

January 25, 2018

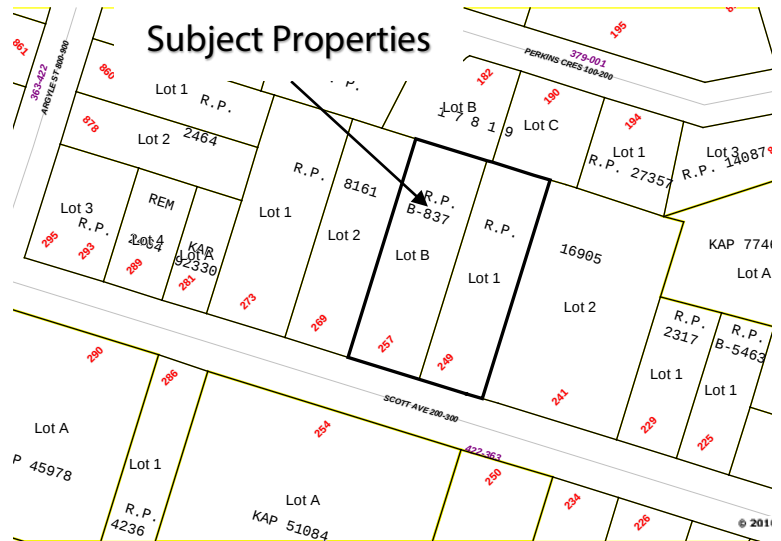
Subject Properties:

257 Scott Avenue

Parcel B (Plan B837) of Lot 3, District Lot 250, Similkameen Division Yale District, and of District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 582

249 Scott Avenue

Lot 1, District Lot 250, Similkameen Division Yale District, Plan 16905



Application:

Development Variance Permit PL2017-8115

The applicant is proposing to convert eight parking spaces into four bachelor-suite apartments. To do so, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 6.5 (Table 6.5): to waive the visitor parking requirements.
- Section 10.9.3.1: to reduce the minimum amenity space from 20.0m² per unit to 0m².

Information:

The staff report to Council and Development Variance Permit PL2017-8115 will be available for public inspection from **Friday, January 26, 2018 to Tuesday, February 6, 2018** at the following locations during hours of operation:

- Penticton City Hall, 171 Main Street
- Penticton Library, 785 Main Street
- Penticton Community Centre, 325 Power Street

You can also find this information on the City's website at www.penticton.ca/publicnotice.

Please contact the Planning Department at (250) 490-2501 with any questions.

Council Consideration:

Council will consider this application at its Regular Council Meeting scheduled for **6:00 p.m., Tuesday, February 6, 2018** in Council Chambers at Penticton City Hall, 171 Main Street.

Public Comments:

You may appear in person, or by agent, the evening of the Council meeting, or submit a petition or written comments by mail or email no later than **9:30 a.m., Tuesday, February 6, 2018** to:

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

No letter, report or representation from the public will be received by Council after the conclusion of the February 6, 2018 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.

Blake Laven, RPP, MCIP
Manager of Planning

Date: February 6, 2018
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 249 & 257 Scott Avenue
Subject: Development Variance Permit PL2017-8115

File No: DVP PL2017-8115

Staff Recommendation

THAT Council approve "Development Variance Permit PL2017-8115" for Lot 1 District Lot 250 Similkameen Division Yale District Plan 16905, located at 249 Scott Avenue and for Parcel B (Plan B837) of Lot 3 District Lot 250 Similkameen Division Yale District and of District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 582, located at 257 Scott Avenue, a permit to waive the visitor parking requirements and to reduce the minimum amenity space from 20m² to 0m².

AND THAT approval of "Development Variance Permit PL2017-8115" be conditional on the following:

- That the developer entering into a Housing Agreement with the City of Penticton requiring participation in the South Okanagan Brain Injury Society (SOSBIS) landlord partnership program or other eligible similar program for four units within the building for a minimum of 20 years.
- That the two lots be consolidated.

AND THAT staff be directed to prepare a Housing Agreement Bylaw for the subject property.

