

Public Notice

penticton.ca

July 20, 2023

Address & Legal Description

712 Penticton Ave

Lot 93, District Lot 250, Similkameen Division Yale District, Plan 881

Subject & Proposal

Zoning Amendment Bylaw 2023-23

The applicant is proposing to construct a side-by-side duplex on the subject property.



In order to proceed with the proposed development, the applicant has requested to rezone the property from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

Council Consideration:

A Public Hearing has been scheduled for **6:00 pm, Tuesday, August 1, 2023** in Council Chambers, Penticton City Hall, 171 Main St.

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

Information:

You can find the staff report to Council and Zoning Amendment Bylaw 2023-23 on the City's website at www.penticton.ca/publicnotice or scan the QR code to the right.

Please contact the file manager Jordan Hallam at 250-490-2429 or <u>jordan.hallam@penticton.ca</u> with any questions.



Public Comments:

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

1. May participate at the Public Hearing via Zoom or telephone. Please visit www.penticton.ca/publichearings

for details and the Zoom link.

2. May appear in person.

3. Submit written comments by mail or email no later than 9:30 am, Tuesday, August 1, 2023, 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: 712 Penticton Ave.

No letter, report or representation from the public will be received by Council after the conclusion of the August 1,

2023 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 & Licencing Manager

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Council Report

penticton.ca

Date: July 18, 2023 File No: RMS/712 Penticton Ave

To: Donny van Dyk, Chief Administrative Officer

From: Jordan Hallam, Planner I Address: 712 Penticton Avenue

Subject: Zoning Amendment Bylaw No. 2023-23

Development Permit PL2023-9560

Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2023-23", for Lot 93 District Lot 250 Similkameen Division Yale District Plan 881, located at 712 Penticton Avenue, a bylaw to rezone the subject property from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane);

AND THAT Council forward "Zoning Amendment Bylaw No. 2023-23" to the August 1, 2023 Public Hearing.

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2023-23", approve "Development Permit PL2023-9560", for Lot 93 District Lot 250 Similkameen Division Yale District Plan 881, located at 712 Penticton Avenue, a permit to approve the form and character of a side-by-side duplex;

AND THAT Council direct staff to issue "Development Permit PL2023-9560".

Strategic Priority Objective

Livable and Accessible: Proactively plan for deliberate growth; focused on an inclusive, healthy, safe and desirable place to live.

Proposal

The applicant is proposing to construct a side-by-side duplex on the subject property (Figure 1). In order to proceed with the proposed development, the applicant has requested to rezone the property from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

Further, the applicant requires a Development Permit approval for the form and character of the building, which has been included for Council's consideration.



Figure 1 – Conceptual Rendering of Proposed Development

Background

The subject property (Figure 3) is currently zoned R2 (Small Lot Residential) and is designated as 'Detached Residential' (Figure 2) by the Official Community Plan (OCP). The subject property contains a single family home that was constructed in the 1930's.

The surrounding area is a mixture of uses, including mostly single family dwellings directly adjacent, infill development, parks and commercial developments. The property's proximity to the variety of uses make it an ideal location for increased density. The property is within walking distance of McLaren Park, providing services and green space for future tenants and residents. The property is also located within close proximity of the downtown area and grocery stores. This area is also well serviced by pedestrian, cycling and transit networks.

Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Detached Residential	Lower-density areas of single detached houses and/or duplexes in primarily residential neighbourhoods including single- detached bareland stratas	Single detached houses with secondary suites or carriage houses Duplexes Small-scale neighbourhood commercial building (e.g., corner store, coffee shop) Manufactured homes	Residential Limited retail/ service	• 1 or 2 units per lot • Generally up to 2 ½ storeys to reflect 30' maximum in Zoning Bylaw	• R1 • R2 • R3 • RD1 • RSM • C2
	375 Smythe Drive: a r	ed Residential Policy St maximum of 27 detached secondary suites but not	d single-family hous	es are permitted on	this site.

Figure 2 – OCP Land Use Designation

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Climate Impact

The proposed development has two units proposed on the property. This increases densification in a core area of the City of Penticton. The subject property is located on Penticton Ave., and close to Government St., where transit runs regularly which will allow residents and tenants to be less dependent on their vehicles. Penticton Secondary, KVR Middle School, and downtown Penticton are also in close proximity, promoting walkability and the use of bicycles. Each dwelling unit is required to provide 1 (2 total) Level 2 Electric Vehicle Ready Charging Spaces. This building will be required to meet Step 3 of the BC Energy Step Code. Step 3 requires new builds to be at minimum 20% more efficient, with a goal of being Net Zero Ready for new construction by 2032.

