

February 17, 2022

Address & Legal Description

585 Jermyn Avenue

Lot B, District Lot 249, Similkameen Division Yale
District, Plan 4224

Subject & Proposal

Zoning Amendment Bylaw 2022-10

The property currently contains a single family dwelling with a secondary suite (total 2 units). The applicant is proposing to demolish the principal dwelling portion of the building and reconstruct a new dwelling unit. The applicant also intends to convert the garage into another dwelling unit. The existing secondary suite (located above the existing garage) would remain as a dwelling unit on the property. This proposal would result in a total of three (3) units on the property and is described in the Zoning Bylaw as 'cluster housing'.

In order to facilitate the proposal, the applicant has applied to rezone the property from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing).

Information:

You can find the staff report to Council and Zoning Amendment Bylaw 2022-10 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:

A Public Hearing has been scheduled for **6:00 pm, Tuesday, March 1, 2022** in Council Chambers, Penticton City Hall, 171 Main St.

In response to COVID-19, the Public Hearing is being held both in-person and electronically. All meetings and public hearings will be live streamed via the City's website at: www.penticton.ca/city-hall/city-council/council-meetings. Select the 'Watch Live' button.

Property Location



Public Comments:

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

1. May participate at the public hearing via Zoom. Please visit www.penticton.ca/publichearings for details and the Zoom link.
2. May participate at the public hearing via telephone. Please visit www.penticton.ca/publichearings for details and the telephone number.
3. Submit written comments by mail or email no later than 9:30 am, Tuesday, March 1, 2022, to:

Attention: Corporate Officer, City of Penticton
171 Main Street, Penticton, B.C. V2A 5A9
Email: publichearings@penticton.ca

Please ensure the following is included in your correspondence:

Subject: Zoning Amendment Bylaw 2022-10; 585 Jermyn Ave.

4. May appear in person. (Masks are required.)

No letter, report or representation from the public will be received by Council after the conclusion of the March 1, 2022 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: February 15, 2022
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner II
Address: 585 Jermyn Avenue

File No: RMS/585 Jermyn Ave

Subject: Zoning Amendment Bylaw No. 2022-10
Development Permit PL2021-9241

Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-10", a bylaw to rezone Lot B District Lot 249 Similkameen Division Yale District Plan 4224, located at 585 Jermyn Avenue, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing);

AND THAT Council forward "Zoning Amendment Bylaw No. 2022-10" to the March 1, 2022 Public Hearing;

AND THAT Council, prior to adoption of "Zoning Amendment Bylaw No. 2022-10", require that a road reserve covenant be registered with the Land Title Office for the purpose of securing:

1. A 1.7m future road dedication along Government Street; and
2. A 5.5m x 5.5m future road dedication corner cut at the southeast corner (Government Street and Jermyn Street) of the subject property.

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-10", approve "Development Permit PL2021-9241, for Lot B District Lot 249 Similkameen Division Yale District Plan 4224, located at 585 Jermyn Avenue, a permit to allow the construction of a 3-unit cluster housing development.

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 property currently contains a single family dwelling with a secondary suite (total 2 units). The applicant is proposing to rezone the property to allow three units. The applicant is proposing to demolish the principal dwelling portion of the building and reconstruct a new dwelling unit. The applicant also intends to convert the garage on the main floor into another dwelling unit. The existing secondary suite would also remain as a dwelling unit on the property. This proposal would result in a total of three units on the property and is described in the Zoning Bylaw as 'cluster housing'.

To facilitate the proposed cluster housing development, the applicant has requested to rezone the property from the R2 (Small Lot Residential) zone to the RM2 (Low Density Multiple Housing) zone. In addition, the proposed development is considered within the Multifamily Development Permit Area outlined by the Official Community Plan (OCP). As such, the applicant has applied for a development permit for approval of the form and character of the proposed development. The development permit is presented to Council concurrently with the rezoning application.

