



Public Notice

penticton.ca

May 10, 2018

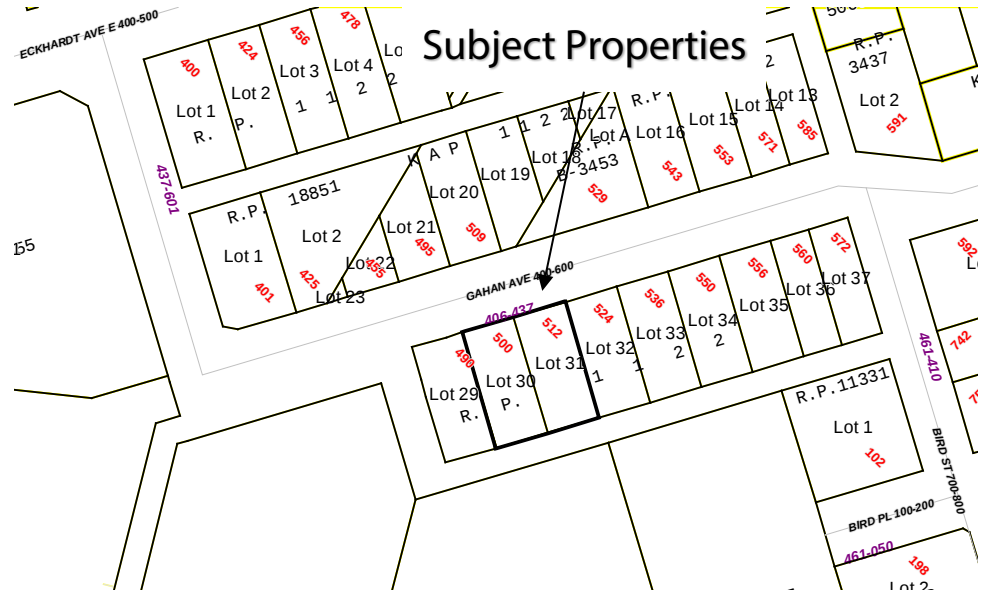
Subject Properties:

500 and 512 Gahan Avenue

Lot 30 and 31, District Lot 202
Similkameen Division Yale District,
Plan 1122

Application:

The applicant is proposing to construct a 4-unit townhouse with suites (8 units total). In order to facilitate the project, they have applied for the following:



Rezone PL2018-8192

Rezone 500 and 512 Gahan Avenue from R2 (Small Lot Residential) to RM5 (Urban Residential)

Information:

The staff report to Council and Zoning Amendment Bylaw 2018-26 will be available for public inspection from **Friday, May 11, 2018 to Tuesday, May 22, 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:

A Public Hearing has been scheduled for **6:00 pm, Tuesday, May 22, 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 am, Tuesday, January 22, 2018** to:

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

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No letter, report or representation from the public will be received by Council after the conclusion of the May 22, 2018 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.

Blake Laven, RPP, MCIP
Manager of Planning



Council Report

penticton.ca

Date: May 8, 2018 **File No:** PRJ2018-052
To: Peter Weeber, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 500 & 512 Gahan Avenue
Subject: Zoning Amendment Bylaw No. 2018-26 and Development Permit PL2018-8194

Staff Recommendation

Zoning Amendment Bylaw

THAT "Zoning Amendment Bylaw No. 2018-26", a bylaw to rezone Lot 30, District Lot 202, Similkameen Division Yale District Plan 1122, and Lot 31, District Lot 202, Similkameen Division Yale District Plan 1122, located at 500 & 512 Gahan Avenue, from R2 (Small Lot Residential) to RM5 (Urban Residential), be given first reading and be forwarded to the May 22, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-26", the owner be required to consolidate both lots.

Development Permit

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2018-26", approve Development Permit PL2018-8194, for the consolidated parcel of Lot 30, District Lot 202, Similkameen Division Yale District Plan 1122, and Lot 31, District Lot 202, Similkameen Division Yale District Plan 1122, located at 500 & 512 Gahan Avenue, a permit that allows for the construction of a townhouse with 4 units and 4 suites.

Excess and Extended Service

THAT Council, in accordance with Section 507 of the *Local Government Act*, require the full construction of the lane along the rear of the property and the rear of 490 Gahan Avenue tying into the works into the existing lane, representing an excess and extended service.

Strategic Objective

The subject application demonstrates that it is aligned with the Council Priorities of Community Building and Economic Vitality. The application represents smart growth by increasing density in areas where existing services are in place, and in areas close to transit, commercial and employment centers.