Technical Review

This application was reviewed by the City's Technical Planning Committee (TPC). The TPC raised comments about boulevard trees. Staff worked with the applicant to show

712 Penticton Ave
Property Location Map

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Figure 3 – Property Location Map

two boulevard trees and one tree in the rear yard. Building permit requirements were sent to the applicant in order to expedite the future building permit process.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the development application:

	RD2 Zone Requirement	Provided on Plans
Minimum Lot Width*:	9.1 m	11.77 m
Minimum Lot Area*:	275 m ²	372.3 m ²
Maximum Lot Coverage:	40%	37.6%
Maximum Density:	0.95 Floor Area Ratio (FAR)	0.75 FAR
	Total Required: 1 per dwelling unit	Total Per Dwelling: 2 spaces
Vehicle Parking:		
	Total Required: 2 spaces	Total Provided: 2 spaces
Level 2 Electric Vehicle (EV)	Total Required: 1 per dwelling unit	Total EV Ready Chargers
Ready Chargers:	Total Required: 2 chargers	Provided: 2 chargers
Required Setbacks		
Front Yard (Penticton Ave):	4.5 m	4.53 m
Side Yard (east):	1.5 m	1.5 m
Side Yard (west):	1.5 m	1.5 m
Rear Yard (lane):	6.0 m	9.37 m

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	RD2 Zone Requirement	Provided on Plans
Maximum Building Height	10.5 m	8.31 m
Other Information:	*Lot width and lot area are only appli	cable at the time of subdivision.

Analysis

Zoning Amendment

The Official Community Plan (OCP) designation for the subject property is 'Detached Residential', which supports lower-density areas of single detached houses and/or duplexes in primarily residential neighbourhoods including single-detached bareland stratas (Figure 2). Single detached houses with secondary suites, carriage houses, and duplexes are some of the building types envisioned in this designation. The applicant is proposing to construct a two unit duplex on the subject property. The development and density proposed on the property are aligned with the vision of properties designated within the 'Detached Residential' designation.

In addition to alignment with the future land use designation, staff consider that the proposed zoning amendment will also allow for a development that is supported through the following OCP Goals and Policies:

OCP Policy	Focus new residential development in or adjacent to existing developed areas.
4.1.1.1	
OCP Policy	Encourage more intensive "infill" residential development in areas close to the
4.1.3.1	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	Ensure through the use of zoning that more-intensive forms of residential development
4.1.3.5	are located close to transit and amenities, such as parks, schools and shopping.
OCP Policy	Work with the development community – architects, designers and buildings – to create
4.1.4.1	new residential developments that are attractive, high-quality, energy efficient,
	appropriately scaled and respectful of their context.
OCP Policy	Recognize that some traditionally single-family neighbourhoods will see intensification
4.1.5.1	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 closer to collector roads, services and amenities).
OCP Policy	Encourage land use planning that results in neighbourhoods that can be easily serviced
4.2.5.2	by transit.

Staff consider that the application proposes an appropriately scaled development in an area of the city that has been identified for increased residential density by the OCP. The proposed rezoning to RD2 to allow a total of 2 dwelling units on the property is consistent with the increased density and building forms envisioned by the 'Detached Residential' designation.

Given that there is adequate policy through the OCP to support the proposed development, staff recommend that Council give first reading to "Zoning Amendment Bylaw No. 2023-23", and forward the bylaw to the August 1, 2023 Public Hearing to gather comments and feedback from the public.

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Support Development Permit

The proposed development is considered within the Intensive Residential Development Permit Area of the OCP, which is established to enhance neighbourhoods and create sensitive transitions in scale and density by addressing issues such as privacy, landscape retention and neighbourliness. The proposed development has been designed with the OCP design guidelines in mind.

Staff have completed a development permit analysis (Attachment 'D') that shows how the development conforms to the applicable design guidelines. The applicant has also provided an analysis within their letter of intent (Attachment 'E'), which outlines the project and its conformance to the OCP design guidelines.

As such, staff recommend that Council consider approving the Development Permit after adoption of the Zoning Amendment Bylaw.

Alternate Recommendations

Council may consider that while the zoning amendment is aligned with the OCP by increasing density in a desirable area of the city, the development as proposed does not fit the character of the neighbourhood. If this is the case, Council may choose the alternate recommendation.