Background

The subject property is located at the corner of Jermyn Avenue and Government Street (Figure 1). The property contains a single detached home with a secondary suite, above an attached garage. The house was built in 1930 and the addition containing the secondary suite and garage was constructed in 2015. Surrounding land uses are primarily residential, with a mix of single detached dwellings, duplexes, townhomes and apartments. Commercial uses are located further south along Government Street.

The subject property is currently zoned R2 (Small Lot Residential) and is designated Ground Oriented Residential by the Official Community Plan (OCP).

Financial Implication

The applicant is responsible for the costs associated with the recommended road reserve covenant (more details below).

Technical Review

This application package was reviewed by the Technical Planning Committee, a group of internal staff who review planning applications. The committee is recommending that future road dedications be secured through agreement at this time in order to meet the City's desired right-of-way width standards.

There is a 1.7m wide road dedication identified along Government Street and an 8.5m x 8.5m corner cut identified at the intersection of Government Street and Jermyn Street. Through discussions, the applicant requested that the corner cut size be reduced to 5.5m x 5.5m, which staff have reviewed in detail with the desired road widths and visibility requirements, and ultimately agreed to. In this instance, staff are recommending that a road reserve covenant be registered on the property to account for these road dedications. A road reserve covenant is a legal agreement registered on title of the property which stipulates conditions for the City to obtain the road dedication in the future. Staff are recommending the road reserve covenant as opposed to taking the road dedication at this time. The reason for the road reserve covenant is to enable the City to obtain the dedication when the property redevelops at some point in the future and the existing buildings are removed.

The committee also provided comments to the applicant which will apply at the future building permit stage, should the rezoning and development permit ultimately be approved.



Figure 1 - Property location map

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	25.6 m *
Minimum Lot Area:	540 m ²	598 m ² *
Maximum Lot Coverage:	40%	35%
Maximum Density:	0.8 Floor Area Ratio (FAR)	0.47 FAR
Vehicle Parking:	1 parking space per dwelling unit Total: 3 parking spaces	3 parking spaces provided, plus additional space in the garage
Required Setbacks		
Front Yard (Jermyn Ave):	3.0 m	4.7 m
Exterior Side Yard (east):	4.5 m	4.25 m **
Interior Side Yard (west):	1.5 m	1.5 m
Rear Yard (north):	6.0 m	6.0 m
Maximum Building Height	12 m	7.2 m
Other Information:	* The minimum lot width and minimum lot area requirements do not apply to existing lots, only when a subdivision or lot line adjustment is proposed. ** Existing setback permitted through the current R2 zoning, will be considered non-conforming for the existing structure when rezoned to RM2.	

Analysis

Rezoning

The OCP designation for the property is 'Ground Oriented Residential'. The Ground Oriented Residential designation supports medium-density residential areas with multi-family developments where each unit has an exterior door. Anticipated building forms include duplexes with suites, cluster housing, townhouses and bareland stratas (Figure 2). The proposed three-unit cluster housing development is consistent with this OCP designation.

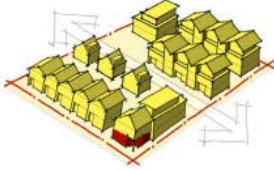
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
	Medium-density residential areas with multi-family developments where each unit has an exterior door and construction is primarily wood frame, or bareland stratas.	- Duplexes with suites - Cluster housing - Fourplexes higher-density rowhouses - Townhouses and stacked townhouses - Bareland strata developments	- Residential - Limited Service/ Retail	Up to 3 ½ storeys	- RM2 - RM5 - C2

Figure 2 - Excerpt from Official Community Plan, Land Use Designations table

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 4.1.3.1	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 areas 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 4.2.7.8	Ensure new residential developments provide an appropriate amount of parking for residents and their guests.

Staff consider that the proposal is an appropriately-scaled development in an area of the community that has been identified for a moderate increase in density by the OCP. As shown above, there are many OCP policies that encourage compatible infill development in areas close to services, parks, and shops to encourage walkability and active transportation. Staff note that this property is within walking distance of two schools, Kiwanis Park, the KVR trail, and shops and services along Government Street.