Background

The subject properties (Attachment 'A') are currently zoned R2 (Small Lot Residential), but are designated for medium density residential by the City's Official Community Plan. Currently, the site contains an older single family dwelling which straddles both lots and was constructed in approximately 1925. The properties are located along the KVR Trail within close proximity to Penticton Secondary School and the downtown.

The intention of the applicant is to demolish the existing house, consolidate the two properties, and construct a 4-unit townhouse with suites (total of 8 units). The units will front Gahan Avenue with vehicle

access to enclosed garages from the lane. The Zoning Map of the neighbourhood (Attachment 'B') indicates that there is a mix of zones within the neighbourhood including R2 (Small Lot Residential), RD1 (Duplex Housing), RD2 (Duplex Housing: Lane), RM2 (Low Density Multiple Housing), RM3 (Medium Density Multiple Housing), P1 (Parks Assembly), and P2 (Parks and Recreation). The existing neighbourhood contains a mixture of single family homes, duplexes, and townhouses, but is undergoing transformation. There is currently a development occurring at 388 Eckhardt Ave E, where a 24-unit townhouse is being constructed. Other forms of urban residential infill can be seen on the neighbouring streets of Papineau Street and Bird Street.

The applicant is required to attain a Development Permit for the proposed development, as the property is located within the General Multiple Family Development Permit Area.

Proposal

The applicant is proposing that the subject property be rezoned from R2 (Small Lot Residential) to RM5 (Urban Residential), to facilitate the development of a 4-unit townhouse with suites (total 8 units). The applicant is intending to demolish the existing single family dwelling and consolidate the lots prior to construction.

The applicant is required to attain a Development Permit for the form and character of the building, as the properties are located within the General Multiple Family Development Permit Area.

Technical Review

This application was reviewed by the City's Technical Planning Committee on March 22, 2018. Upon consolidation of the lots, the applicant will be required to terminate one water service (there is currently two). There is also an existing sanitary service to the property. Any upgrades required will be at the applicant's expense. The proposed building is required to conform to the BC Building Code. These items have been communicated to the applicant.

Zoning Bylaw No. 2017-08 provides a provision that allows for developers to pay cash-in-lieu when reducing landscaping buffers, as permitted through Section 5.3.4 and Section 5.3.5 of the Zoning Bylaw No. 2017-08. This section allows for buffer widths for residential – multiple family developments to be reduced to the actual setback of the building. The applicant is required to pay \$2,250.00 in lieu of 5 trees not being planted. These funds are deposited into the Urban Forest Reserve Fund to be used for tree infilling in the City. This has been communicated to the applicant.

Gahan Avenue is included in the 2018 Capital Works Plan. The construction is scheduled to start in May 2018 and be completed near the end of June. The upgrade will be a complete rebuild of the corridor including sidewalk on one side and new curb and gutter, new water mains, storm infrastructure and new asphalt. As these works are included in the Capital Plan and are to be completed in the next few months, the developer will not be required to contribute financially to the project.

Lane construction is not in the scope of the Capital project. Staff are recommending that the developer be responsible for the full width of the lane and to tie into the newly constructed works. The developer has no objection to this requirement, as this lane is the main vehicle access point to the development and is in poor condition. This represents an 'excess or extended service' as per Section 507 of the *Local Government Act*. Under that section of the Act, Council can require works beyond the bylaw requirement, but the developer can then recoup any costs for the works from any neighbouring properties that develop over the next 15 years.

Financial Implication

The application does not pose any significant financial implications to the City. Development costs are the responsibility of the developer. The developer will be paying for the upgrade of a City lane that is deemed to be in poor condition at their cost. The developer will also be contributing over \$2,000 towards improving the City's urban forest.

Development Statistics

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

	Requirement RD2 Zone	Provided on Plans
Minimum Lot Width:	10 m	24.38 m
Minimum Lot Area:	275 m ²	669 m ²
Maximum Lot Coverage:	100%	41.6%
Maximum Density:	2.0 Floor Area Ratio (FAR)	0.8 Floor Area Ratio (FAR)
Vehicle Parking:	5 (1 per unit, plus 0.25/unit for visitor parking) <i>RM5 does not require parking for flex units</i>	8
Required Setbacks Front Yard (Gahan Ave): Side Yard (east): Side Yard (west): Rear Yard (lane):	2.5 m 0 m 0 m 0 m	2.5 m 1.5 m 1.5 m 6.3 m
Maximum Building Height	15 m	10.1 m
Other Information:	- Property is located within the General Multiple Family DPA - The plans generally conform to the DPA guidelines	

Analysis

Support Zoning Amendment Bylaw

The subject property is designated as MR (Medium Density Residential) according to the City's Official Community Plan. The current R2 (Small Lot Residential) zone, does not achieve the full potential that the OCP envisions for medium density areas. The proposed RM5 (Urban Residential) zone is intended for areas that are designated as HR (High Density Residential) and MR (Medium Density Residential) and are located in and around the downtown area. The subject development meets the general development regulations of the RM5 zone. The development also meets the following objectives of the OCP:

- New development should be accommodated through infill development.