1. THAT Council deny first reading to "Zoning Amendment Bylaw No. 2023-23".

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Property

Attachment D – Development Permit Analysis (staff)

Attachment E - Letter of Intent and Development Permit Analysis (applicant)

Attachment F – Draft Development Permit PL2023-9560

Attachment G – Zoning Amendment Bylaw No. 2023-23

Respectfully submitted,

Jordan Hallam Planner I

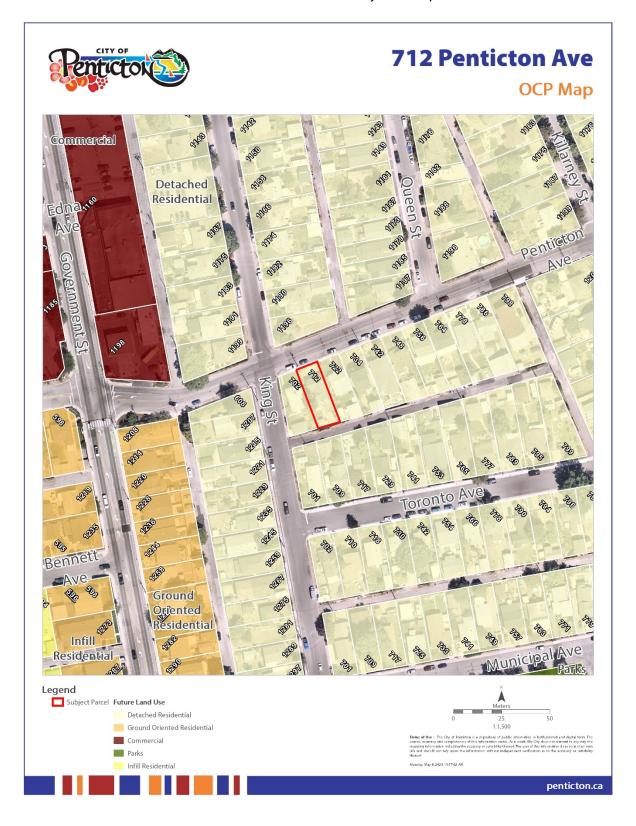
Concurrence

Director of Development Services	General Manager of Infrastructure	Acting Chief Administrative Officer
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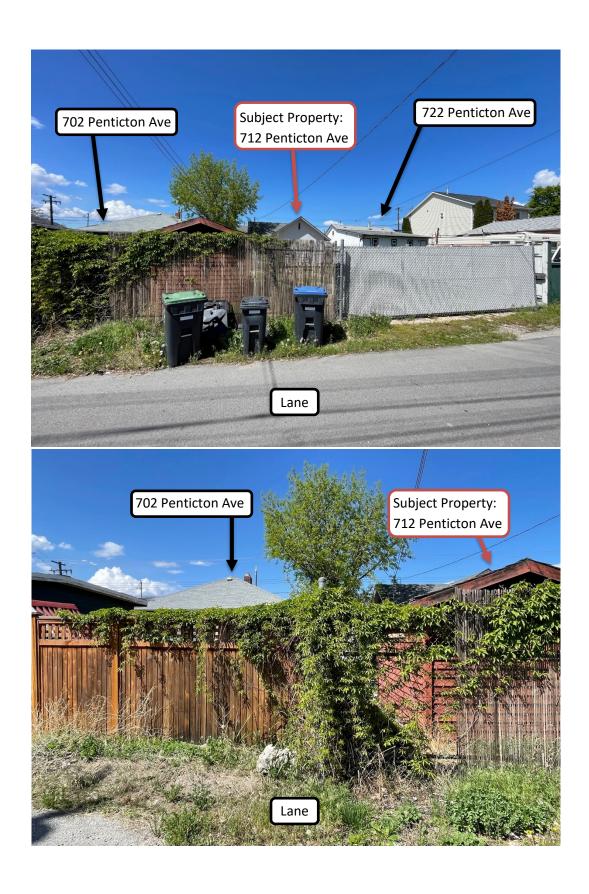


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Attachment C – Photos of Property



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Attachment D – Development Permit Analysis (staff)

Development Permit Analysis

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

- Guideline G1
- Applications shall include a comprehensive site plan considering adjacent context for building and landscape architectural design and neighbourhood character analysis to demonstrate that the development is sensitive to and integrated within its context and surrounding uses and neighbours.
- The applicant has labelled geodetic elevations on the site plan, to show they have reviewed the topography of the property, which is relatively flat.
- Guideline G5
- Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.
- The applicant has located the proposed building at the minimum required 4.5 m front yard setback, which helps to maintain a connection with the street. A front door for each unit is proposed on Penticton Ave that faces the street to add a pedestrian scale to the development.
- Guideline G6
- Building placement and orientation should respect significant public water, mountain and ridgeline views.
- The proposed development faces north with multiple windows for views of the surrounding mountains and ridgelines.
- Guideline G11
- Barrier-free pedestrian walkways to primary building entrances must be provided from municipal sidewalks, parking areas, storage, garbage and amenity areas.
- Penticton Ave to the north side of the development provides pedestrian access to the development.
- 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).
- The proposed development provides private outdoor amenity area to the south behind each dwelling unit.
- Each dwelling unit has a front door for access Penticton Ave, and the rear lane.
- Guideline G33
- Water Conservation and Plant Maintenance: Xeriscaping, Irrigation & Mulching
- The proposed development includes a landscaping plan that provides adequate and appropriate designs.
- The plans indicate a fully automatic underground irrigation system, which helps to reduce overwatering and utilizes a drip system.
- Guideline G35
- Tree planting...
- Trees and shrubs have been provided at the front and rear of the property.
- Guideline IR1
- **Building Siting**
 - Front and rear yard setbacks should relate to those of existing neighbouring buildings.