AND FURTHER THAT staff be directed to issue "Development Variance Permit PL2017-8115" after registration of the Housing Agreement.

Background

The subject properties (Attachment A) are zoned RM3 (Medium Density Multiple Housing) and designated by the City's Official Community Plan as MR (Medium Density Residential). Photos of the site are included as Attachment E. A 48-unit apartment is constructed on the subject lands. The surrounding properties are zoned RD1 (Duplex Housing), RM2 (Low Density Multiple Housing). Surrounding properties are similarly designated by the OCP as MR (Medium Density Residential).

The owner has been in discussion with the South Okanagan Similkameen Brain Injury Society (SOSBINS) and has entered into their landlord partnership program where private market landlords provide units within their buildings for persons from the 100 Homes Penticton supportive housing registry. The persons on the registry are those with life situations that make them vulnerable to homelessness (low income, disability, recovering from addictions etc). The owner wishes to create four additional apartment units in the apartment for the

landlord partnership program by infilling part of the underutilized parking lot. This is seen as a low cost and low impact way to add additional units to the building and the city's rental stock.

The owner of the apartment building has been fixing the building up since purchasing the property approximately five years ago. The building has never had any vacancies in that time and there is strong demand for units as they become available. The new suites will be located on the ground floor of the building, integrated into the parking area as shown in the images attached as Attachment E of the report. Each suite is intended to have windows and doors into the central parking area and will be desirable studio units, according to the owner of the building.

Proposal

The applicant is proposing to convert eight parking spaces into four bachelor-suites. To do so, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 6.5 (Table 6.5): to waive the visitor parking requirements.
- Section 10.9.3.1: to reduce the minimum amenity space from 20.0m² per unit to 0m².

Financial implication

As the developer is prepared to enter into a housing agreement with the City of Penticton for four units in the building to provide housing for individuals at risk of homelessness, the Development Cost Charge Reduction Bylaw provides for a 100% reduction of the applicable DCCs (\$5,548 per unit X 4 = \$22,192).

Technical Review

This application was forwarded to the City's Technical Planning Committee (TPC) and reviewed by the Engineering and Public Works Departments. Servicing and technical requirements have been identified and will be addressed at the building permit stage. If the requests for the variances are supported, BC Building Code and City bylaw provisions will apply.

Development Statistics

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

Item	Requirement RM3 zone	Proposed
Maximum Density:	1.6 FAR	1.6 FAR
Vehicle Parking:	-1 space per dwelling unit (52) + 0.25 per unit for visitors (13) = 65 required	52 spaces (variance required for 13 visitor spaces)
Amenity Area:	20m ² per unit	0m ² (variance required)
Other Information:	- The subject property is located within the General Multiple Family Development Permit Area, thus a development permit is required, which is staff-issuable.- The setbacks and building height do not apply as the construction will occur within the existing building footprint.	

Analysis

Support Variance

When considering a variance to a City bylaw, staff encourages Council to be mindful of any constraints on the property that makes following the bylaw difficult or impossible; whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

Section 6.5 (Table 6.5): to waive the visitor parking requirements.

- The building currently has 54 parking spaces for 48 dwelling units. Eight of those parking spaces are proposed to be converted to four dwelling units. The developer is prepared to reconfigure the existing parking layout to create 52 parking spaces for 52 dwelling units so that every dwelling unit is provided with one vehicle parking space. The developer is required to provide 0.25 spaces per unit for visitor parking for a total of 13 additional spaces. The variance before Council is to waive the visitor parking requirements.
- In the letter of intent submitted with the application, the building owner states that the parking spaces within the development are currently underutilized. Visitors to the building generally park on the street and many of the tenants do not drive vehicles. The owner has also stated that he does not charge for parking. Parking is free for tenants and is still underused. This has led to the opportunity to infill part of the parking for the new units and for a basketball court.
- Furthermore, the developer has agreed to enter into a housing agreement with the City to set aside a total of four units in the building for persons from the supported housing registry. It is anticipated that these residents will not have a vehicle. The apartment is in close proximity to the downtown and transit routes, strengthening the case for the variance request.

