

As part of the Provincial Government's Housing Action Plan and new legislation (s. 464 of the Local Government Act, effective November 30, 2023), the City is prohibited from holding a Public Hearing for Zoning Amendment Bylaws that facilitate residential development and are consistent with the Official Community Plan. As such, there is no opportunity to speak to Council in person.

A new residential development is being proposed in your neighbourhood:

Properties:

424 Bennett Avenue

Lot 37 District Lot 250 Similkameen Division Yale District Plan 881

436 Bennett Avenue

Lot 36 District Lot 250 Similkameen Division Yale District Plan 881



Proposal:

The applicant is proposing to construct a single-family dwelling with a secondary suite, and a carriage house (3 dwelling units) on each property (Figure 1).

In order to proceed with the proposed development, the applicant has requested to rezone the properties from R2 (Small Lot Residential) to RD3 (Residential Infill).



Figure 1: Conceptual Rendering of Proposed Development

Information:

You can find the staff report and Zoning Amendment Bylaw No. 2024-03 on the City's website at www.penticton.ca/publicnotice or scan the QR code to the right.



Questions?

Please contact Jordan Hallam at 250-490-2429 or jordan.hallam@penticton.ca with any questions.

Council Consideration:

Council will consider giving first reading to Zoning Amendment Bylaw No. 2024-03 at its Regular Council meeting scheduled for **1:00 pm, Tuesday, February 6, 2024** in Council Chambers, Penticton City Hall, 171 Main St.

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

Written Submissions:

All submitted comments will be distributed to Council and must be received by mail or email no later than 9:30 am, Tuesday, February 6, 2024, to:

Attention: Corporate Officer, City of Penticton

171 Main Street, Penticton, BC V2A 5A9

Email: corpadmin@penticton.ca

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

Date: February 6, 2024
To: Anthony Haddad, City Manager
From: Jordan Hallam, Planner II
Address: 424 and 436 Bennett Avenue

File No: RMS/436 Bennett Ave

Subject: Zoning Amendment Bylaw No. 2024-03

Staff Recommendation

THAT Council give first, second, and third reading to "Zoning Amendment Bylaw No. 2024-03", for Lot 37 District Lot 250 Similkameen Division Yale District Plan 881, located at 424 Bennett Avenue, and for Lot 36 District Lot 250 Similkameen Division Yale District Plan 881, located at 436 Bennett Avenue, a bylaw to rezone the subject properties from R2 (Small Lot Residential) to RD3 (Residential Infill);

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2024-03", the following condition be met:

1. A 0.5 m wide road dedication along Bennett Avenue is registered with the Land Title Office.

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 single-family dwelling with a secondary suite, and a carriage house (3 dwelling units) on 424 and 436 Bennet Ave respectively (Figure 1). In order to proceed with the proposed development, the applicant has requested to rezone the properties from R2 (Small Lot Residential) to RD3 (Residential Infill).

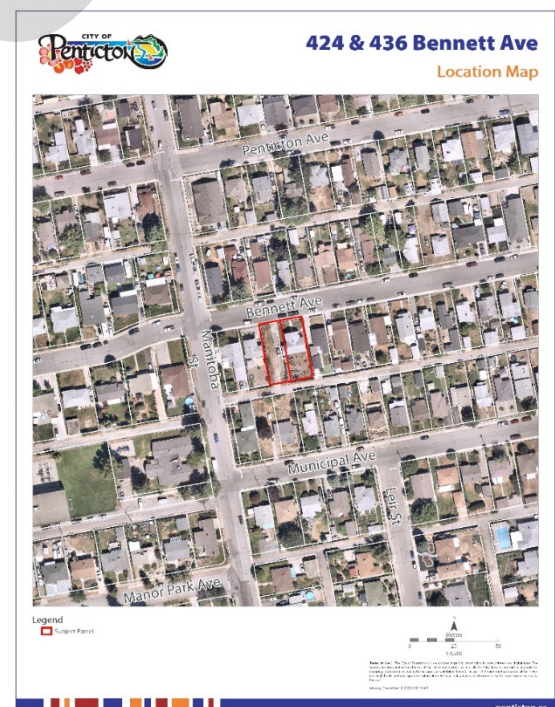


Figure 1 – Property Location Map

Background

The subject properties (Figure 1) are currently zoned R2 (Small Lot Residential) and is designated as 'Infill Residential' (Figure 3) by the Official Community Plan (OCP). 436 Bennett Ave contains a single family home that was constructed in the 1940's. 424 Bennett Ave is currently vacant with no buildings.