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- The primary building's front setback should be no greater than 6.0 m so that homes engage with the street.
- The proposed development is setback 4.5 m from Penticton Ave which will allow the home and residents engage with the street.

Guideline IR2

Intensive residential (infill) development should offer a diversity of housing to support objectives related to affordability and ageing in place.

• The proposed development creates two dwelling units on the lot which can be stratified and sold or rented, allowing first time home buyers to enter the real estate market.

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April 3, 2023

Giroux Design Group Inc.

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

Re: 712 Penticton Avenue Development Permit Application

To City of Penticton Planning Department,

This letter is regarding the proposal to rezone and develop the property located at 712 Penticton Avenue. The Official Community Plan for the property is Detached Residential and the current zoning is R2 Small Lot Residential. The proposed development is consistent with the OCP designation but requires rezoning to RD2 Duplex Housing: Lane. A 2.4 m road dedication from Penticton Ave. has been allowed for on the plans. No variances are required for this development.

The proposal is to build one duplex building that will be two storeys in height and the parking for the units will be provided from the lane. The location of the development is ideal for families as it is close to schools, shopping, and parks. We believe the project will be a positive addition to the neighbourhood.

Thank you for considering our proposal.

Best regards,

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

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712 PENTICTON AVE.: DEVELOPMENT PERMIT ANALYSIS

PEDESTRIAN CONNECTIVITY

The development is on a road with pedestrian sidewalks and within walking and biking distance to the downtown business core and shopping. The location is central to parks and within blocks of both middle, and high schools. City Bus stops are also located nearby, allowing easy access to transit.

PARKING

Each unit has parking for one vehicle accessed from the lane. No variances are needed for parking as the number of spaces meets the COP requirements.

DESIGN FOR CLIMATE

The building will meet the requirements of Step 3 of the BC Building Code. Each property has its own private rear yard and covered patio to allow for outdoor living.

ORIENTATION & MASSING

Each unit has its own entry door with a covered entry. The two storey duplex is 8.3 meters in height which is less than the 10.5 meters allowed in the zoning, this fits in with the mix of one, one-and-a-half, and two storey homes on the street. The style of the building is a modern style with sloped roofs which will complement the neighbourhood which is made up of homes primarily with sloped roofs.

LANDSCAPING (ENHANCING THE URBAN FOREST)

The landscaping plan for the development includes the planting of 2 trees along Penticton Avenue along with a planting bed that borders the sidewalk providing pleasing aesthetics and increased curb-appeal. Grassed rear yards will provide pleasant private areas for each unit.

WASTE MANAGEMENT

Garbage and recycling collection is provided by individual bins provided for each unit to be collected from the lane side of the property on collection days. The garbage and recycling bins will be screened from the lane with a wood fence.

FENCES

Six-foot-high wood privacy fences will be installed along the surrounding property lines excluding the front property line and will be stepped down to four feet within the front yard setback. Six-foot-high privacy fences will also be between each of the duplex rear yards.

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Development Permit

Permit Number: DP PL2023-9560

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:

Legal: Lot 93 District Lot 250 Similkameen Division Yale District Plan 881

Civic: 712 Penticton Avenue

PID: 011-992-476

- 3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a duplex as shown in the plans attached in Schedule 'A'.
- 4. In accordance with Section 502 of the Local Government Act a deposit or irrevocable letter of credit, in the amount of \$10,000.00 must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502 of the Local Government Act, to undertake works or other activities required to:
 - a. correct an unsafe condition that has resulted from a contravention of this permit,
 - b. satisfy the landscaping requirements of this permit as shown in Schedule 'A' or otherwise required by this permit, or
 - c. repair damage to the natural environment that has resulted from a contravention of this permit.
- 5. The holder of this permit shall be eligible for a refund of the security described under Condition 4 only if:
 - a. The permit has lapsed as described under Condition 8, or
 - b. A completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
- 6. Upon completion of the development authorized by this permit, an application for release of securities (Landscape Inspection & Refund Request) must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security in accordance with the City of Penticton Fees and Charges Bylaw (as amended from time to time).