- Encourage the intensification of the downtown.
- Encourage a diversified range of housing, types, tenures and densities.
- Support a mixture of multiple-family residential uses with commercial uses.

In addition to the properties being within the MR designation, the properties are also located within the General Multiple Family Development Permit Area (DPA). Prior to any development of the properties, the applicant will have to receive development permit approval. The Development Permit has been included for Council's consideration as part of this application.

Given the above, there is adequate policy to support the proposal to rezone from R2 (Small Lot Residential) to RM5 (Urban Residential) and support is recommended for First Reading of "Zoning Amendment Bylaw No. 2018-26".

Deny Zoning Amendment Bylaw

Council may consider that the proposed development is not appropriate for the subject properties. If this is the case, Council should deny First Reading of Zoning Amendment Bylaw No. 2018-26".

Development Permit

Approve Development Permit

The development lands are located within the 'General Multiple Family' Development Permit Area (DPA), as such, a Development Permit (DP) is required prior to being able to apply for a building permit. The development permit once approved, will be listed on title of the property and 'locks-in' the form and character of the building, giving some assurance that the building will look as was presented to Council.

The objective of the General Multiple Family Development Permit Area is to ensure that the siting, form, character and landscaping of new development and exterior renovations and additions to existing are compatible with the context of the surrounding neighbourhood and that site access, parking, storage and landscaping matters are satisfactorily resolved, and generally, development is of high aesthetic quality. New housing development should foster a sense of community, enhance the existing streetscape, and should maintain or enhance the area's livability. In this DPA, there is an emphasis on the following design considerations:

Townhouse and multi-family developments should front or appear to front onto adjacent roadways. This may be achieved through appropriate treatment of the building exteriors and through the provision of pedestrian entrance-ways and walkways to the street.

- To this guidelines, the applicant is proposing four townhouse units that front onto Gahan Ave. Primary pedestrian access is off of Gahan Avenue and each unit features a balcony at the front entrance.

Where townhouse units have attached garages or carports, the units should be wide enough to allow the creation of attractive entrances to the individual units between garages. The garage or carport should not dominate the dwelling unit.

- The applicant is proposing an attached garage for each of the four townhouse units located at the rear of the building. Each of the units also has a door entranceway on the rear of the building, allowing for pedestrians to access the unit without passing through the garage. These entranceways help to break up the four garages at the rear of the building, so that the garages do not dominate the building.

Townhouse and four-plex developments are encouraged to use rear lane access where available.

- The proposed townhouse development has vehicle access primarily from the rear lane. All required parking for the development is accommodated off of the lane behind the building.
- Keeping all of the vehicles access in the rear lane, has provided for the opportunity to have parallel street parking.

Parking areas between the front of buildings and the street are discouraged.

- The proposed townhouse places all required parking at the rear of the building, accessed via lane. The front of the building (along Gahan Ave) does not provide for any parking spaces, but rather has pedestrian connections to the street.

Landscaping areas should include an underground irrigation system, which should be programmed to maximize efficient water use.

- The applicant has identified on the submitted landscape plan, that all landscaping will be serviced with a fully automatic irrigation system.

Pedestrian walkways to building entrances must be provided from parking areas, municipal sidewalks, storage, garbage and amenity areas.

- The proposed plans indicate each of the units fronting Gahan Avenue will have a porch with stairs connecting to the streetscape. There are also entrances at the rear of the building, with walkways connecting to both parking and garbage and recycling areas.

In parking areas, landscape islands of trees and shrubs should be used to visually break up large expanses of parking.

- Staff have worked with the applicant to incorporate a landscaping island in the middle of the parking area. Trees and landscaping improve the parking environment for people and visually softens the impact of asphalt. This landscaping will also contribute to storm water management in a sustainable way.

Combinations of groundcover, shrubs of various heights and trees shall be encouraged.

- The applicant has identified on both the renderings and landscape plan that they intend to plant trees and shrubs in the rear of the property. There is also landscaping identified in the front yard which will include shrubs.

The applicant will be utilizing the Zoning Bylaw provision that allows for cash-in-lieu of landscaping buffers along the side property lines. While the applicant will be utilizing this provision, they have still attempted to incorporate landscaping into the design of the property, as shown in the front and rear yards.