Figure 2 – Conceptual Rendering of Proposed Development

The surrounding area is a mixture of uses, including mostly single family dwellings directly adjacent, infill development, single family, duplexes, townhouses, and apartments. The properties are within walking distance of Carmi Elementary School and KVR Middle School, providing green space for future tenants and residents. The lands are 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)
Infill Residential 	Transitional lower-height residential areas with new housing types compatible with existing single detached houses in character and scale but providing more units per lot.	- Single detached houses with or without secondary suites and/or carriage houses - Duplexes with or without suites - Triplexes - Lower-density rowhouses - Small-scale neighbourhood commercial building (e.g., corner store, coffee shop).	- Residential - Limited retail/service	1 to 4 units per single lot - Consolidation of lots possible for lower scale multifamily developments - Generally up to 2 ½ storeys	- R1 - R2 - R3 - RD1 - RD2 - RD3 - C2

Figure 3 – OCP Land Use Designation

No Public Hearing

The proposed rezoning aligns with the underlying OCP designation of the City's OCP, therefore the City is prohibited from holding a public hearing as per the *Local Government Act*.

The *Local Government Act* still requires the City to mail public notice letters to nearby residents and post a public notice on the City's website that a Public Hearing is not being held, which staff have completed prior to the Council meeting. Any written submissions received in response to those notice letters will be shared with Council.

Financial Implication

The applicant is responsible for all development costs, including any service upgrades.

Climate Impact

The development proposes single-family dwelling with a secondary suite, and a carriage house (3 dwelling units) on the properties, increasing density in a core area of the city and is well served by transit and in close proximity to services and employment.

These buildings 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 than standard, 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). Typical servicing requirements have been identified for the Building Permit stage of the project, if the rezoning and development permit applications are supported by Council. These items have been communicated to the applicant.

Road Dedication

A 0.5 road dedication is required to allow the planting of boulevard trees along Bennett Ave. Staff worked with the applicant to ensure a total of 4 boulevard trees are planted on along the front of the properties.

Analysis

Zoning Amendment

The Official Community Plan (OCP) designation for the subject property is 'Infill Residential', which supports transitional lower-height residential areas with new housing types compatible with existing single detached houses in character and scale but providing more units per lot (Figure 3). Duplexes, carriage houses, and triplexes are some of the building types envisioned in this designation. The applicant is proposing to construct one single detached dwelling with a secondary suite, and one carriage house on each subject properties. The development and density proposed on the property are aligned with the vision of properties designated within the 'Infill 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 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 4.1.4.1	Work with the development community – architects, designers and buildings – 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 closer to collector roads, services and amenities).
OCP Policy 4.2.5.2	Encourage land use planning that results in neighbourhoods that can be easily serviced by transit.

The B.C. Provincial Government recently introduced “Small-Scale, Multi-Unit Housing” for municipalities to allow four units per lot effective June 30, 2024. In this case, the subject properties would be permitted to construct four units once these changes take place later in 2024.

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 RD3 to allow a total of 3 dwelling units on the property is consistent with the increased density and building forms envisioned by the ‘Infill Residential’ designation.

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. 2024-03”.

Attachments

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Photos of Property
- Attachment D – Letter of Intent and Development Permit Analysis (applicant)
- Attachment E – Draft Proposed Plans
- Attachment F – Zoning Amendment Bylaw No. 2024-03

Respectfully submitted,

Jordan Hallam
Planner II

Director of Development Services <i>BL</i>	GM of Infrastructure	City Manager
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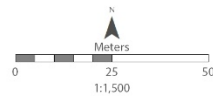
424 & 436 Bennett Ave

Zoning Map



Legend

- Subject Parcel
- R1 - Large Lot Residential
- R2 - Small Lot Residential
- RD1 - Duplex Housing
- RD2 - Duplex Housing: Lane
- C1 - Commercial Transition
- P1 - Public Assembly



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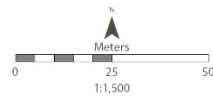
424 & 436 Bennett Ave

OCP Map



Legend

- Subject Parcel
- Institutional and Civic
- Infill Residential

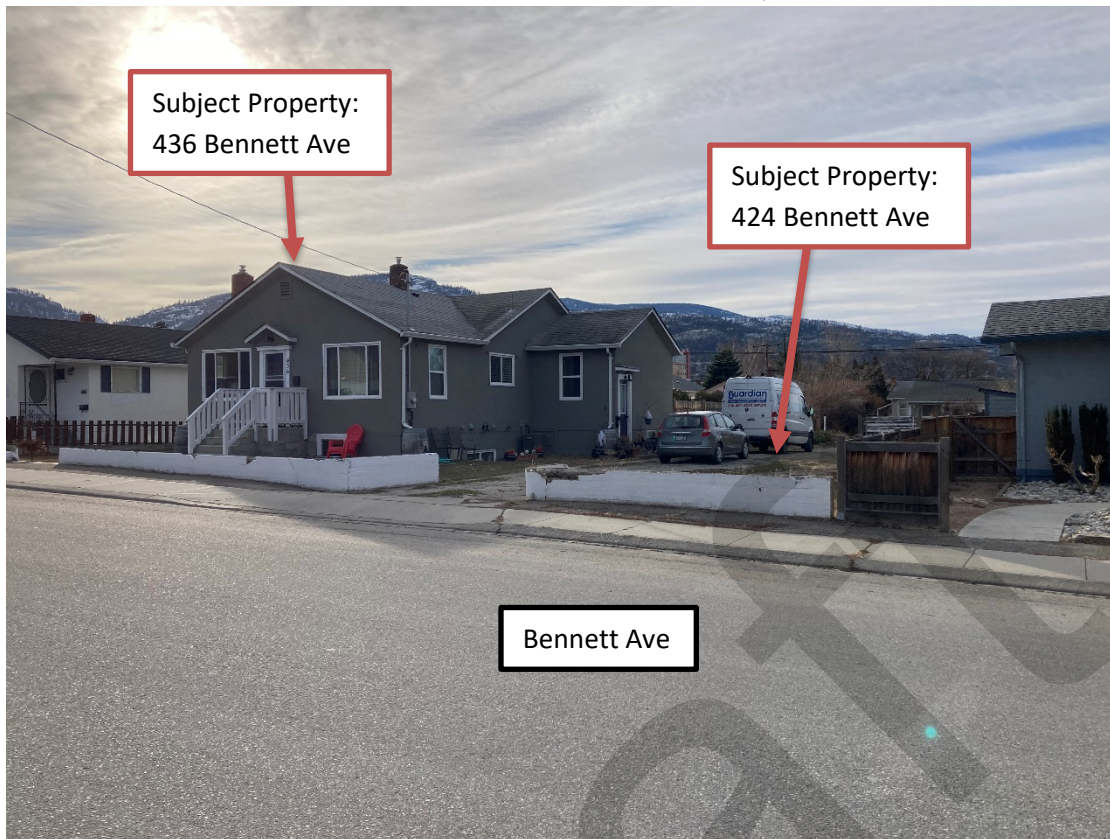


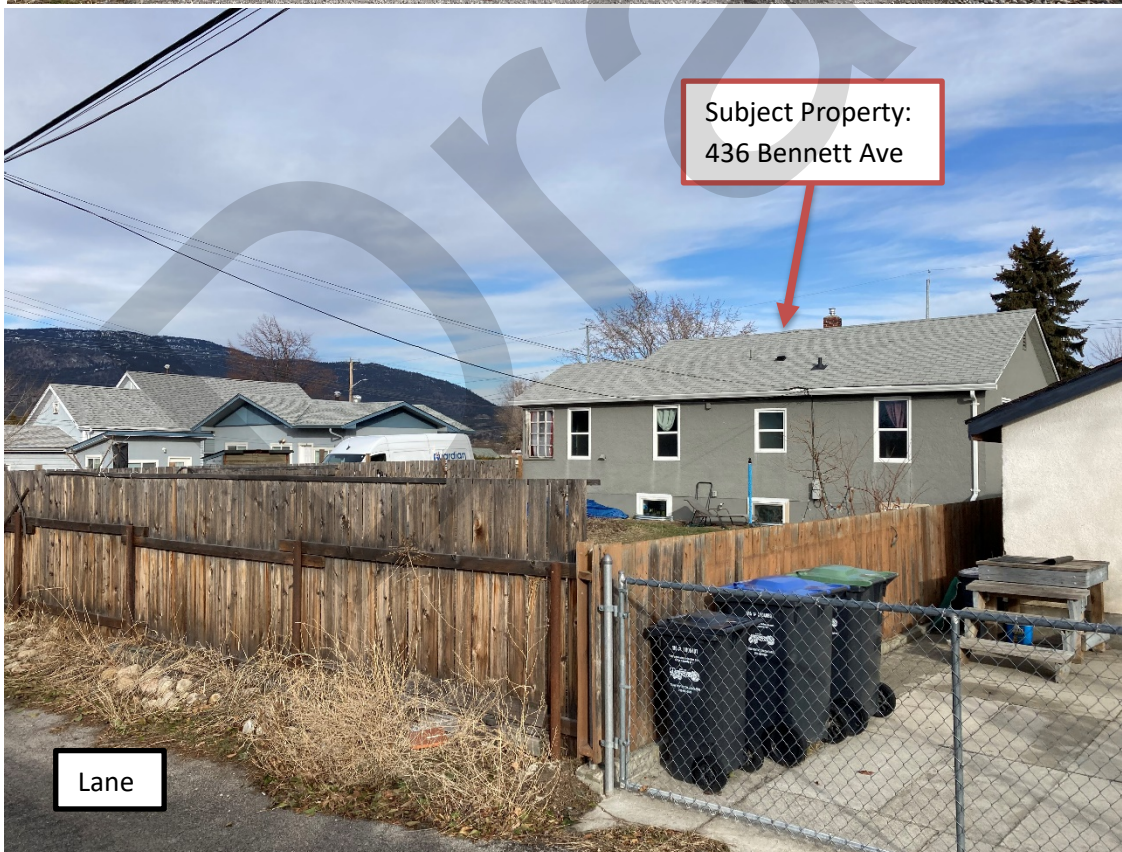
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Attachment C – Photos of Property





Planning Department
City of Penticton

171 Main Street
Penticton BC V2A 5A9
Phone: 250-490-2501

February 10, 2023

To Whom It May Concern,

Re: 436/424 Bennett Avenue

As mentioned in the DPA, the intended zoning change is from R2 to RD3, which would allow for a home with a suite and a carriage house off the alley at the rear of the properties.

I would like to build 3 rental units per property in a modern fashion that are very functional. Each building will have solar panels on the roof and EV charging stations for each parking location.

The landscaping will be well suited for the Okanagan with drought resistant trees and native grass with sitting areas to enjoy. The community will benefit from long term housing.

Regards,

Jesse Chapman
Personal Real Estate Corporation
(250) 490-6178

Planning Department
City of Penticton

171 Main Street
Penticton BC V2A 5A9
Phone: 250-490-2501

February 23, 2023

To Whom It May Concern,

Re: 436/424 Bennett Avenue

G1 The property runs on a north south access with the southern property line adjacent to the ally, which is perfect for solar (PV) collection. The design of the buildings has low sloped roofs facing south to allow for maximum solar benefit. G2 consideration was given to the neighbouring houses, however continuity in design is not present in this neighborhood, there are many styles of roof line and several types of siding. It appears that this neighborhood was constructed over many decades and does not have a particular style. So, in our design, we took the best principals from the neighborhood and used them in our plan with the addition of modern efficiency and finish.

G3 The yard/patio space between buildings will have morning sun, afternoon shade and evening sun. The upper deck on the carriage house will have sun for the full day in the winter when the sun is low on the horizon, and in the summer will have morning sun with afternoon shade. Each dwelling will have space for gardening and/or landscaping depending on the residents. Shade trees have also been included in the design to provide privacy, space for birds and potentially food. G8 The front yard of the principal unit will be an excellent place to have a group gathering with a built in BBQ and ground-level patio area. This area will be shaded in the summer afternoon, which is a must in the Okanagan. The mid-yard for the suite is approx. 300 sqft and private, allowing for a more intimate setting. And the carriage house exterior space mid yard is approx. 200 sqft enough space for intimate friends to have a get together, the carriage house also has an upper deck for morning coffee.

G13 We are very excited about this design, all units will have ground level entrances, i.e. the secondary suite in the house is spread over 2 floors so the fire separation is through walls rather than floors, walls are much easier to insulate for sound, this feature goes hand in hand with ground level entrances.

G16 Parking for 4 cars per property has been provided, EV charging stations will be installed on the properties all accessible from the rear of the property i.e., off the laneway. The driveways will not be paved but will be lined with permeable block to allow for drainage and a more attractive look.

G 20 The design we have submitted does not show windows on the east and west elevations, these windows will be added when the project comes to the building permit stage and will be dictated by the fire code allowances. Passive solar strategies implemented so far in this project are overhangs on the south facing openings, shade trees, and north south roof lines. The building is very boxy, this will give us a very tight building envelope making the building very efficient to build and to heat/cool. The single slope roof is also very easy to construct, maintain, operate as a source of power as well as water collection for future use as needed.

IR1 Front and rear setbacks for this project are constant with the existing neighborhood. IR2 This development will provide 6 dwelling units in the middle of town close to the hospital which is very attractive to people needing medical care and those that provide medical care. The location is on a public transit route and only a few blocks from 2 grocery stores and elementary/high school. Each property currently has 7 bedrooms with an optional extra bedroom in the carriage house. The carriage house has approx. 56% of the principal houses foot print and is about a meter shorter than the principal house so they complement each other in looks but the principal is the obvious dominant. IR7 The carriage house is the only dwelling with an upper-level balcony, this balcony faces the ally. The layout inside the buildings has the bedrooms facing north or south with washrooms on the east and west. By doing this, we minimize incursions in privacy with the neighbours and focus views toward the street and the private area between dwellings.