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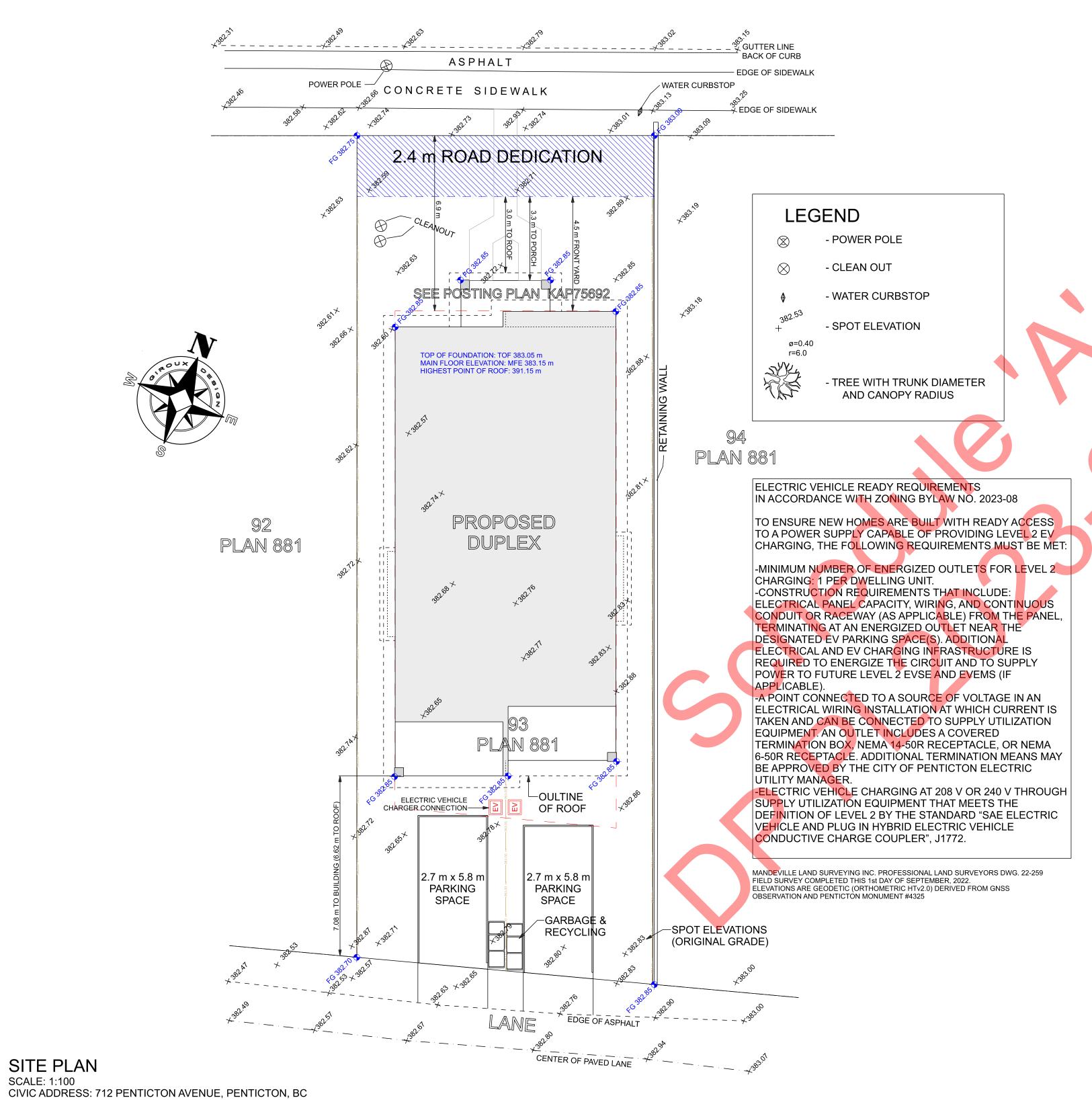
General Conditions

- 7. 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'.
- 8. 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.
- 9. 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.
- 10. 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.
- 11. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the 1st day of August, 2023
Issued this day of August, 2023.
Angela Collison Corporate Officer

DP PL2023-9560 Page 2 of 7

PENTICTON AVENUE



REGULATION	REQUIRED	PROPOSED	VARIANCE/CHANGE REQUIRED
OCP DESIGNATION	DR	DR	NO
ZONING	R2	RD2	YES
MINIMUM LOT WIDTH	9.1	11.7 m	NO
LOT AREA	275 m2	385.18 m2	NO
MAXIMUM LOT COVERAGE	40%	40% (153.7 m2)	NO
MAXIMUM DENSITY	0.95 FAR	0.72 FAR (276.9 m2)	NO
MAXIMUM HEIGHT	10.5 m	8.3 m	NO
MINIMUM FRONT YARD (NORTH)	4.5 m	4.5 m	NO
MINIMUM INTERIOR SIDE YARD (EAST & WEST)	1.5 m	1.5 m	NO
MINIMUM REAR YARD (SOUTH)	6.0 m	6.0 m	NO
PARKING SPACES (1 PER UNIT)	2	2	NO