The design presented by the applicant has been created with street presentation and architectural interest in mind. The proposed development is supported through OCP Policy to increase density within established areas, where servicing exists. As such, Staff recommend that Council approve the Development Permit.

Deny Development Permit

Council may consider that the developer can change the design to more accurately reflect the current built form of the neighbourhood, or soften the impact of the development on neighbouring properties. If this is the case, Council should refer the permits back to staff to work with the developer as directed by Council.

Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2018-26" and deny support for DP PL2018-8194.
2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2018-26", but deny support for DP PL2018-8194.
3. THAT Council give first reading to "Zoning Amendment Bylaw No. 2018-26", and give support for DP PL2018-8194 with conditions that Council feels are appropriate.

Attachments

Attachment A:	Subject Property Location Map
Attachment B:	Zoning Map of Subject Property
Attachment C:	Official Community Plan Map of Subject Property
Attachment D:	Images of Subject Property
Attachment E:	Letter of Intent
Attachment F:	Draft Development Permit (DP)
Attachment G:	Zoning Amendment Bylaw No. 2018-26

Respectfully submitted

Nicole Capewell
Planner 1

Approvals

Director Development Services 	Chief Administrative Officer PW
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Attachment A – Subject Property Location Map



Figure 1 – Subject Properties Highlighted in Red

Attachment B – Zoning Map of Subject Property

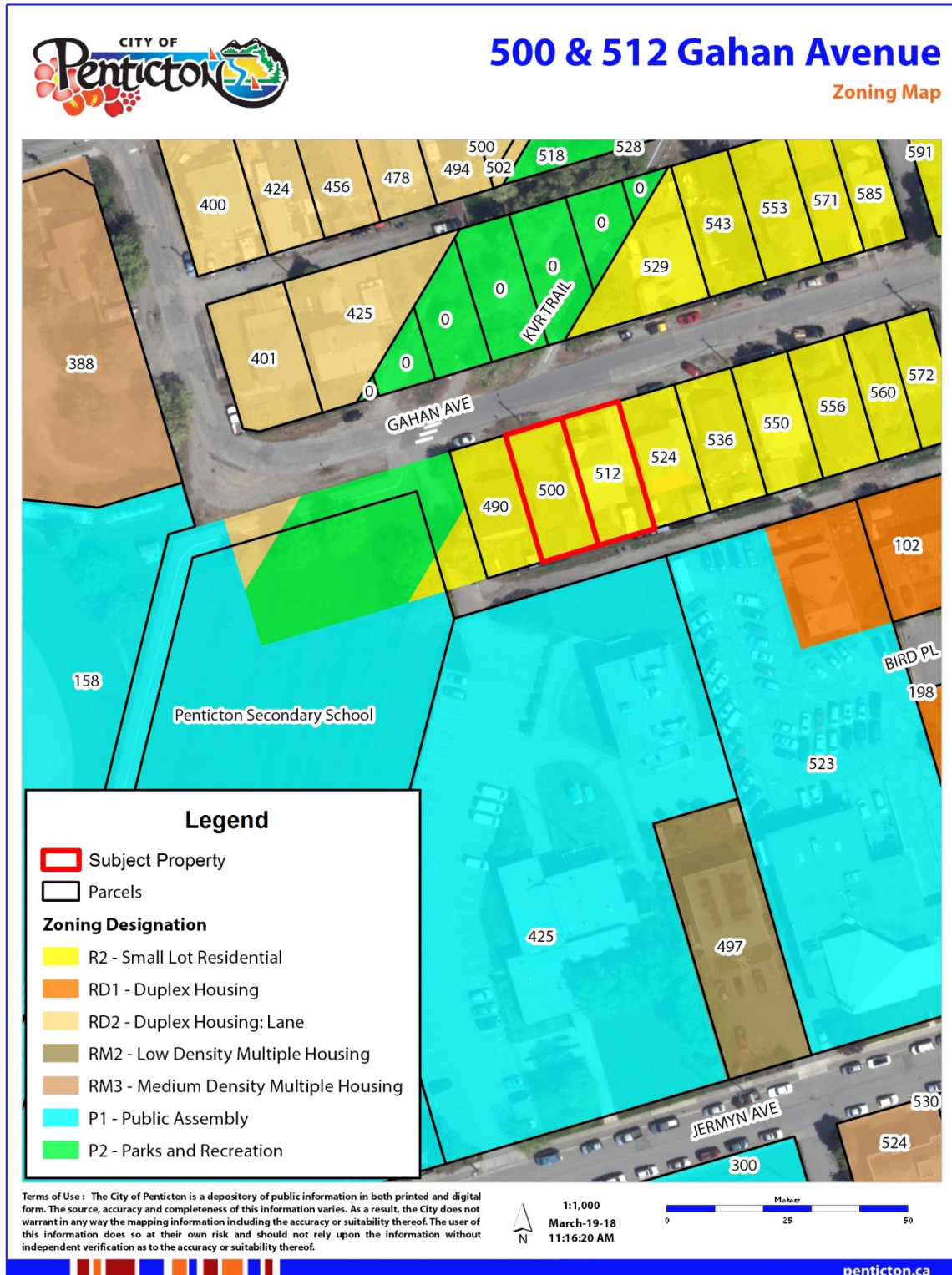


Figure 2 – Subject Properties Currently Zoned R2 (Small Lot Residential)

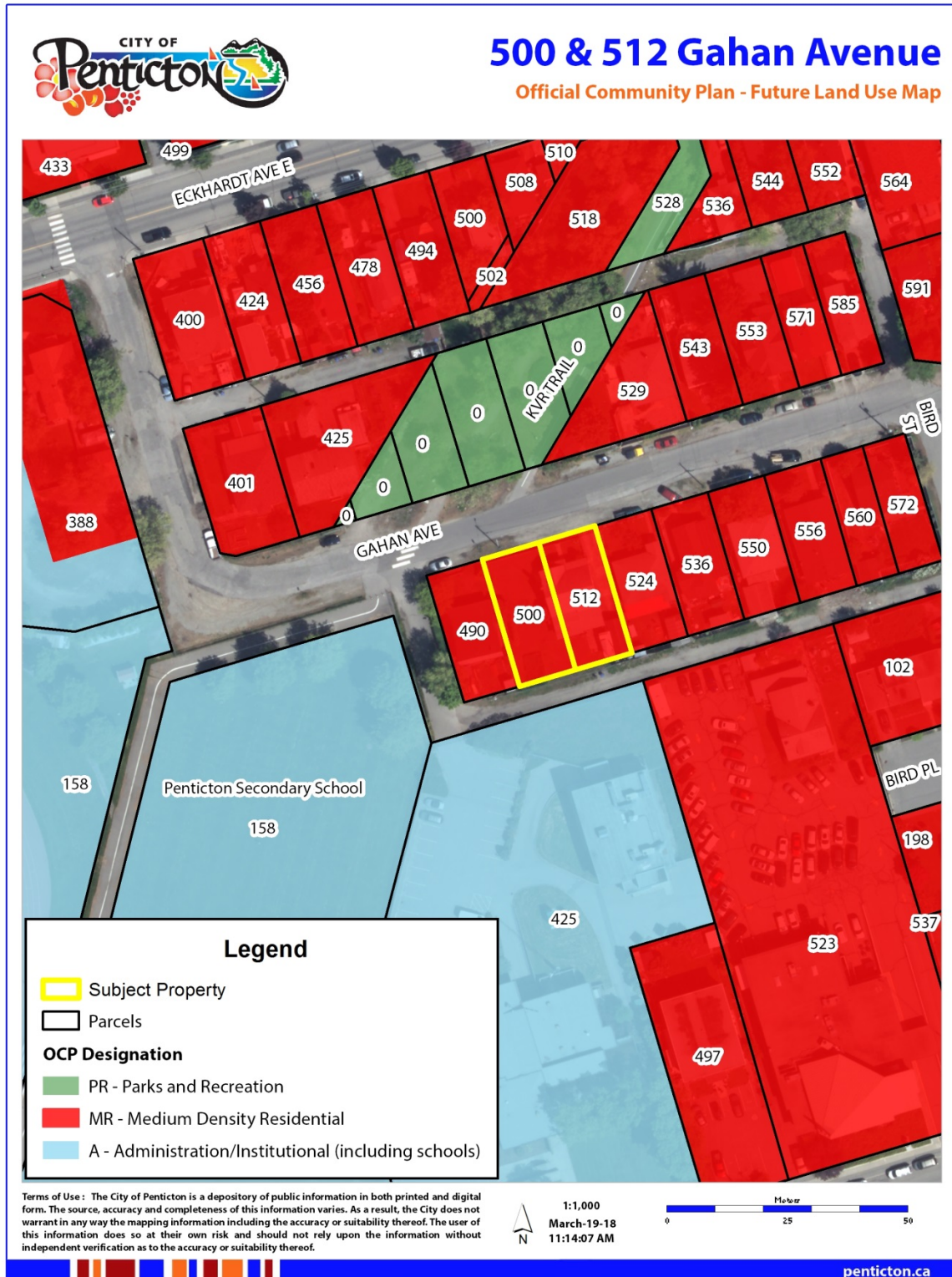


Figure 3 – Subject Properties Currently Designated as MR (Medium Density Residential) within Official Community Plan

Attachment D – Images of Subject Property



Figure 4 – Looking toward front of 500 & 512 Gahan Avenue from Gahan Avenue



Figure 5 – Looking toward front of 500 & 512 Gahan Avenue from Gahan Avenue

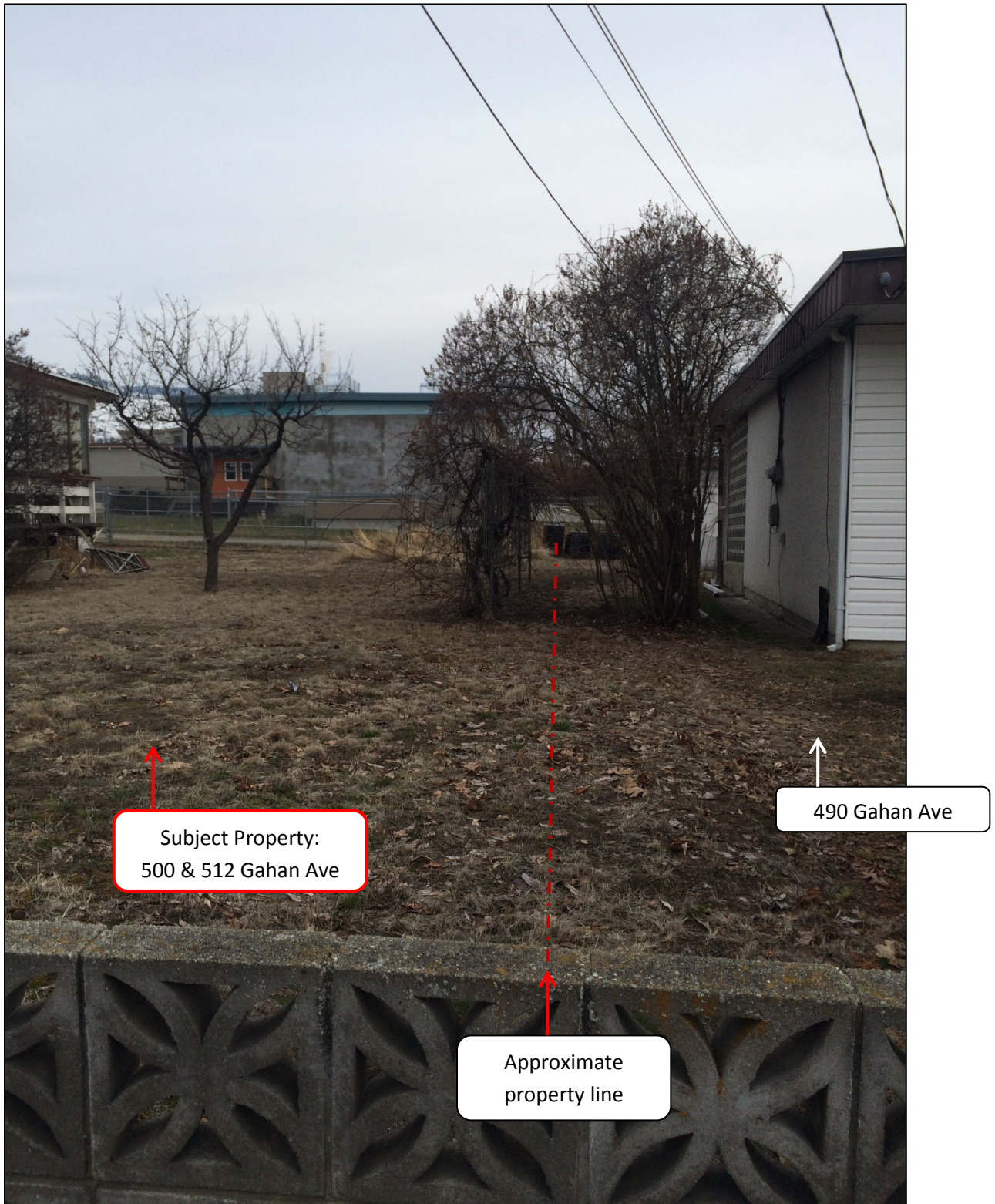


Figure 6 – Looking down the western property line of 500 & 512 Gahan Avenue from Gahan Avenue



Figure 7 – Looking down the eastern property line of 500 & 512 Gahan Avenue from Gahan Avenue



Figure 8 – Looking at 500 & 512 Gahan Avenue from the lane



Figure 9 – Looking down the eastern property line of 500 & 512 Gahan Avenue from the lane

512 Gahan Avenue

Re-zoning, development variance permit and development permit.

April 17, 2018

Blake Laven, Planning Manager
City of Penticton
171 Main Street
Penticton, BC V2A 5A9

Dear Blake Laven:

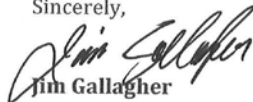
We are proposing to construct a fourplex building at 512 Gahan Avenue which will require a re-zone to allow for townhouses.

The goal of the project is to deliver 4x three-bedroom townhouses with one-bedroom rental suites on the ground floor. From our understanding, and what has been voiced from current public OCP engagement, is that Penticton is in need of more affordable infill projects such as this to accommodate the increase in population that is expected, and to help the younger generation get in the market. Penticton also has a shortage of rental inventory, so by adding a ground floor rental suite to each unit this will function as a mortgage helper for the owner and also provide additional rental opportunities in the city.

The lot is currently zoned as R2- Small Lot Residential, which we propose to re-zone to *RM5- Urban Residential* to allow for townhouses at a higher density. Under the Official Community Plan the lot is designated as *MR- Medium Density Residential*. To make the project marketable to the typical Okanagan buyer we'd like to include a single-car garage in the back, with additional surface parking in front of the garage. All off-street parking is accessed from the rear lane, providing an opportunity to offer some curb appeal to the front of the building and enhance street interaction. By incorporating patios for each unit, with steps down to the street, we create a nice transitional area between the road and house, which we hope will lead to a positive interaction between pedestrians and neighbors.

In conclusion, please accept the enclosed application package for 512 Gahan Avenue. We believe this is a suitable and desirable project for this location. We would greatly appreciate your consideration in granting the request to re-zone.

Sincerely,



Jim Gallagher

Figure 10 – Letter of Intent

Attachment F – Draft Development Permit (DP)
Consolidated Lot



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

Development Permit

Permit Number: DP PL2018-8194

Owner Name
Owner Address
Owner Email 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: New legal to be inserted after consolidation of lots
Civic: New Civic to be inserted after consolidation of lots
PID: New PID to be inserted after consolidation of lots
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a 4 unit townhouse with suites (total 8 units) as shown in the plans attached in Schedule A and in accordance with the Environmentally Sensitive Area Assessment in Schedule C.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$_____ 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(2.1) 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, provided in Schedule B, 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 as follows:

1 st Inspection	No fee
2 nd Inspection	\$50
3 rd Inspection	\$100
4 th Inspection or additional inspections	\$200

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 _____ day of _____, 2018

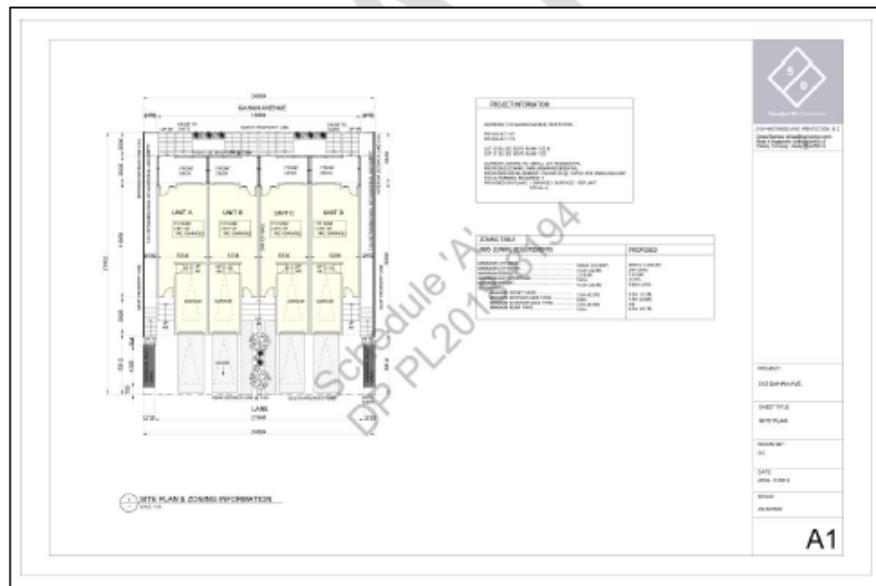
Issued this _____ day of _____, 2018

Dana Schmidt,
Corporate Officer

Schedule A: Plans







The Corporation of the City of Penticton

Bylaw No. 2018-26

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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. 2018-26".

2. Amendment:

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot 30, District Lot 202, Similkameen Division Yale District Plan 1122, and Lot 31, District Lot 202, Similkameen Division Yale District Plan 1122, located at 500 & 512 Gahan Avenue, from R2 (Small Lot Residential) to RM5 (Urban Residential).

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

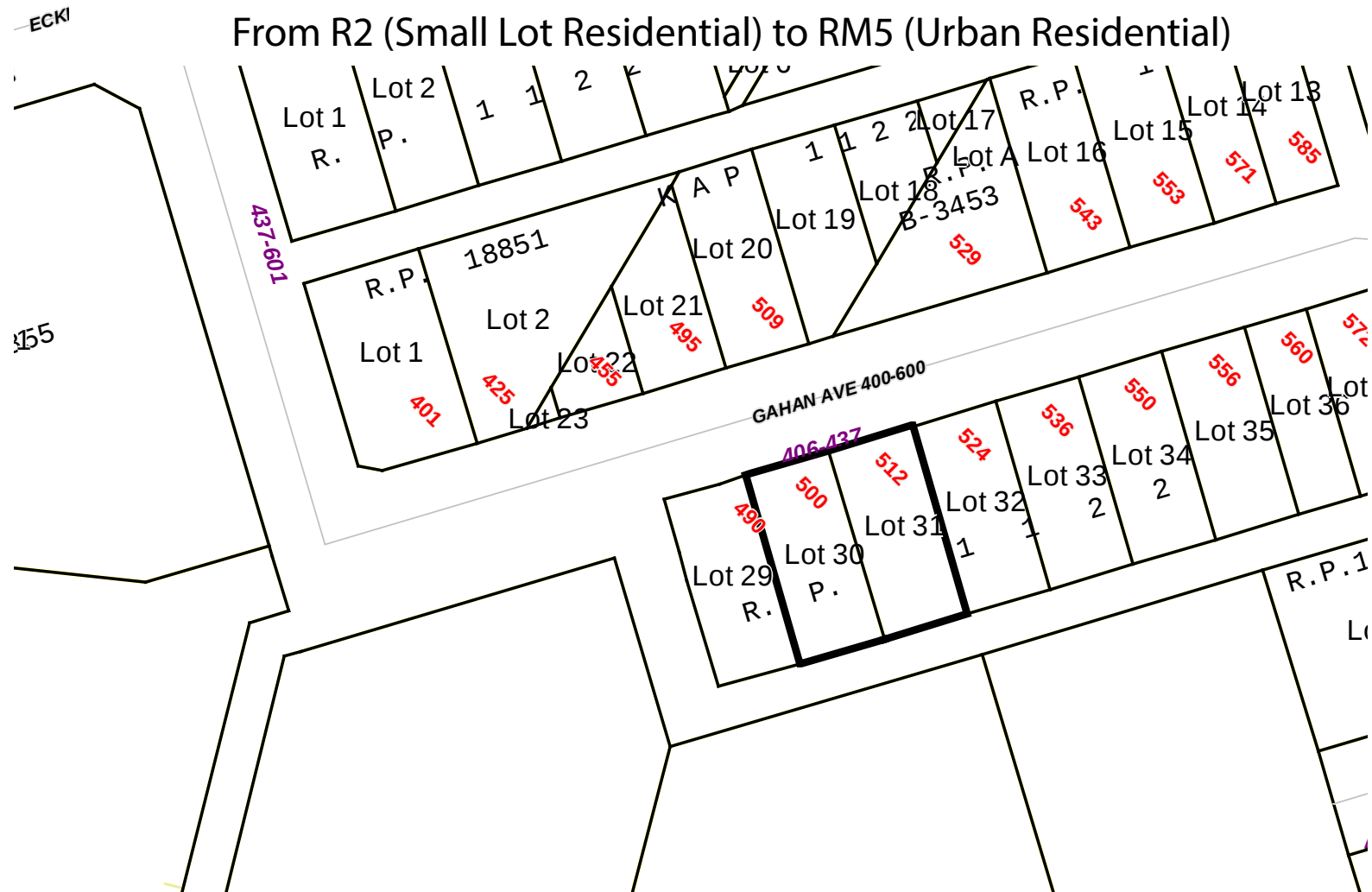
READ A FIRST time this	day of	, 2018
A PUBLIC HEARING was held this	day of	, 2018
READ A SECOND time this	day of	, 2018
READ A THIRD time this	day of	, 2018
ADOPTED this	day of	, 2018

Notice of intention to proceed with this bylaw was published on the ___ day of ___, 2018 and the ___ day of ___, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 500 and 512 Gahan Avenue
From R2 (Small Lot Residential) to RM5 (Urban Residential)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-26

Date: _____

Corporate Officer: _____