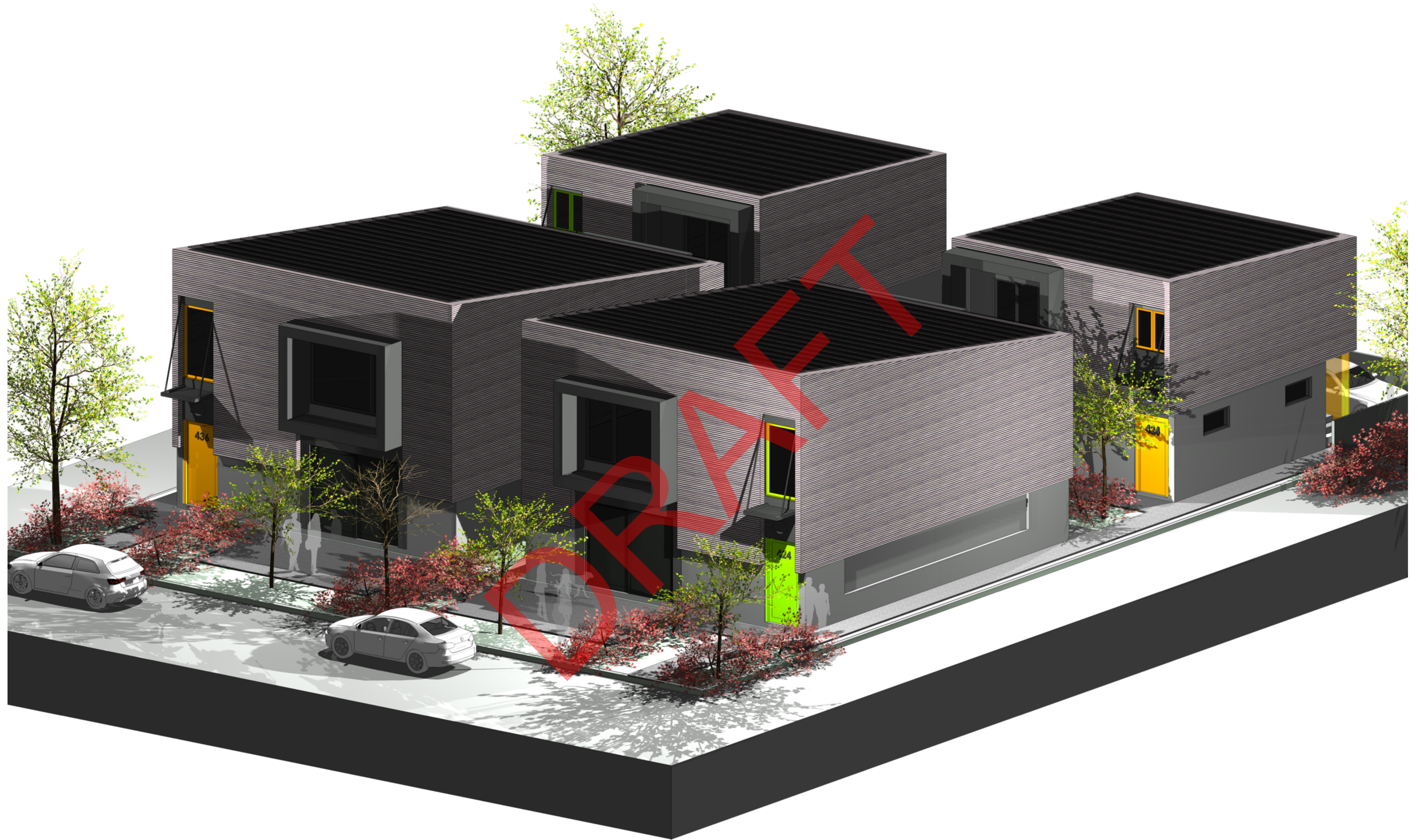
Thank you for considering this project, we are excited to build a highly efficient project that will benefit local renters.

Regards,

DocuSigned by:

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Jesse Chapman
Personal Real Estate Corporation
(250) 490-6178



SOLAR PV ENERGY FOCUS
NET-ZERO CONSTRUCTION

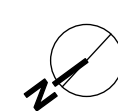
 DEVELOPMENT MODEL VIEW FROM SOUTH WEST

NEW RESIDENCE & SECONDARY SUITE WITH LANEWAY CARRIAGE HOUSE

REZONING APPLICATION TO RD3 - 424 & 436 BENNETT AVE. PENTICTON, BC - OCT 29 '23

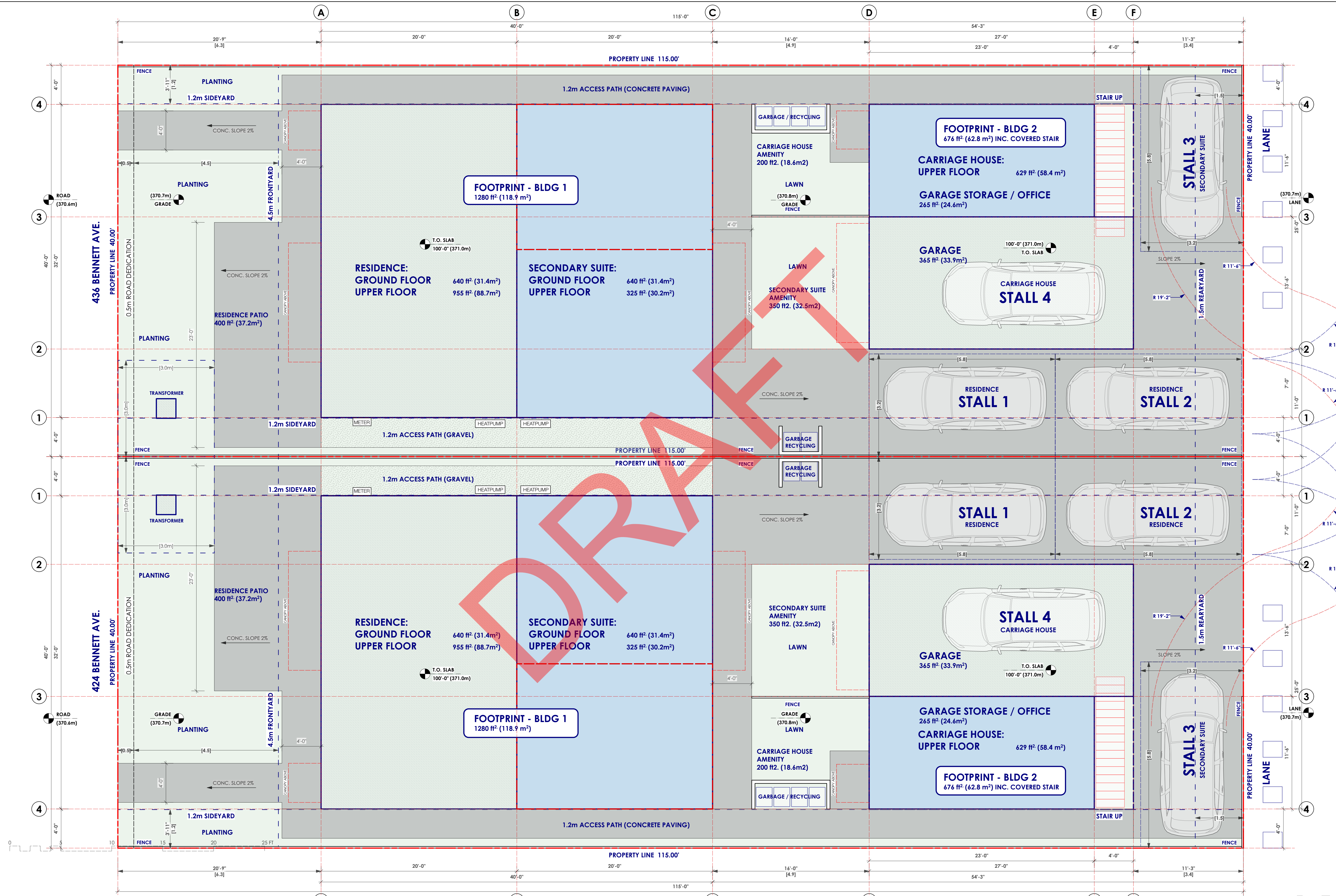


SOLAR PV ENERGY FOCUS
NET-ZERO CONSTRUCTION

 DEVELOPMENT MODEL VIEW FROM SOUTH WEST

NEW RESIDENCE & SECONDARY SUITE WITH LANEWAY CARRIAGE HOUSE

REZONING APPLICATION TO RD3 - 424 & 436 BENNETT AVE. PENTICTON, BC - OCT 29 '23



SITE PLAN- 424 & 436 BENNETT AVE.
SCALE 1:50 (24X36)

NEW RESIDENCE & SECONDARY SUITE WITH LANEWAY CARRIAGE HOUSE

SITE PLAN 424 & 436 BENNETT AVE.

A1.0



424 and 436 Bennett Ave.

Zoning Amendment Bylaw No. 2024-03

Date:

Corporate Officer:



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Monday, January 15, 2024 1:57 PM

Meters
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Coordinate System: NAD 1983 CSRS UTM Zone 11N