Section 10.9.3.1: to reduce the minimum amenity space from 20.0m² per unit to 0.

The developer is adding four units, thus 80m² of amenity space is required. The existing building is non-conforming as it does not meet the current requirement for amenity space. Although the amenity space is minimal, most of the units have decks or some form of amenity area. The buildings are two blocks from Kings Park and in close proximity to the library and museum. For these reasons and given that only four bachelor suites are being added and no amenity space is being removed, it is reasonable to support the variance.

For the reasons listed above, staff are recommending that Council support the variance requests, subject to the registration of the housing agreement.

Deny/Refer Variance

Council may consider that the proposed variance and reduction for visitor parking requirements will negatively affect the neighborhood. If this is the case, Council should deny the variance. The applicant has

advised that visitors to the complex rarely utilize on-site parking and on most occasions use the available on-street parking – as it is available for any member of the public.

Housing Agreement

The provincial *Local Government Act* gives the City the statutory authority to enter into a housing agreement with a developer for the following purposes:

- To restrict the form and tenure of housing units;
- To control the availability of units, including the manner in which the units will be made available to certain persons; and,
- To establish rents and leases that may be charged and how they may be increased over time

In this case, the agreement would require the property owner to have four (4) units dedicated to the supportive housing registry kept by 100 Homes Penticton and managed by the South Okanagan Similkameen Brian Injury Society's landlord partnership program. The agreement would be adopted as a bylaw. If Council is supportive of the variance permit request, staff will begin preparation of the agreement for Council's consideration at an upcoming meeting. Entering into the agreement would also qualify the developer to not pay development cost charges for the subject units, if the agreement was a minimum of 20 years in length.

Alternate Recommendations

1. THAT Council support DVP PL2017-8115 with conditions.
2. THAT DVP PL2017-8115 be referred back to staff.

Attachments

Attachment A: Subject Property Location Map
Attachment B: Zoning Map
Attachment C: OCP Map
Attachment D: Site Plan
Attachment E: Photos of Subject Property
Attachment F: Letter of Intent
Attachment G: Development Variance Permit PL2017-8115