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PLAN NO. WP-5784 SLAB SHEET NO. **A1**

DP PL2023-9560

SCALE: 1:100

PID: 011-992-476

LEGAL DESCRIPTION: LOT 93, DL 250, SDYD, PLAN 881

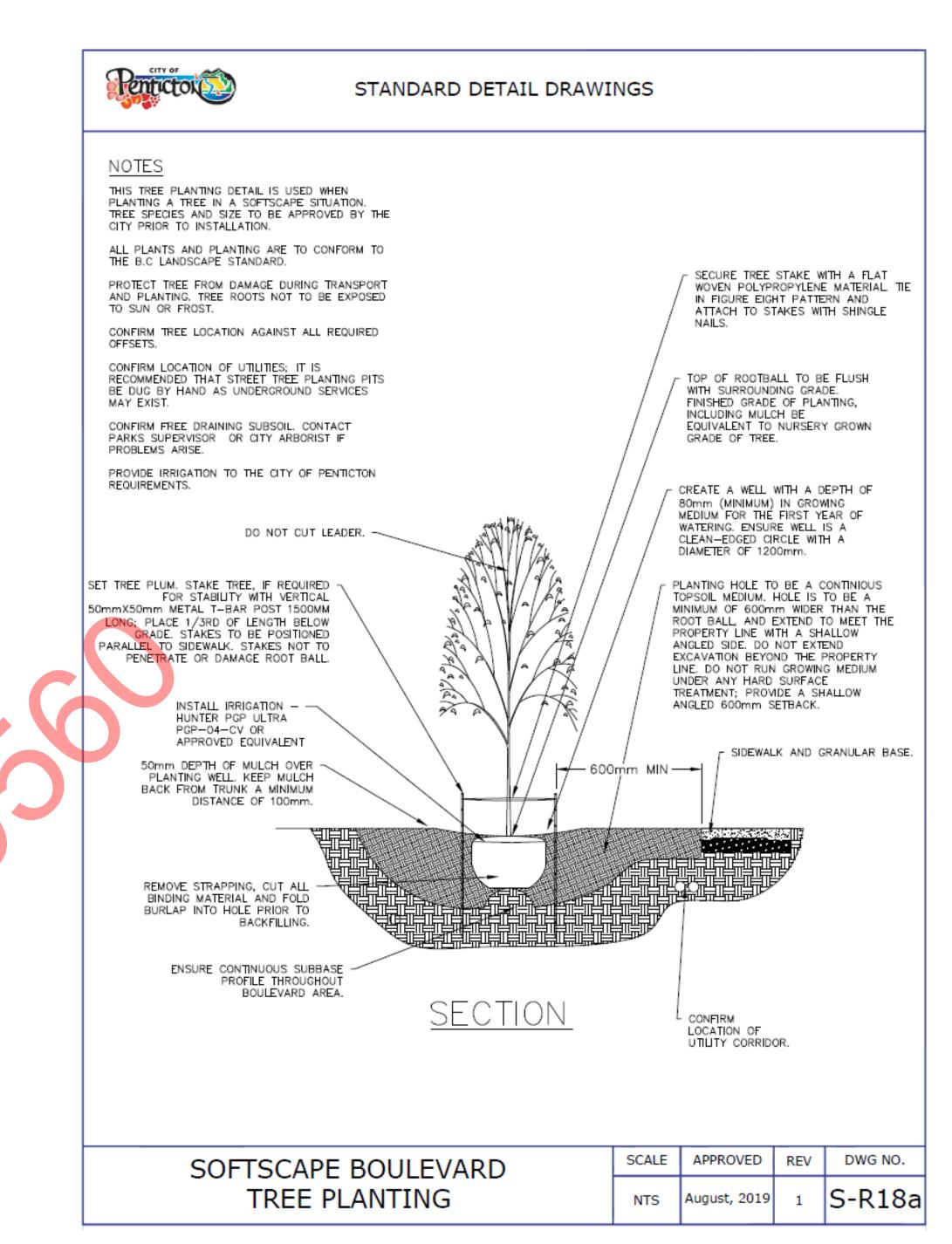
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G R SIGN Since 1950

PENTICTON AVENUE

LANDSCAPE PLAN

SCALE: 1:100 CIVIC ADDRESS: 712 PENTICTON AVENUE, PENTICTON, BC LEGAL DESCRIPTION: LOT 93, DL 250, SDYD, PLAN 881 PID: 011-992-476



