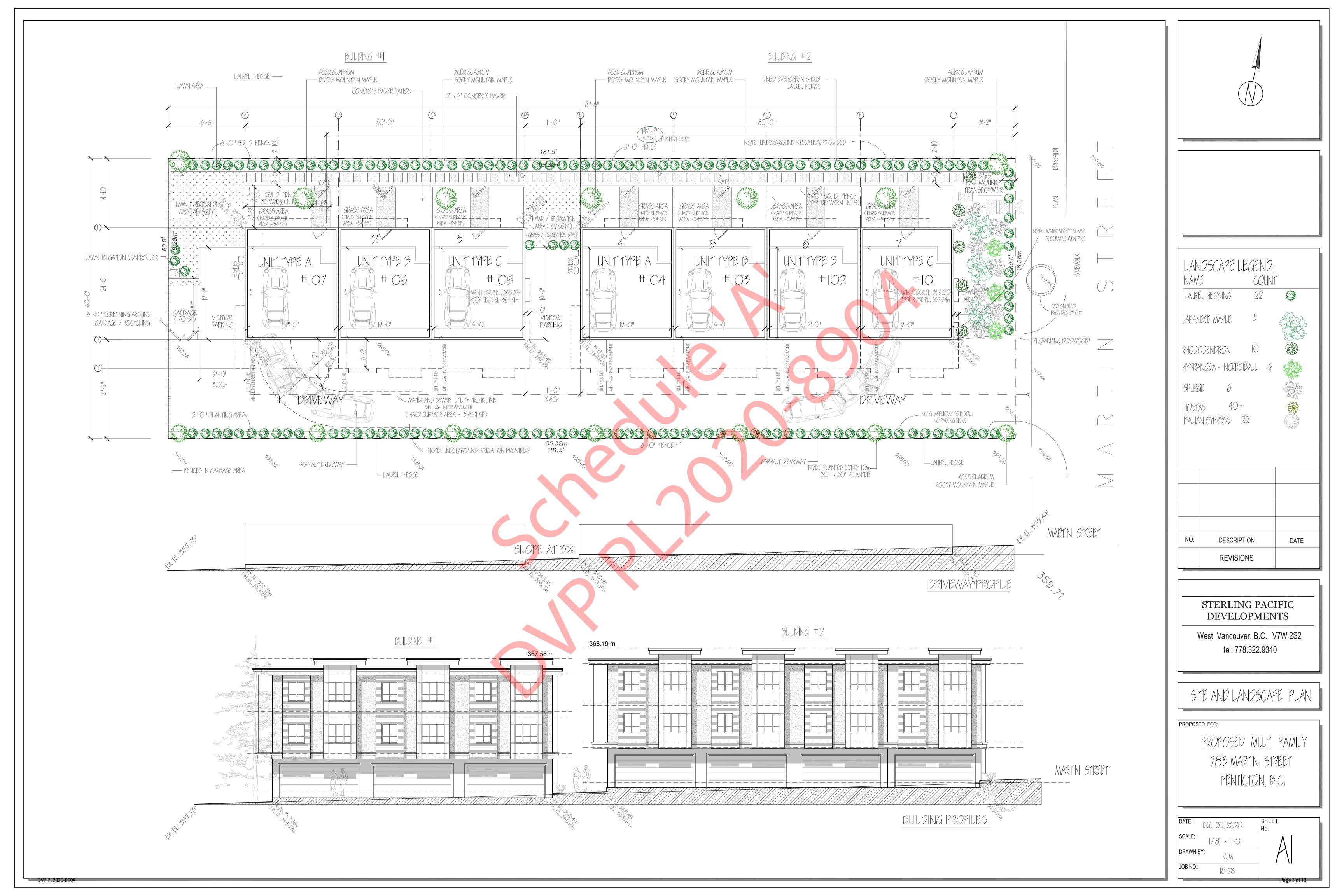
There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

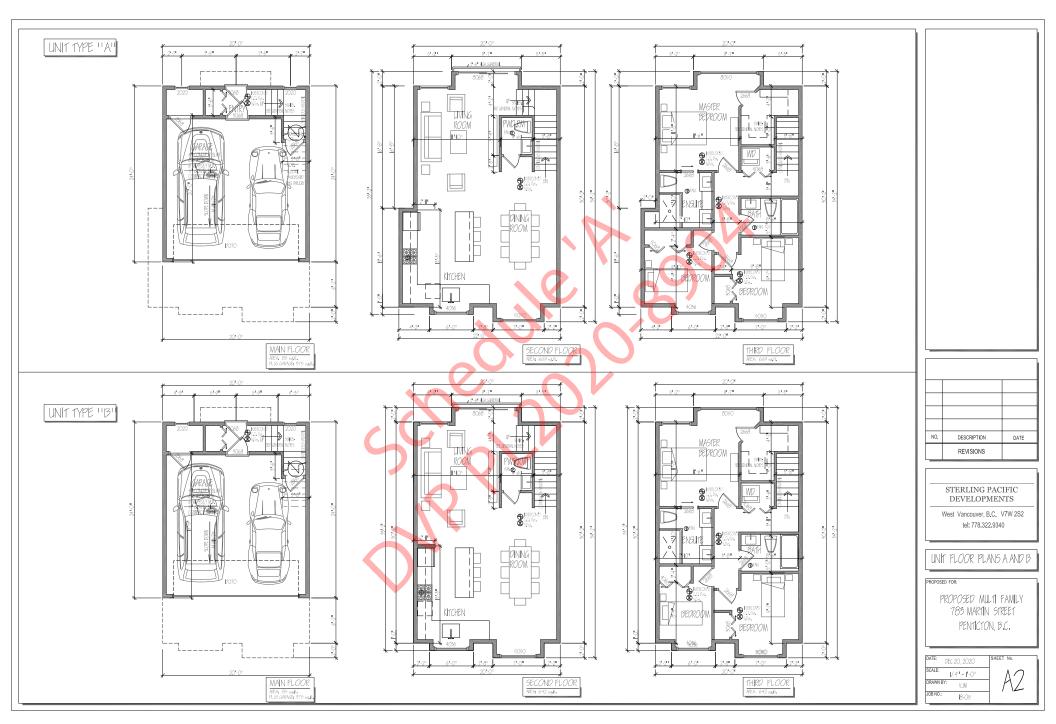
Authorized by City Council, the _____ day of ______, 2021.

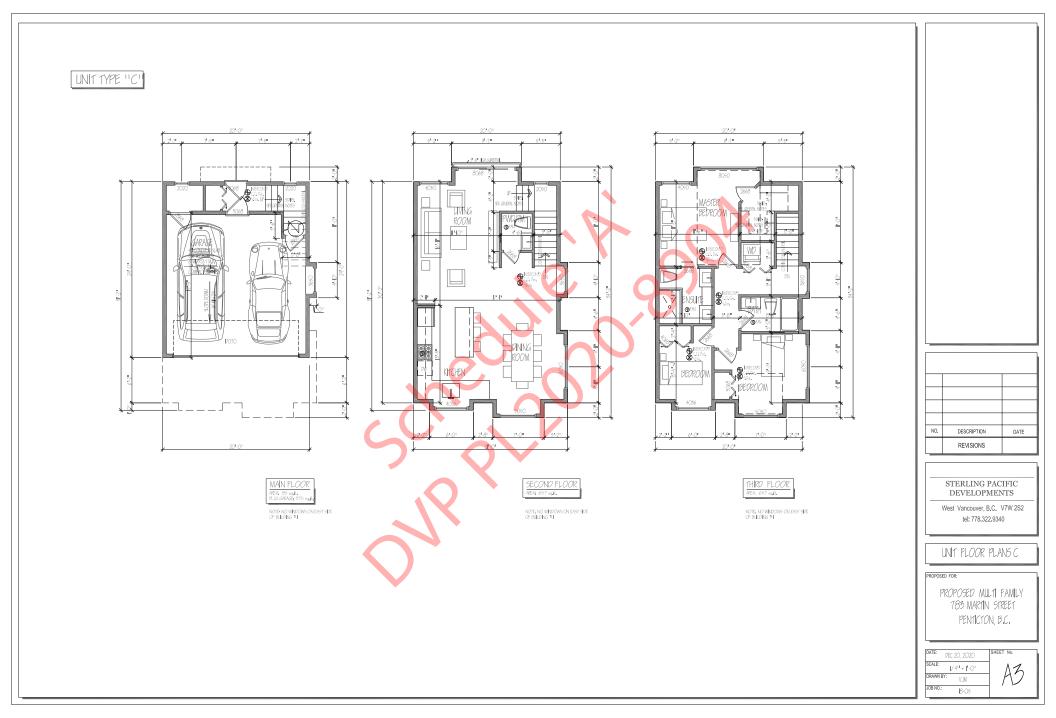
Issued this _____ day of ______, 2021.

Angela Collison Corporate Officer

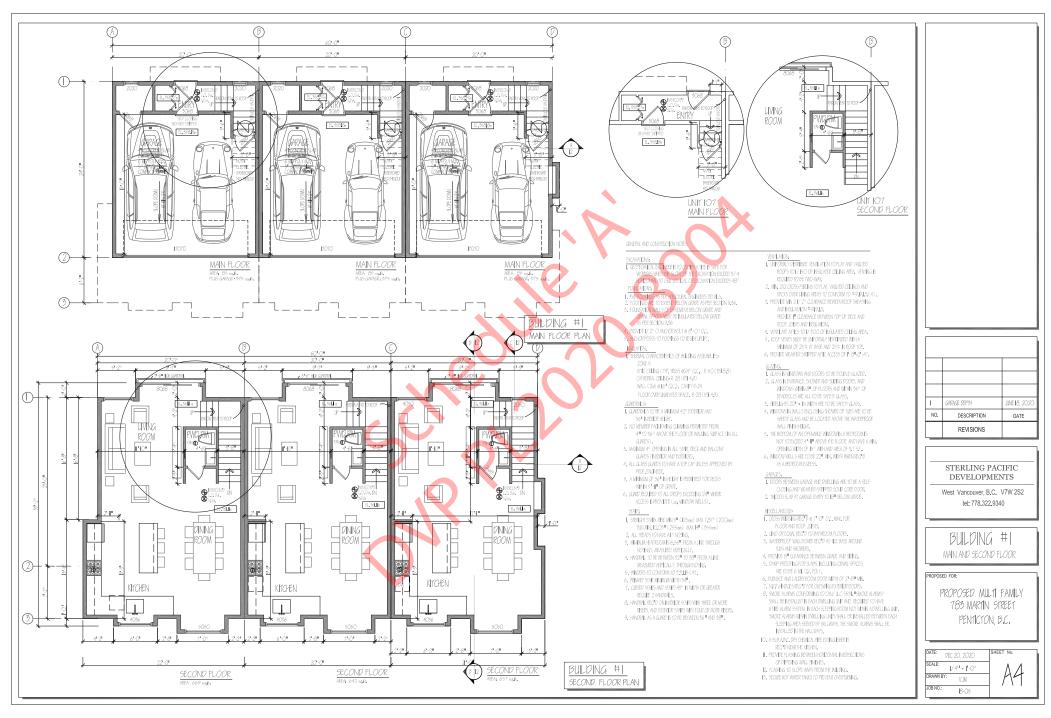




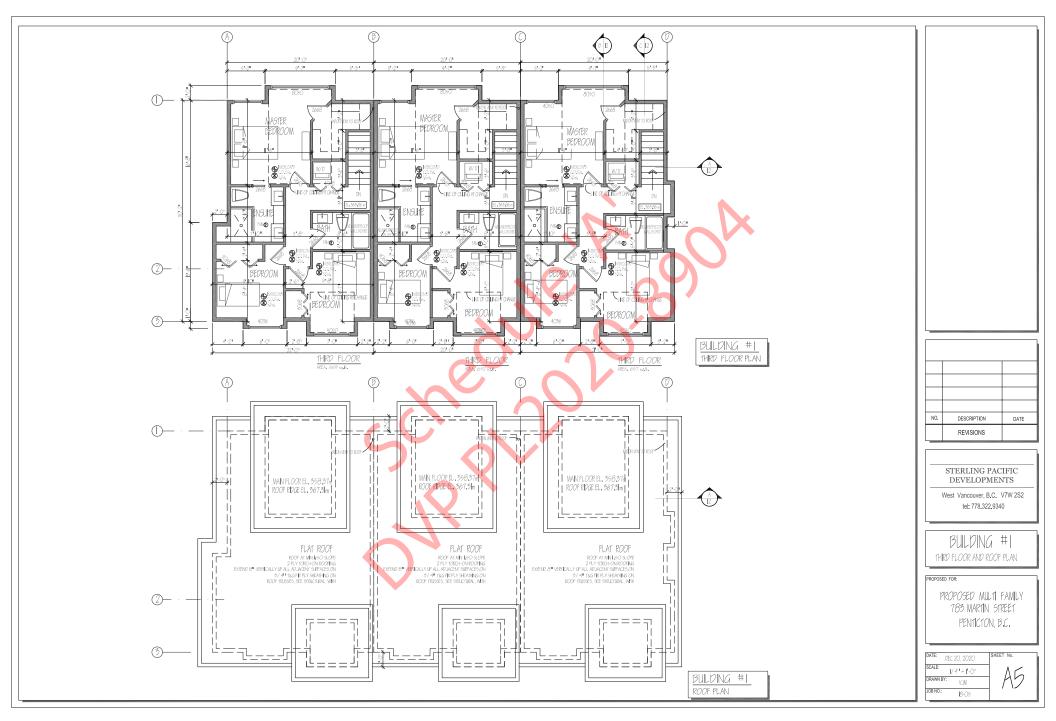


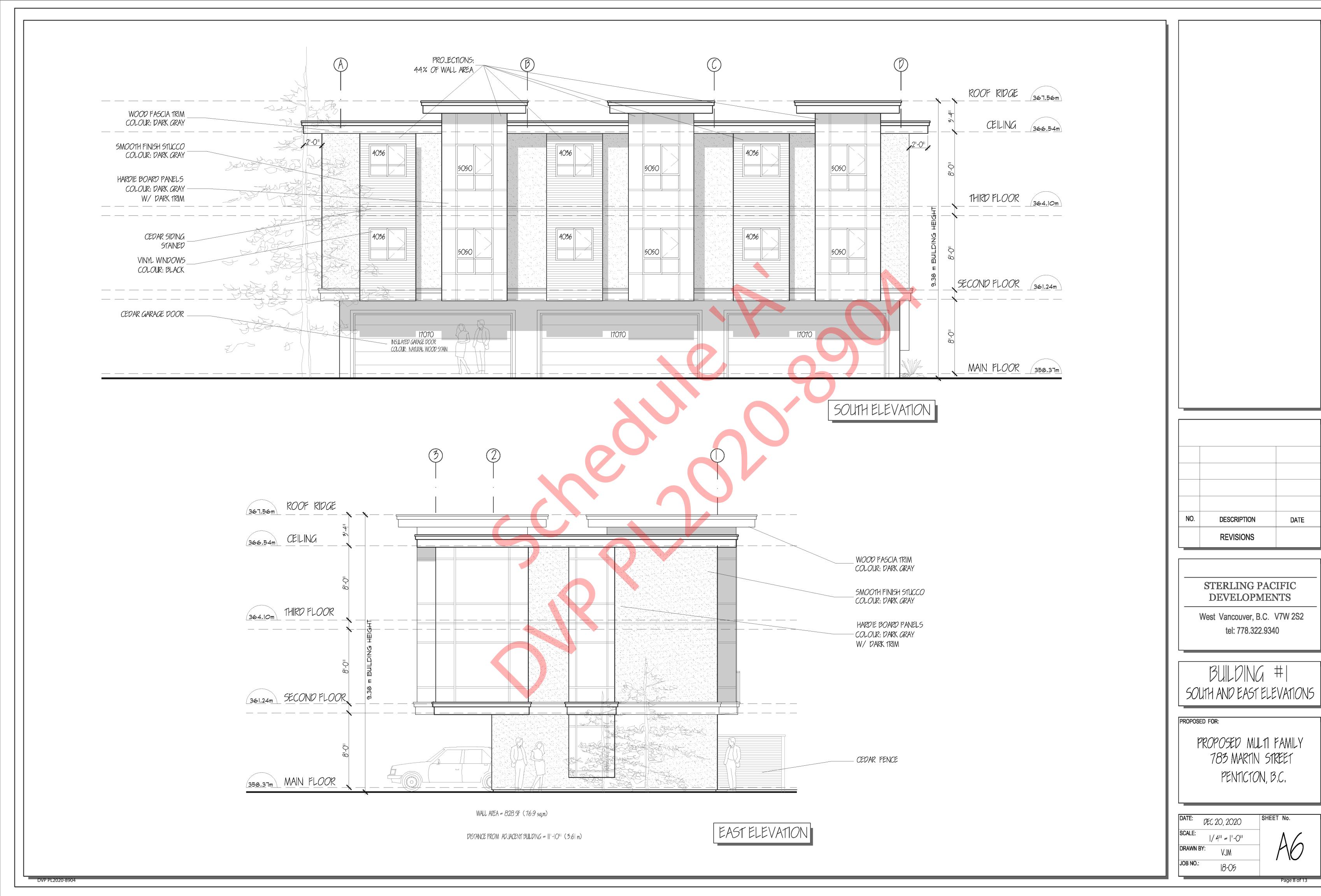


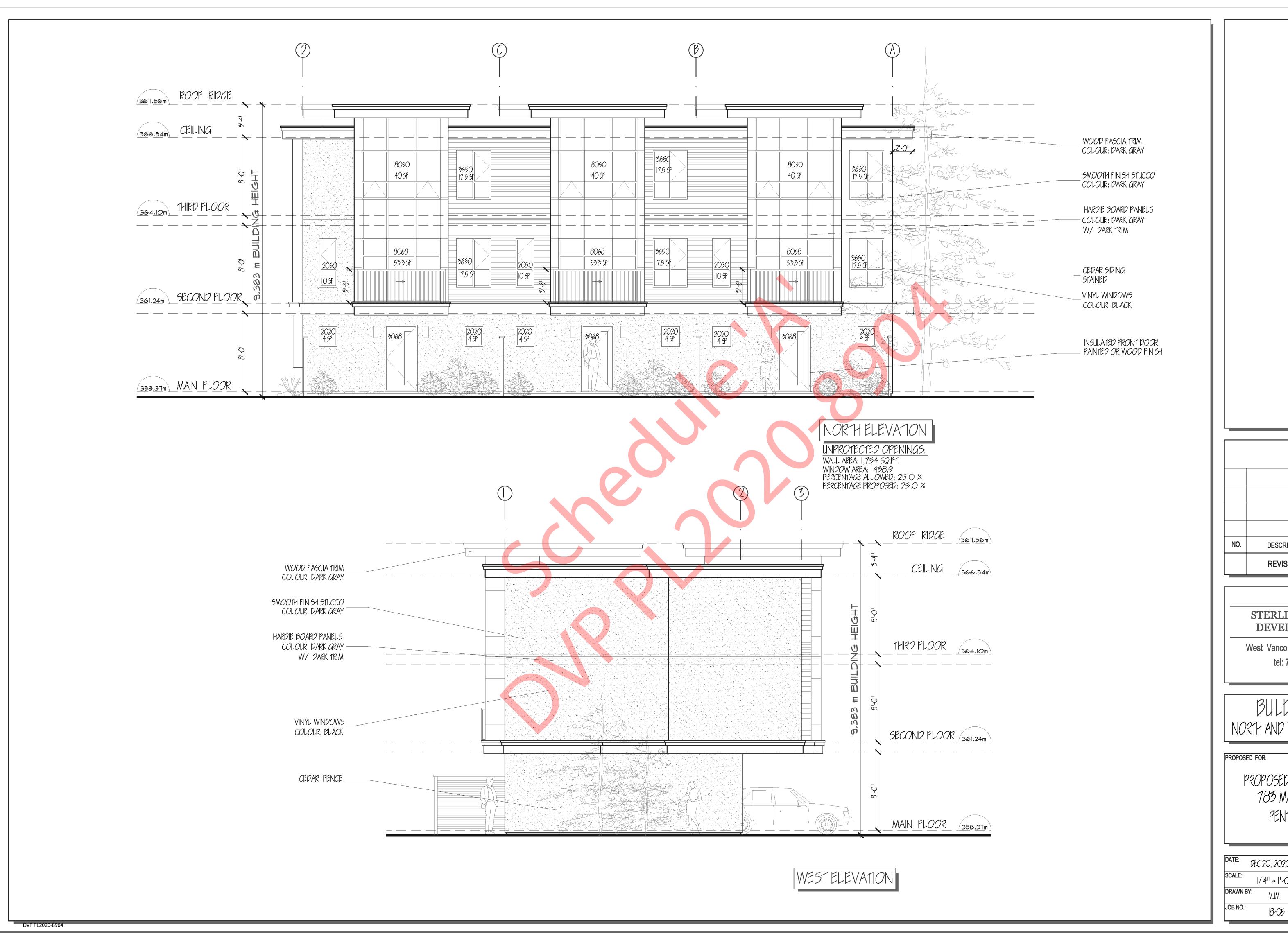
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DESCRIPTION DATE **REVISIONS**

> STERLING PACIFIC **DEVELOPMENTS**

West Vancouver, B.C. V7W 2S2 tel: 778.322.9340

BUILDING #1 NORTH AND WEST ELEVATIONS

PROPOSED MULTI FAMILY 783 MARTIN STREET PENTICTON, B.C.

SHEET No. DEC 20, 2020 1/4" = 1'-0"