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS	CAO
	

Attachment A – Subject Property Location Map

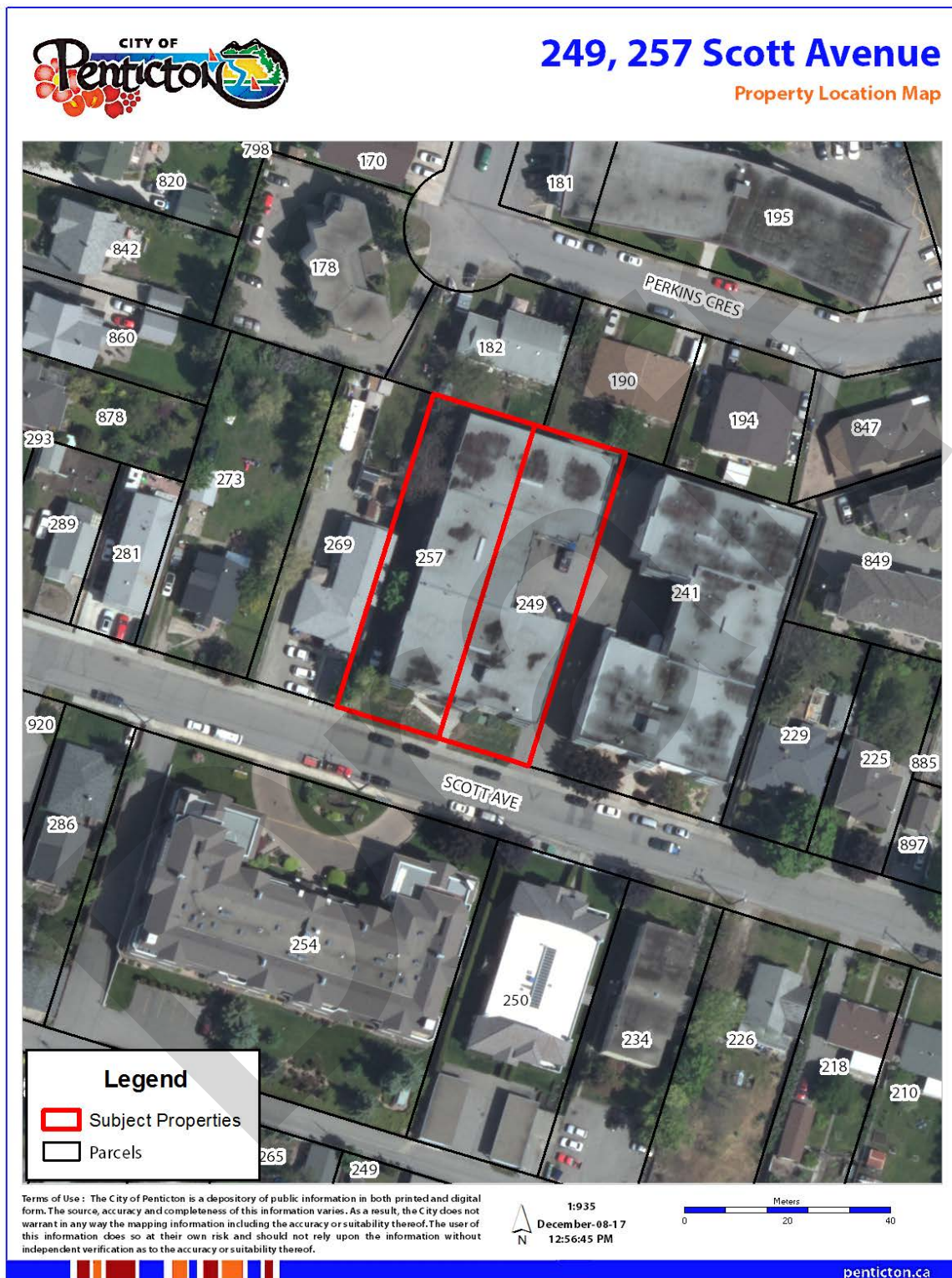


Figure 1: Subject Property Location Map

Attachment B – Zoning Map

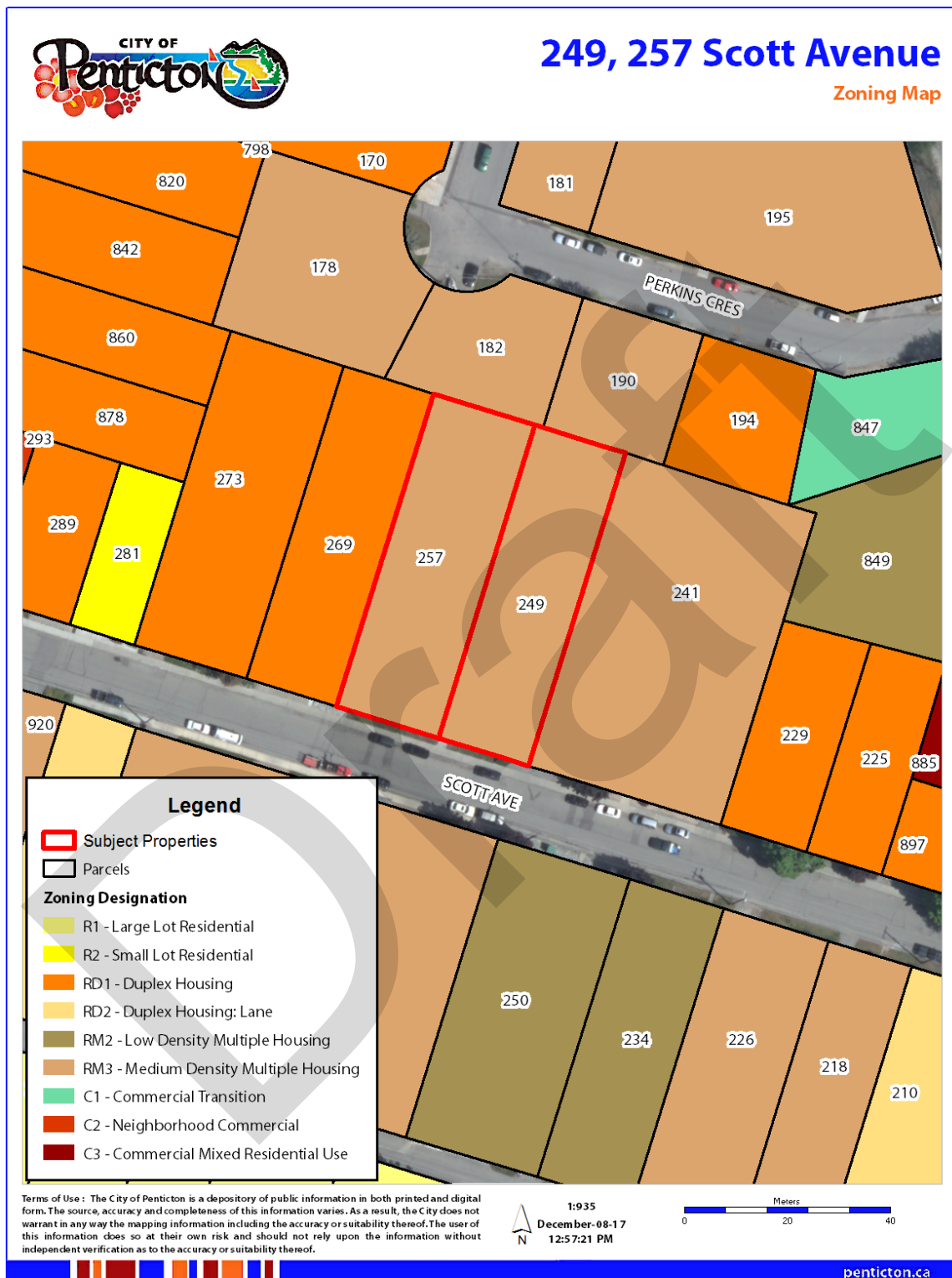


Figure 2: Zoning Map

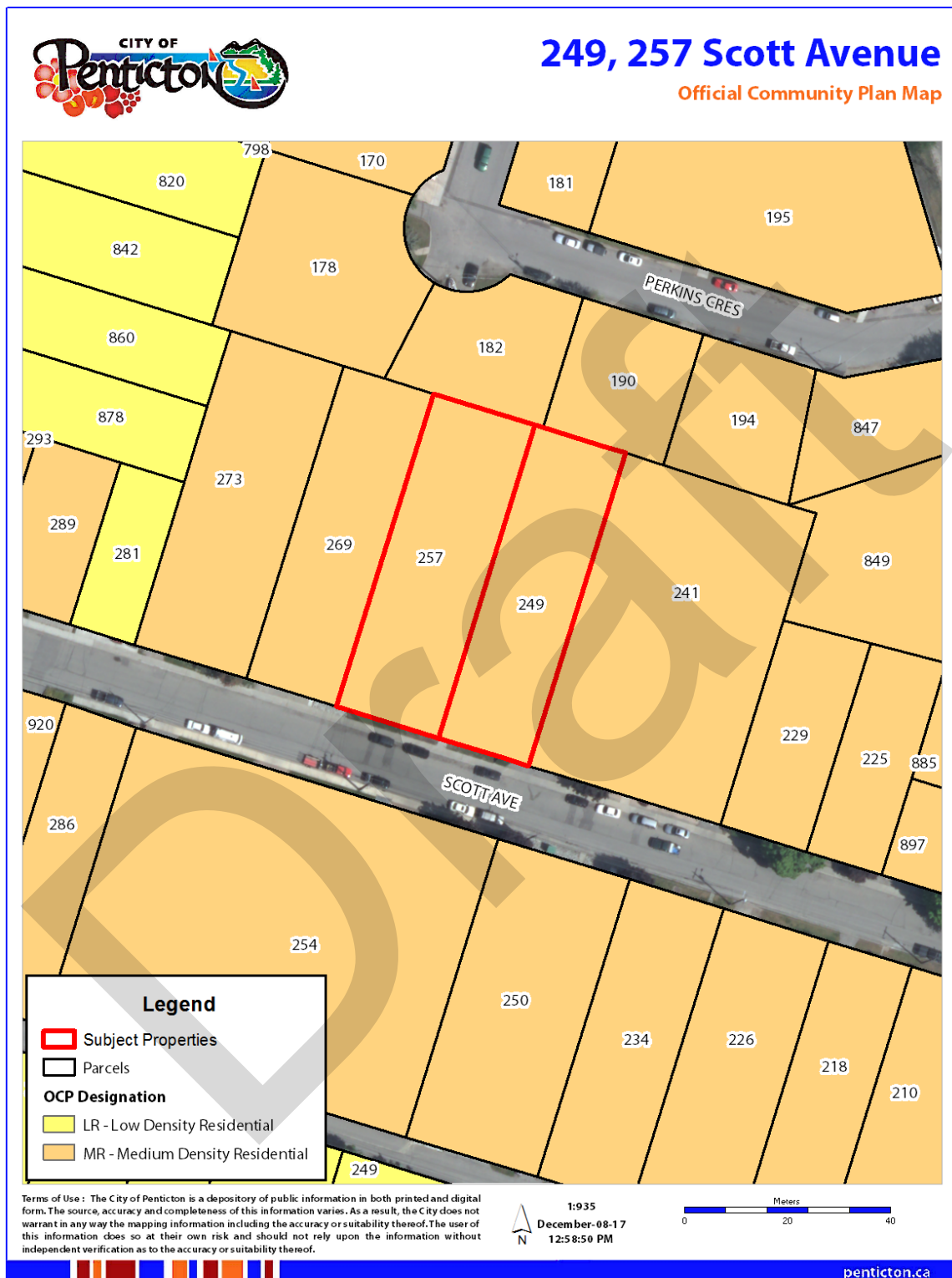


Figure 3: OCP Map

Attachment D – Site Plan

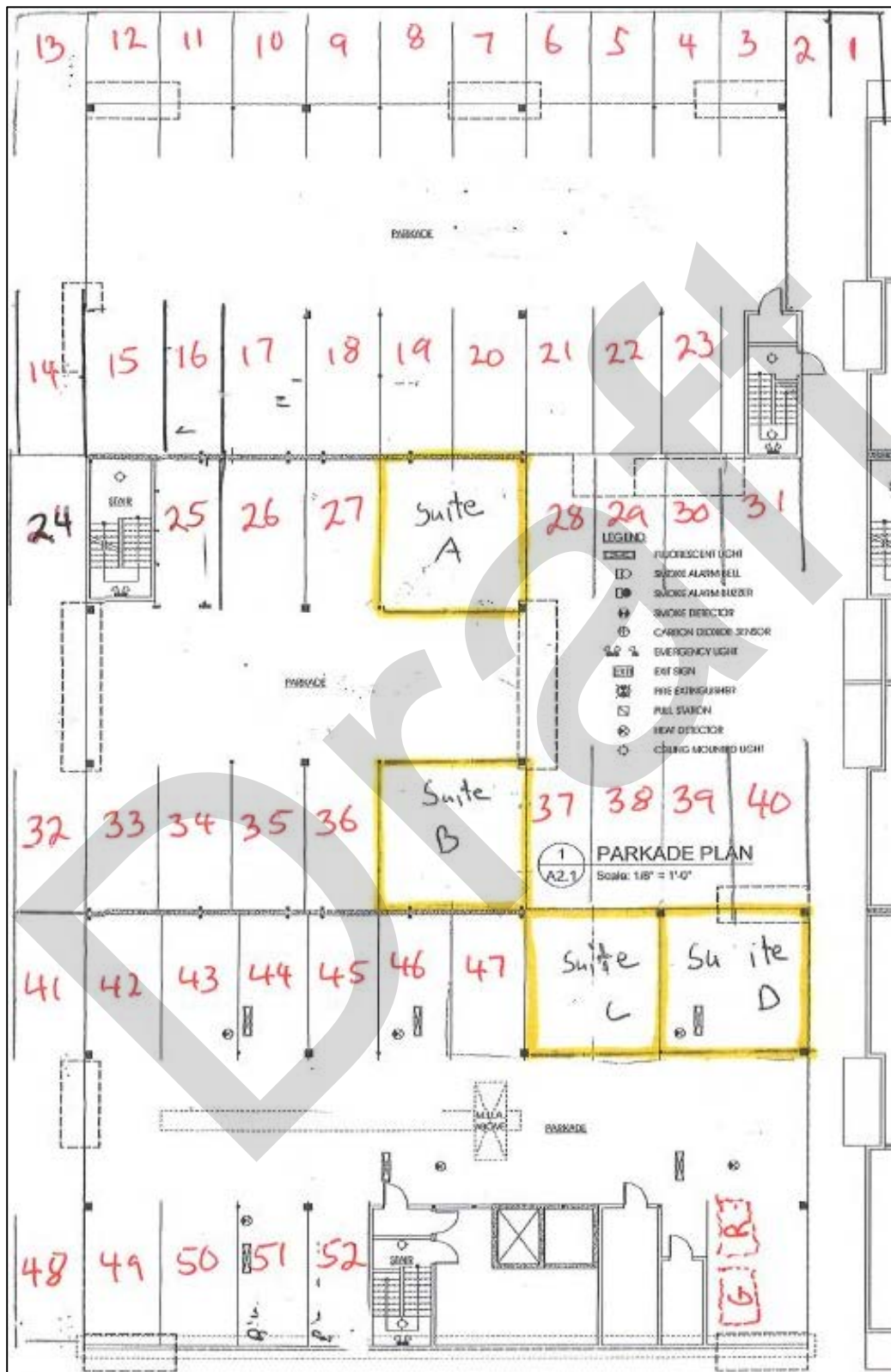


Figure 4: Proposed Site Plan showing conversion of parking spaces to suites

Attachment E – Photos of Subject Property



Figure 5: Proposed Location for Suite A



Figure 6: Proposed Location for Suites B, C and D



Figure 7: Proposed Location for Suites C and D



Figure 8: Bicycle Parking

Variance Application for 257 Scott Ave	Jan 18/18
Blake Laven Randy Houle Penticton Planning Department	