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DP PL2023-9560

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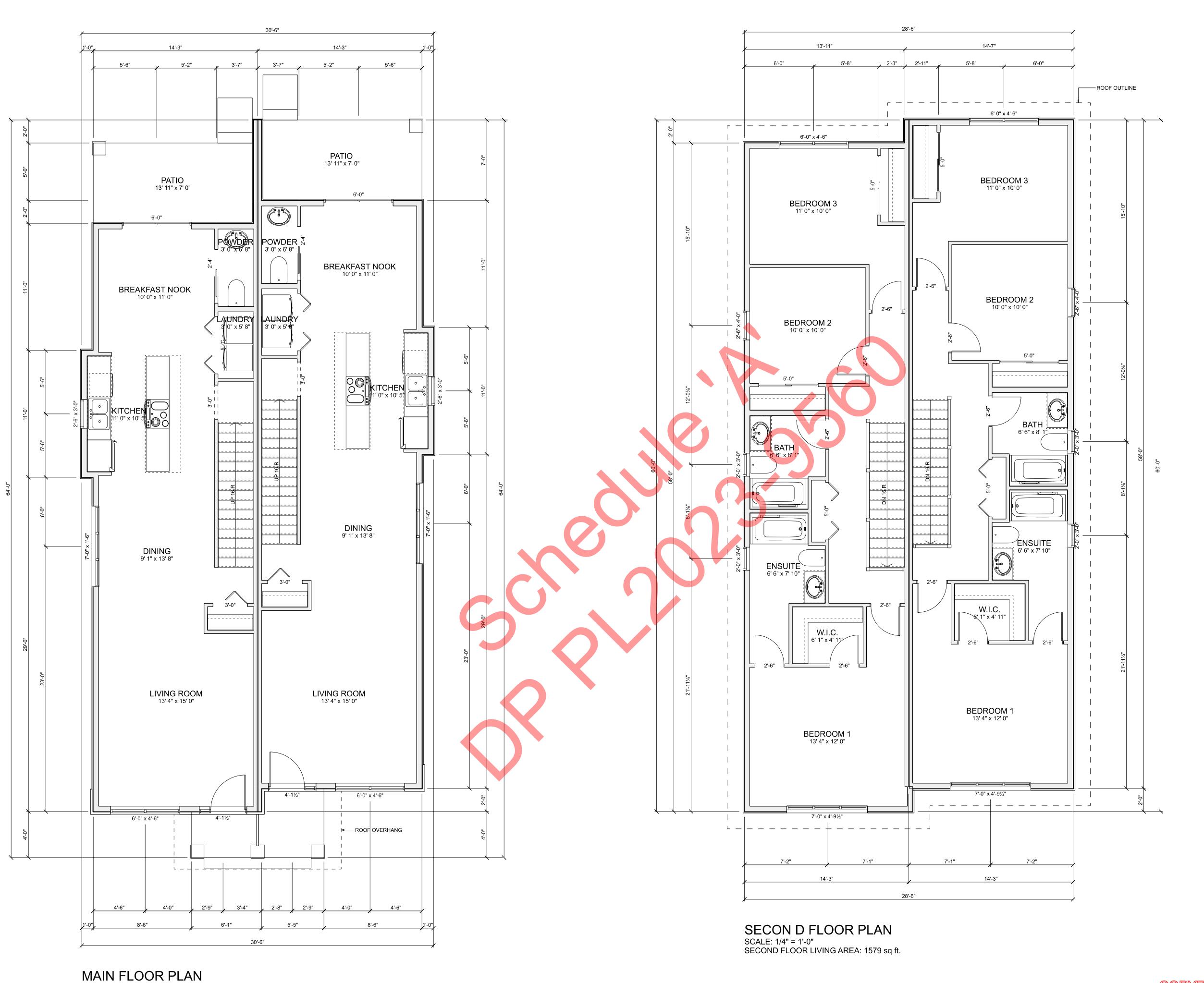
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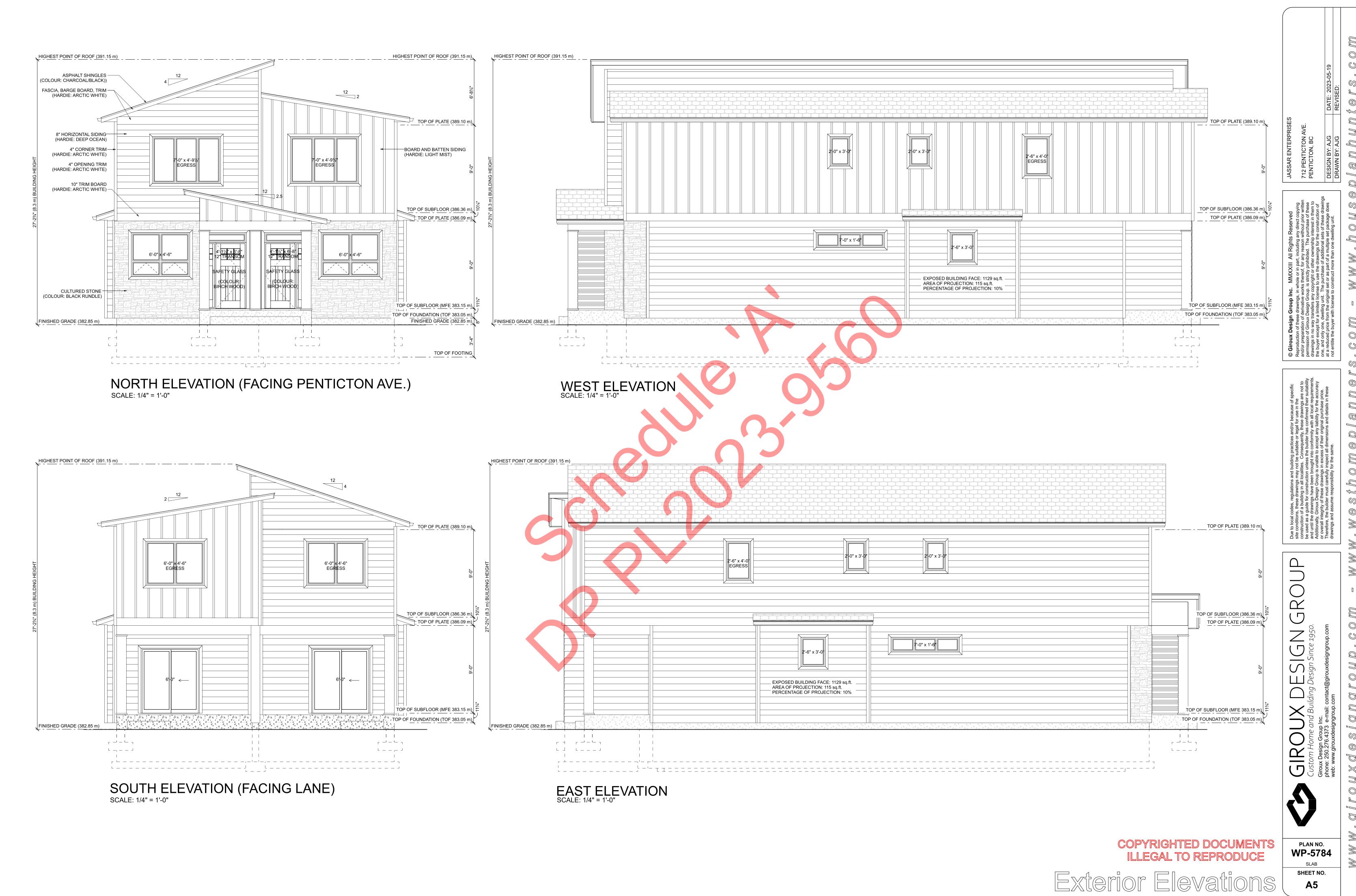