Given that there is adequate policy through the OCP to support the proposal, staff recommend Council give first reading to “Zoning Amendment Bylaw No. 2022-10”, and forward the bylaw to the March 1, 2022 Public Hearing to give the public an opportunity to provide their comments and feedback.

Development Permit

The proposed development is included in the Multifamily Residential Development Permit Area, which is established in the OCP 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 applicable design guidelines. The applicant also provided a development permit analysis with their submission (Attachment ‘F’).

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

Alternate Recommendations

Council may consider the proposed rezoning is not consistent with the OCP or is not appropriate for this property. If this is the case, Council should deny first reading of the Zoning Amendment Bylaw. Staff are recommending against this option, as the proposed development is consistent with the OCP policies, provides the housing form anticipated by the Ground Oriented Residential future land use designation, and is a similar scale to other multifamily developments in the surrounding area.

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2022-10".

Attachments

Attachment A – Zoning Map
Attachment B – Official Community Plan Map
Attachment C – Images of Subject Property
Attachment D – Development Permit Analysis (staff)
Attachment E – Letter of Intent
Attachment F - Development Permit Analysis (applicant)
Attachment G – Zoning Amendment Bylaw No. 2022-10
Attachment H –Draft Development Permit PL2021-9241

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

Director of Development Services <i>BL</i>	Chief Administrative Officer DvD
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585 Jermyn Avenue

Zoning Map



Legend

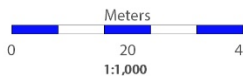
Subject Parcel

Parcel

Zoning

- R2 - Small Lot Residential
- RD1 - Duplex Housing
- RD2 - Duplex Housing: Lane
- RM2 - Low Density Multiple Housing
- RM3 - Medium Density Multiple Housing
- P1 - Public Assembly

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August 26, 2021
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585 Jermyn Avenue

Official Community Plan Map



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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.

- | | |
|----------------------|---|
| <i>Guideline G1</i> | <i>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.).</i> <ul style="list-style-type: none">• Site analysis was completed to review elevations on the property, in order to confirm the allowable height under the federal airport zoning regulations. |
| <i>Guideline G5</i> | <i>Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.</i> <ul style="list-style-type: none">• The proposed rebuilt home will have a minimal front yard setback to Jermyn Ave at 4.7m. The portion of the existing building to remain is already located close to Government St and is not proposed to change. |
| <i>Guideline G13</i> | <i>Entry to ground-level residential units should be no more than 1.8m above the grade of adjacent public sidewalks and walkways.</i> <ul style="list-style-type: none">• Entrances to the two ground-level units are within a couple of steps from grade. The entrance to the existing upper level suite is a staircase which leads down towards Government St. The entries and patios/decks beside them provide a connection to the two adjacent streets. |
| <i>Guideline G16</i> | <i>Site and building access must prioritize pedestrian movement, minimize conflict between various modes of transportation and optimize use of space...</i> <ul style="list-style-type: none">• Each unit entry is located adjacent to its parking area, reducing the walking distance necessary from the parking space to the entry. Paved connections to both Jermyn Ave and Government St are provided on the plans, for access to sidewalks and the surrounding neighbourhood. |
| <i>Guideline G21</i> | <i>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 and every business).</i> <ul style="list-style-type: none">• The development faces both street facades with individual ground-oriented entries. The existing entry to the upper level suite in the retained portion of the building will remain as-is. |
| <i>Guideline G23</i> | <i>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.</i> <ul style="list-style-type: none">• The development design includes covered patios and covered decks, as well as minor projections to create visual interest. These features also assist with breaking up massing while providing weather projection and visual overlook onto the adjacent streets and private rear yard. |

- 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.*
- As shown on the development plans, the rebuilt dwelling unit will have a covered porch facing the street, as well as a small patio area to provide a semi-private amenity space. The other two units each have amenity spaces and covered entries to provide weather protection and interesting architectural features on the exterior of the building.
- Guideline G26* *Building designs should minimize impacts on the privacy of adjacent dwellings, including private open spaces.*
- The two-storey design helps maintain privacy and reduce the height and therefore the amount of visual overlook onto neighbouring properties. There are two small windows on the west façade which is closer to the neighbour (1.5m to property line), and more windows on the north façade where there is a greater setback (6m) to the adjacent neighbour. This physical separation assists with maintaining privacy for the neighbour to the north.
- 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, main unit entries, and covered patios and entries face towards Jermyn Ave, providing a connection to the street and allowing for casual overlook onto this public space.
- Guideline G33* *Water conservation and plant maintenance: xeriscaping, irrigation & mulching.*
- *The landscape plan shows a primarily xeriscaping approach to ground cover, as the applicant proposed groundcover which requires minimal watering. The proposed trees, planting boxes, and other landscaping will be irrigated to ensure their long-term success.*
- Guidelines G34 & 35* *Tree retention & tree planting...*
- The landscaping plan shows three trees on different sides of the property. One mature elm tree will remain on site, and the applicant will plant two new trees (Attachment 'F').
- Guideline G43* *Address both fronting streets in a pedestrian-friendly way, preferably with pedestrian entrances and/or windows on both facades.*
- The proposed development provides both pedestrians entrances and windows on the street-facing sides of the building. Paved connections to sidewalks on both streets are provided. This design improves the connectivity between the development and the streetscapes of both Jermyn Ave and Government St.
- 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 garage for the rebuilt home, and adjacent to each unit entry for the other two units. The storage areas will not impede pathways on the site to each entry.

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.

- Each unit will have a dedicated amenity space. The rebuilt home has a covered patio at the front with two new decks and patio in the rear yard. The proposed main level unit in the retained portion of the building will have a covered patio facing towards Jermyn Ave. The existing upper unit in the retained portion of the building already has a covered deck at the entry, and will have a patio space added at-grade. These amenity spaces provide semi-private outdoor space for future residents. The property is located close to Kiwanis Park on Edmonton Ave and the recreation amenities at KVR Middle School and Penticton Secondary School, as well as the KVR, for residents to access outdoor spaces.

Attachment E – Letter of Intent

Rezoning of 585 Jermyn ave.

To whom it may concern

I would like to rezone my property at 585 Jermyn ave. from R2 to RM2 as per official community plan.

The purpose of this rezoning is to create an additional 2 bedroom rental suite on the property. As well as replacing an energy inefficient older home with a new energy efficient home.

I propose to turn the lower level of the recently constructed addition in to a two bedroom rental suite.

I also propose to remove the old section of the existing home and build a new home in its place.

I do not see any negatives with my proposal , I see only positives. It would ceate a much needed 2 bedroom rental suite. And also replace an older house with a modern one.

I would als propose to limit the road widenings on the south east corner of the property to 5.5 meters as opposed to 8.5 meters. This would improve the livability of the lower suiteas it would allow for a patio area for that suite.

Thank you for your consideration.

Sincerely



Doug Halverson

Attachment F - Development Permit Analysis (applicant)

585 Jermyn ave.
Development permit analysis

The intent of our project is to create one extra two bedroom rental unit, as well as replacing the existing energy inefficient main house with a properly insulated and heated new house.

The new residence will incorporate the same exterior finish and roof slopes as the addition that was completed four years ago. The roof of the new building will blend in and wrap around the front of the previous addition.

There will be a covered patio at the front door of the new house. The project will have very good curb appeal.

The landscaping will be modest. We are hoping to have a low maintenance yard that uses very little water.

There is an existing elm tree on the north side of the property that we will retain. We will also plant two Paul Scarlett hawthorn trees. They will provide shade for patio areas and are pleasant looking trees. They are also ideal for our climate because they need very little water after their first two years.

The rest of the yard will consist of patio areas, parking and mixed gravels. The overall appearance of the property will be far superior to what is there now. The only new construction is replacing a worn out older home.

Thank you for your consideration



Doug Halverson

Rezone 585 Jermyn Avenue
From R2 (Small Lot Residential) To RM2 (Low Density Multiple Housing)



City of Penticton – Schedule 'A'
Zoning Amendment Bylaw No. 2022-10

Date: _____

Corporate Officer: _____