Re: Development Variance to allow for Four Additional Ground Level Bachelor Suites	
I am submitting a development variance to allow the construction of Four Ground level accessible bachelor suites. These four suites will bring the total number of suites to 52. The building has 60 parking spaces and will have 52 after the four suites are completed which is one space per suite. I am requesting that the 13 visitor parking spaces that be varied to allow the construction of these suites. I have agreed to enter into a 20-year housing agreement with BC Housing (SOBIS) and the city for four bachelor suites to help alleviate the housing strain at this time. I currently have over 20 tenants in the building without cars and a need for parking. That is a standard demand for parking in my building with its proximity to the downtown core and transit. At current we have over 16 vacant spots and street parking which is used very little. The maximum FAR is 3950.3 <u>sq</u> meters and the proposed FAR is 3938.2 sq. Meters. The following variance requested is the reduction of parking from the required 65 spots (including parking) to 52 and the provision of the required 20 Meter per unit amenity space for the four proposed units by providing a common outdoor basketball area. Yours Truly Jeff McFarland Owner	

Figure 9: Letter of Intent



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Variance Permit

Permit Number: DVP PL2017-8115

Name:
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 1 District Lot 250 Similkameen Division Yale District Plan 16905
 - Civic: 249 Scott Avenue
 - PID: 008-509-280
 - Legal: Parcel B (Plan B837) of Lot 3 District Lot 250 Similkameen Division Yale District and of District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 582
 - Civic: 257 Scott Avenue
 - PID: 012-193-721
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 four additional bachelor suites.
 - Section 6.5 (Table 6.5): to waive the visitor parking requirements.
 - Section 10.9.3.1: to reduce the minimum required amenity space from 20.0m² per unit to 0.

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**

7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the 6 day of February, 2018.

Issued this ____ day of _____, 2018

Dana Schmidt,
Corporate Officer

DVP PL2017-8115

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