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Floor Plans

PLAN NO.
WP-5784
SLAB
SHEET NO.
A4

SCALE: 1/4" = 1'-0"
MAIN FLOOR LIVING AREA: 1402 sq ft.



DP PL2023-9560

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NORTH ELEVATION (FACING PENTICTON AVE.)
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION (FACING LANE)
SCALE: 1/4" = 1'-0"



EAST ELEVATION
SCALE: 1/4" = 1'-0"

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Colour Elevations

PLAN NO.
WP-5784
SLAB
SHEET NO.

A6

DESIGN GROUP ding Design Since 1950.

The Corporation of the City of Penticton

Bylaw No. 2023-23

A Bylaw to Amend Zoning Bylaw 2023-08

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the Local Government Act,

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw No. 2023-08;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title:

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2023-23".

2. Amendment:

2.1 Zoning Bylaw No. 2023-08 is hereby amended as follows:

Rezone Lot 93 District Lot 250 Similkameen Division Yale District Plan 881, located at 712 Penticton Avenue, from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane) as shown on Schedule 'A'.

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	day of	, 2023
A PUBLIC HEARING was held this	day of	, 2023
READ A SECOND time this	day of	, 2023
READ A THIRD time this	day of	, 2023
ADOPTED this	day of	, 2023

Notice of intention to proceed with this bylaw was published on the __ day of ____, 2023 and the __ day of ____, 2023 in an online news source and the newspaper, pursuant to Section 94.2 of the *Community Charter*.

Julius Bloom	field, Mayor	
Angie Colliso	n, Corporate Offic	Ωr



Schedule A: Zoning Amendment Bylaw 2023-23

Date: Corporate Officer:

