

June 7, 2018

Subject Property:
783 Martin Street

Lot A, District Lot 202, Similkameen Division
Yale District, Plan 899

Applications:

The applicant is proposing to construct a four-unit townhouse and a three-unit townhouse for a total of seven units. The following applications are being considered:

Rezone PL2018-8239

Rezone 783 Martin Street from RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing)

Development Variance Permit PL2018-8240

Vary the following sections of Zoning Bylaw No. 2017-08:

- Table 5.2: to decrease the minimum width of a landscape buffer abutting a residential zone from 3.0m to 0.5m,
- Section 10.9.2.8: to decrease the minimum rear yard from 6.0m to 5.0m, and
- Section 10.9.4.1: to increase the maximum hard surfacing of a lot from 60% to 81%.

Information:

The staff report to Council, Zoning Amendment Bylaw 2018-44 and Development Variance Permit PL2018-8240 will be available for public inspection from **Friday, June 8, 2018 to Tuesday, June 19, 2018** at the following locations during hours of operation:

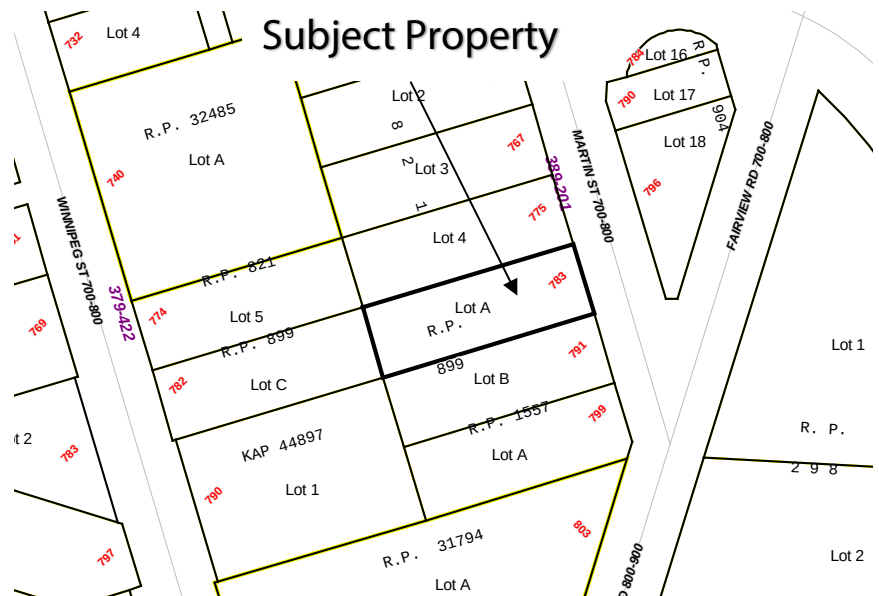
- Penticton City Hall, 171 Main Street
- Penticton Library, 785 Main Street
- Penticton Community Centre, 325 Power Street

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, June 19, 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, June 19, 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 June 19, 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: June 5, 2018
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 783 Martin Street
Subject: Zoning Amendment Bylaw No. 2018-44
Development Variance Permit PL2018-8240

File No: 2018 PRJ-110

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2018-44", a bylaw to rezone Lot A District Lot 202 Similkameen Division Yale District Plan 899, located at 783 Martin Street from RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing), be given first reading and forwarded to the June 19, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-44", a 1.0m road dedication along the east property line (Martin Street) is registered with the Land Title Office.

Development Variance Permit

THAT delegations and submissions for "Development Variance Permit PL2018-8240" for Lot A District Lot 202 Similkameen Division Yale District Plan 899, located at 783 Martin Street, a permit to reduce the minimum width of a landscape buffer abutting a residential zone from 3.0m to 0.5m, to reduce the minimum rear yard from 6.0m to 5.0m and to increase the maximum hard surfacing of a lot from 81%, be heard at the June 19, 2018 Public Hearing.;

AND THAT Council consider "DVP PL2018-8240" following the adoption of "Zoning Amendment Bylaw No. 2018-44."

Background

The subject property (Attachment A) is zoned RD1 (Duplex Housing) and designated by the City's Official Community Plan as HR (High Density Residential). Photos of the sites are included as Attachment D. The subject property is approximately 1,011m² (10,882ft²) and features a single family dwelling to be demolished. The surrounding properties are primarily zoned RD1 (Duplex Housing), RM3 (Medium Density Multiple Housing), R2 (Small Lot Residential) and P1 (Public Assembly). An apartment building neighbours the subject property to the west with single family dwellings to the north and south. Surrounding properties are designated by the OCP as HR (High Density Residential) and A (Administration/Institutional).

Council recently supported a rezoning for the property at 799 Martin Street from RD1 to RM3, which is two lots to the south of the subject property. This application also included a variance to the rear yard, interior yard and hard surfacing for a 9-unit townhouse.

Proposal

The applicant is proposing to construct a four-unit townhouse and a three-unit townhouse for a total of seven units. Since townhouses are not permitted in the RD1 (Duplex Housing) zone, a rezoning to RM3 (Medium Density Multiple Housing) is required.

Secondly, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Table 5.2: to decrease the minimum width of a landscape buffer abutting a residential zone from 3.0m to 0.5m.
- Section 10.9.2.8: to decrease the minimum rear yard from 6.0m to 5.0m.
- Section 10.9.4.1: to increase the maximum hard surfacing of a lot from 60% to 81%.

Financial implication

The City will receive Development Cost Charges from the developer at a rate of \$5,548 per dwelling unit for a total of \$38,836.00 in addition to the building permit fees, based on the cost of construction.

Technical Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. As per City of Penticton Building Bylaw 94-95 section 7.1.5, storm water/drainage is to be maintained on site. The developer will be responsible to reinstate the existing driveway and separate it from the currently shared driveway with the neighbour to the south. Additionally, the proposed driveway will need to be widened to the north. It has been determined that a 1.0m road widening along the east boundary of the subject property will help to achieve the ultimate desired 20.0m width of Martin Street. Servicing upgrades will be required based on fixture counts. A pad-mount transformer will be required on the property to meet electrical requirements. If the requests for the zoning amendment and variance is supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

Development Statistics

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

Item	Requirement RM3 zone	Proposed
Maximum Lot Coverage:	50%	32%
Maximum Density:	1.6 FAR	1.20 FAR
Minimum Lot Width:	25.0m	18.28m*
Minimum Lot Area:	1,400m ²	1,011m ² *
Vehicle Parking:	1 space per dwelling unit + 0.25	9 spaces

	per unit for visitors (8 total)	
Required Setbacks		
Front yard (east, Martin Street):	3.0m + (1.0m widening) = 4.0m	4.01m
Rear yard (west):	6.0m	5.0m (variance required)
Interior yard (north):	4.5m	4.52m
Interior yard (south):	4.5m	4.5m
Maximum Building Height:	24.0m	9.0m
Amenity Area:	20m ² per unit (140m ² total)	312m ²
Maximum Hard Surfacing:	60%	81% (variance required)
Other Information:	- The subject property is located within the High Density Multiple Family Development Permit Area, thus a development permit is required. This will be staff-issuable and will follow the Rezoning and DVP application. - <i>*The minimum parcel standards (in terms of width and area) only apply when a new parcel is being created, not through rezoning of an existing parcel.</i>	

Analysis

Support "Zoning Amendment Bylaw No. 2018-44"

The OCP designation for this site is HR (High Density Residential), which supports the proposed development. Staff consider that the zoning amendment to allow for the proposed development represents best use of the land for the following reasons:

- The proposal is consistent with the OCP's view that infill residential development is an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- The OCP encourages densification in areas where existing services can accommodate higher densities, which is the case here.
- The proximity to downtown, schools, and nearby services, including the Public Library & Museum, encourages more walking and active forms of transportation.
- The current proposal will add seven units to the housing stock in a central location.
- Each of the proposed seven units will have three bedrooms, thus providing opportunities for families to live in the downtown, close to services and amenities.

Staff considers that the design is suitable and consistent with the redevelopment trends in the area. The location of the site and characteristics of the surrounding neighbourhood make it appropriate for residential densification. The number of parking spaces for the proposed development exceeds the requirements of the zoning bylaw. The height (9.0m) and lot coverage (32%) are much less than the 24.0m height and 50% lot coverage permitted in the RM3 zone, thus reducing the negative impacts on the surrounding neighbourhood. The proposal is in line with the OCP and it is likely that properties will continue to develop in the area. Given the above, staff recommends that Council support "Zoning Amendment Bylaw No. 2018-44" and forward the application to the June 19, 2018 Public Hearing for comments from the public.

Deny/Refer Zoning Amendment

Council may consider that the proposed amendment is not suitable for this site and that the zoning shall remain as it to construct a duplex. If this is the case, Council should deny the bylaw amendment. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

Development Variance Permit

Support Variances

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.

Table 5.2: to decrease the minimum width of a landscape buffer abutting a residential zone from 3.0m to 0.5m.

- The minimum required landscape buffer width from multiple family to residential properties is 3.0m. The developer is requesting a variance to reduce the width to 0.5m. This will likely have an impact on the neighboring property. To limit these impacts, a six-foot privacy fence will be installed between the neighbouring property and the proposed development. Currently, the driveway access is shared between the two properties with no fence separating them. As part of the building permit, the developer will be required to complete works in the boulevard to separate the driveways.

The second and third storey projections on the south side of the proposed building are setback 4.5m from the property line with the driveway acting as a buffer. The height of the building (9.0m) is much less than the 24.0m maximum height permitted in the RM3 zone which strengthens the argument for providing less of a landscape buffer. At this time, the developer is proposing three trees in the front yard with multiple trees and shrubs along the north property line and in the rear yard. A staff-issuable development permit will be issued after zoning approval and the landscape plan will be examined in further detail to ensure adequate screening is put in place. Section 5.3.5 of the zoning bylaw will apply which requires the developer to pay \$450.00 per tree not planted in the buffer area which will be deposited in the Urban Forest Reserve Fund to be used for tree infilling in the City. There are approximately 10 trees on the property now which will be removed prior to construction. The submitted landscape plan shows that at least 10 more will be planted as part of the proposed development, in addition to a number of shrubs and attractive landscaping – better suited to accommodate the proposed development into the future. Staff in the Planning and Parks departments will work closely to ensure plantings are dealt with efficiently.

For the reasons listed above, and the benefit that fencing and driveway separation will have on the neighbouring property, it is reasonable the support the variance request.

Section 10.9.2.8: to decrease the minimum rear yard from 6.0m to 5.0m.

- The developer is proposing to reduce the rear yard setback from 6.0m to 5.0m. The developer shifted the building 1.0m to the west to accommodate the 1.0m road dedication along Martin Street. The grass amenity space and privacy fencing in the rear yard will act as a buffer from the proposed building and the residences to the west. The apartment to the west is approximately 18.0m from the common property line with a parking lot acting as a buffer to help reduce the negative impacts that a closer building will have. Council recently approved a similar variance for the 9-unit townhouse development at 799 Martin Street. Under the current zoning, a carriage house could be added to the property, with a 1.5m setback from the rear yard. Staff feel that a 1.0m variance (from 6.0m to 5.0m) is minimal and recommend support of the application.

Section 10.9.4.1: to increase the maximum hard surfacing of a lot from 60% to 81%.

- The developer is proposing to increase the maximum hard surfacing of a lot from 60% to 81%. The maximum hard surfacing requirement is in place to insure storm water measures are followed and for aesthetic purposes. The proposed building lot coverage of 32% is much less than the 50% permitted, with the driveway and patio area increasing the hard surfacing to 81%. The developer has landscaped both the front and rear yards with grass and plant species while providing double the required amenity space for the residences. The grass and landscaped surfaces will help to absorb storm water and provide aesthetic value within the development and for the surrounding area. The storm water management will be addressed through the building permit stage to ensure it is all retained on site and does not impact adjacent properties. Council recently approved a similar variance for the 9-unit townhouse development at 799 Martin Street. Given the above, it is reasonable to support the variance.

Although the landscape buffer reduction may have an impact on the neighbour to the south, the privacy fencing and driveway separation will help to limit the impacts. The front, north side and rear of the property will have trees and various plant species. The reduced rear yard setback is unlikely to have an impact on the property to the west based on the separation between buildings. For these reasons, Staff recommend that Council, after hearing from any affected neighbours, support the application.

Deny/Refer Variances

Council may consider that the proposed variances will negatively affect the adjacent properties. Council may consider requiring the developer to reduce the length and width of the buildings to meet the rear setback and buffer requirements. If this is the case, Council should deny the variances.

Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2018-44" and deny support for DVP PL2018-8240.
2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2018-44" but deny support for DVP PL2018-8240.
3. THAT Council give first reading to "Zoning Amendment Bylaw No. 2018-44" and support DVP PL2018-8240 with conditions that Council feels are appropriate.

Attachments

Attachment A: Subject Property Location Map
Attachment B: Zoning Map
Attachment C: OCP Map
Attachment D: Photos of Subject Property
Attachment E: Site/Landscape Plan
Attachment F: Conceptual Building Elevations
Attachment G: Conceptual Renderings
Attachment H: Conceptual Floor Plans
Attachment I: Letter of Intent
Attachment J: Development Variance Permit PL2018-8240
Attachment K: Zoning Amendment Bylaw No. 2018-44

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS 	CAO PW
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Attachment A – Subject Property Location Map



Figure 1: Subject Property Location Map

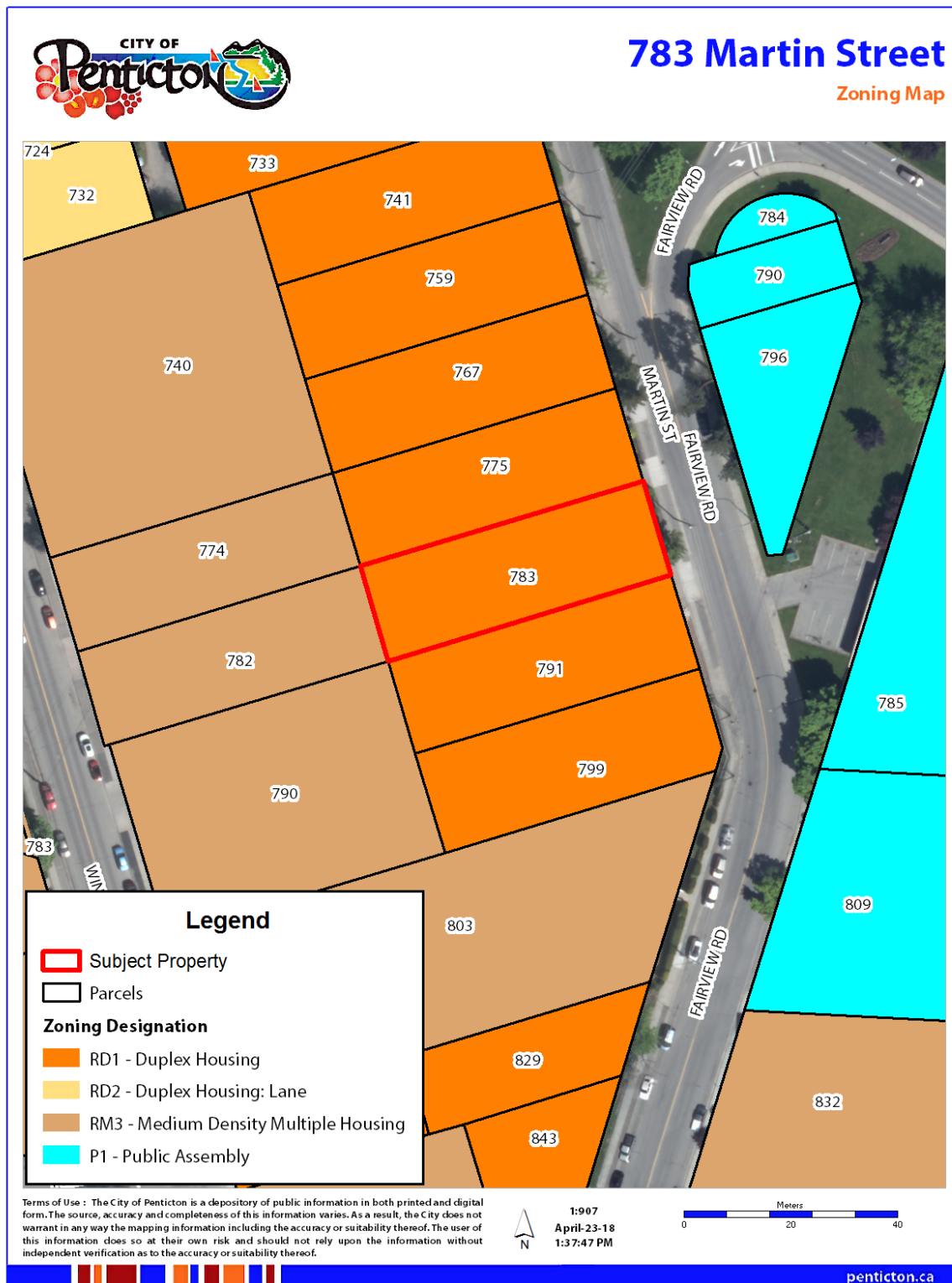


Figure 2: Zoning Map

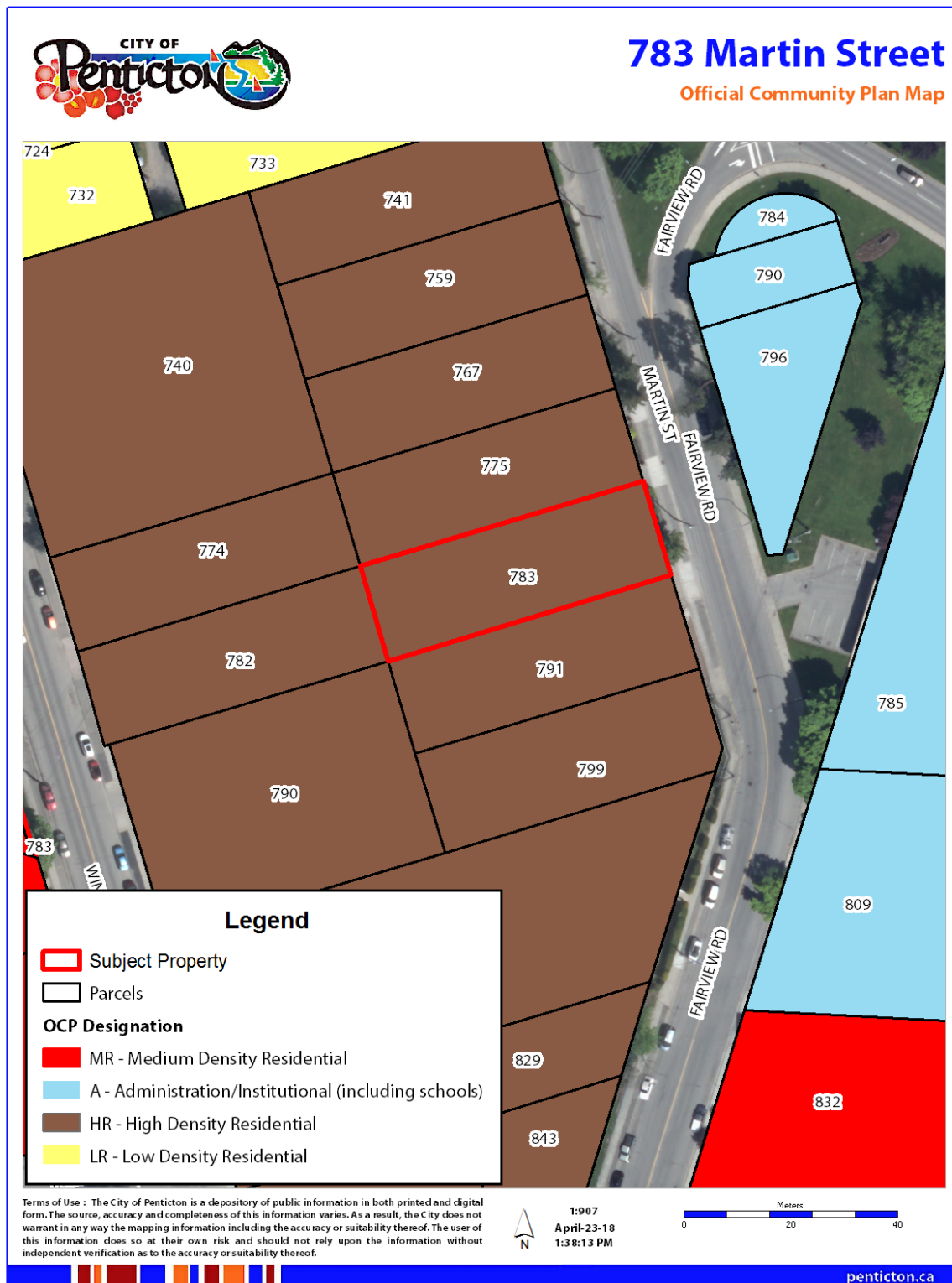


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: East View of subject property (from Martin Street)



Figure 5: South East View of subject property



Figure 6: North Side of Subject Property (from the street)



Figure 7: Rear yard (looking west)



Figure 8: West Elevation

Attachment E – Site/Landscape Plan

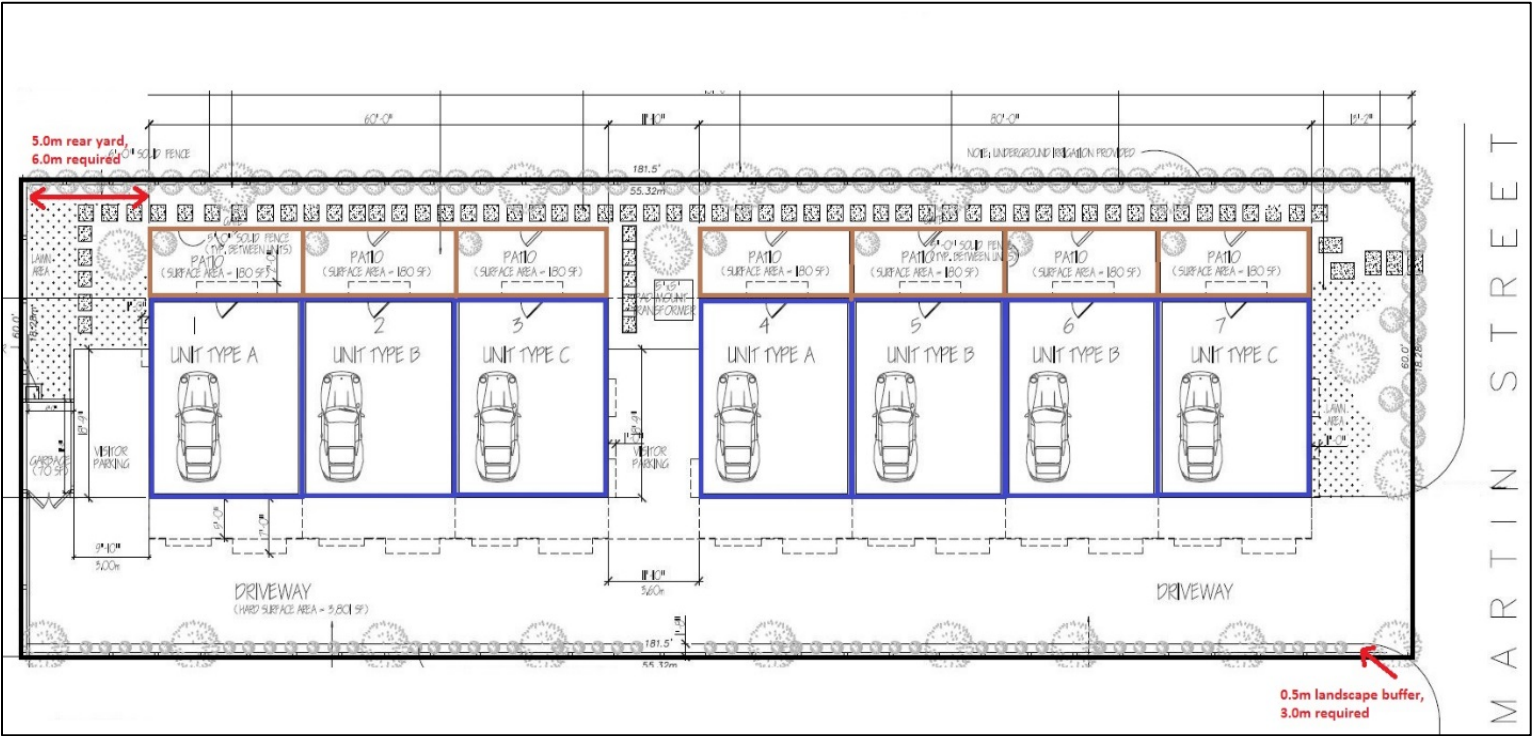


Figure 9: Site Plan

Attachment F – Conceptual Building Elevations

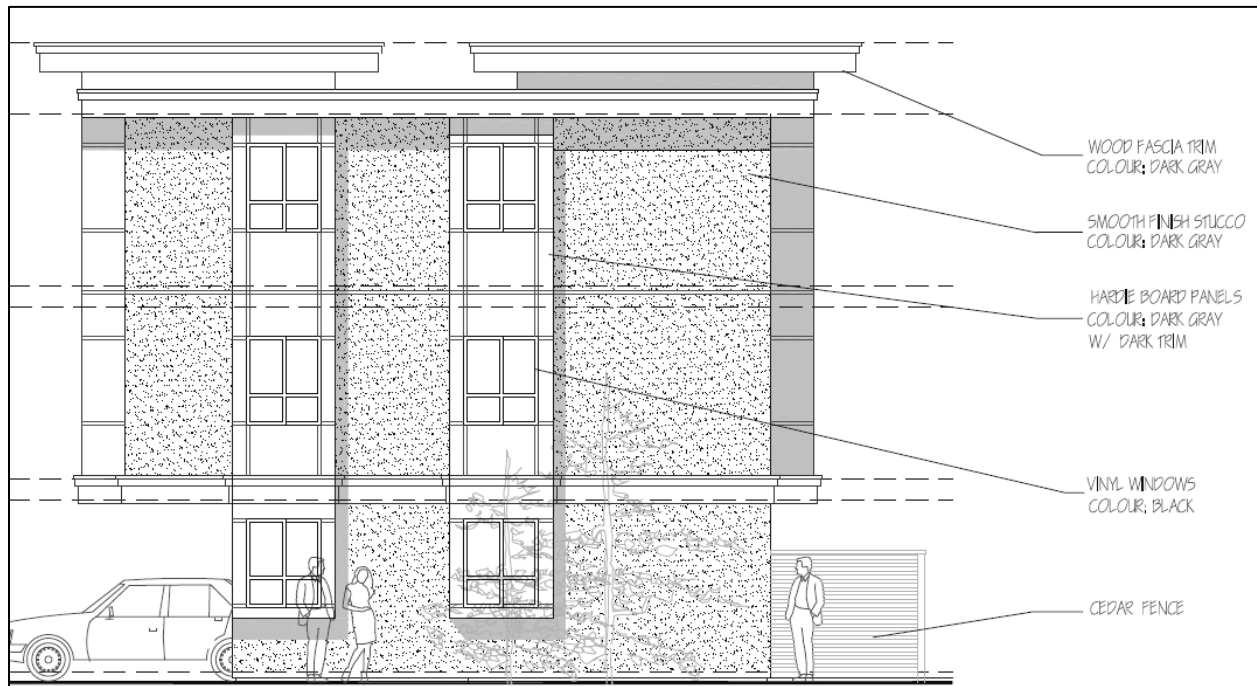


Figure 10: East Elevation (facing Martin Street)



Figure 11: South Elevation

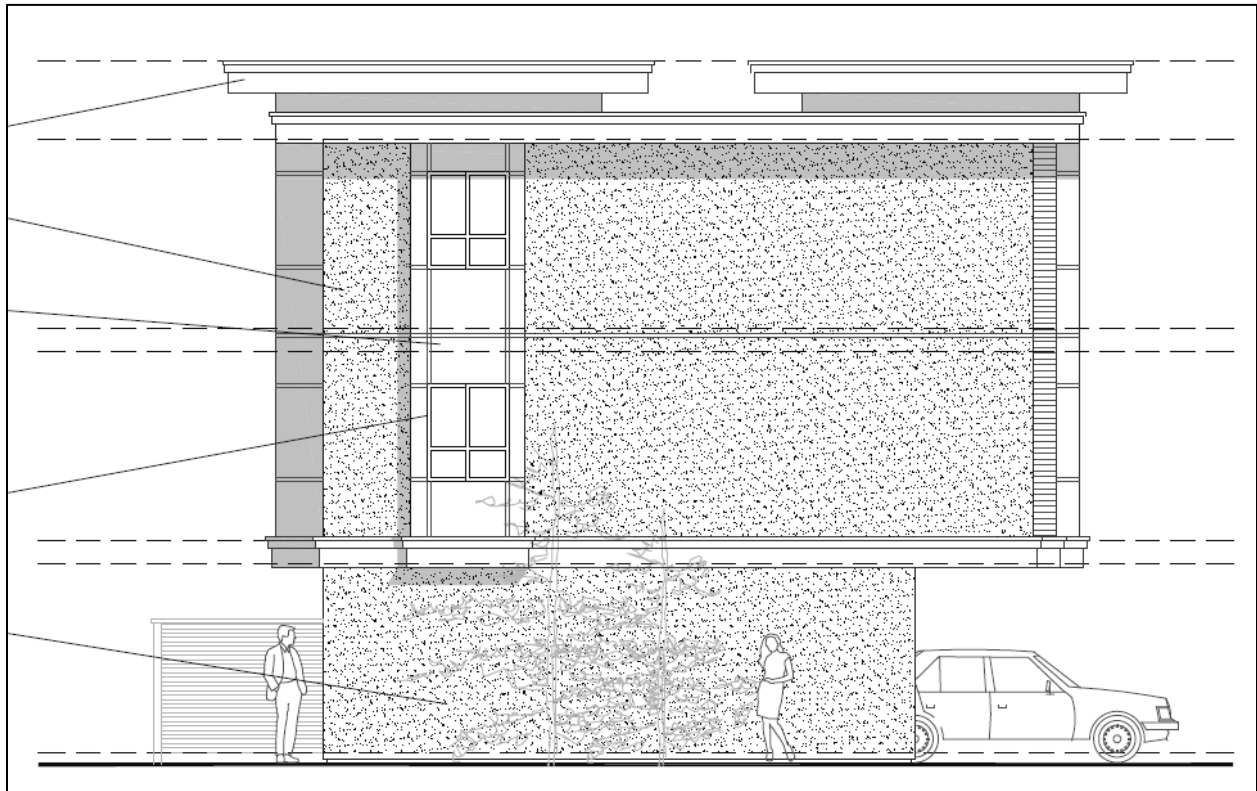


Figure 12: West Elevation



Figure 13: North Elevation

Attachment G – Conceptual Renderings



Figure 14: North Rendering (Pedestrian Entries)



Figure 15: South Rendering (Vehicle Entries)

Attachment H – Conceptual Floor Plans

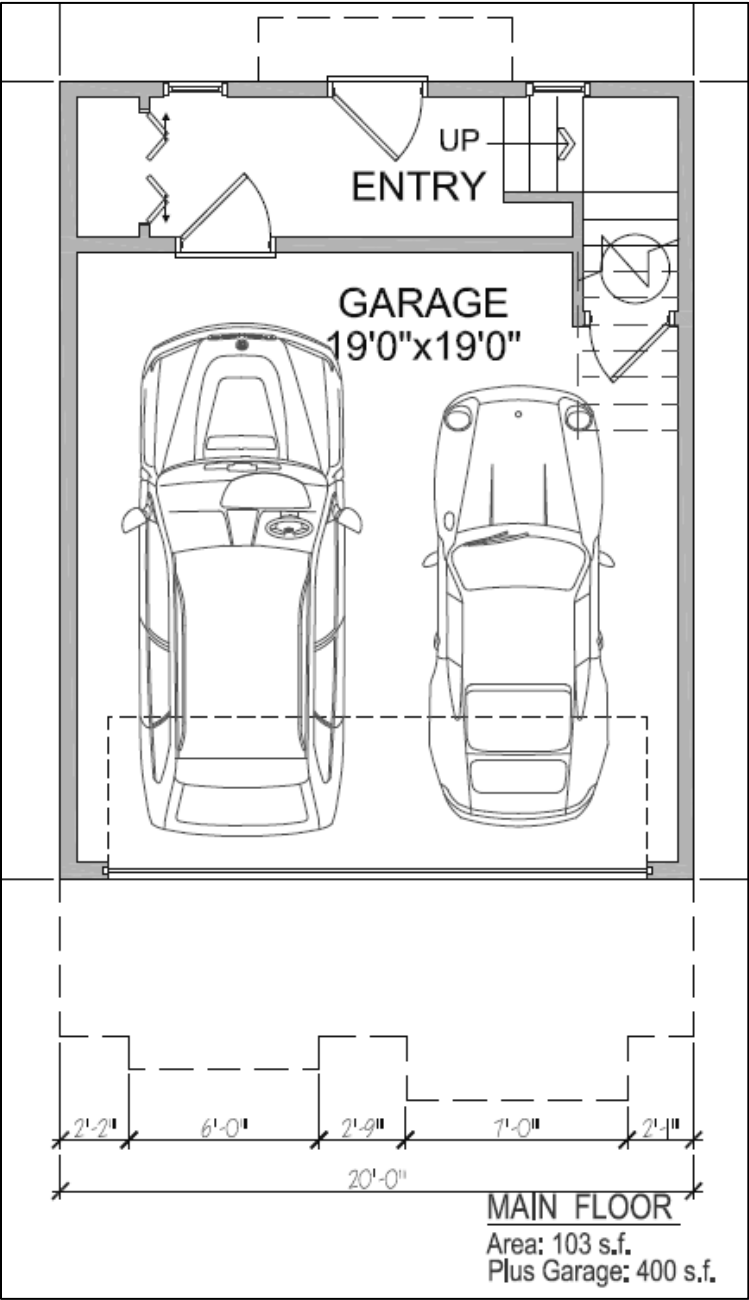


Figure 16: Main Floor

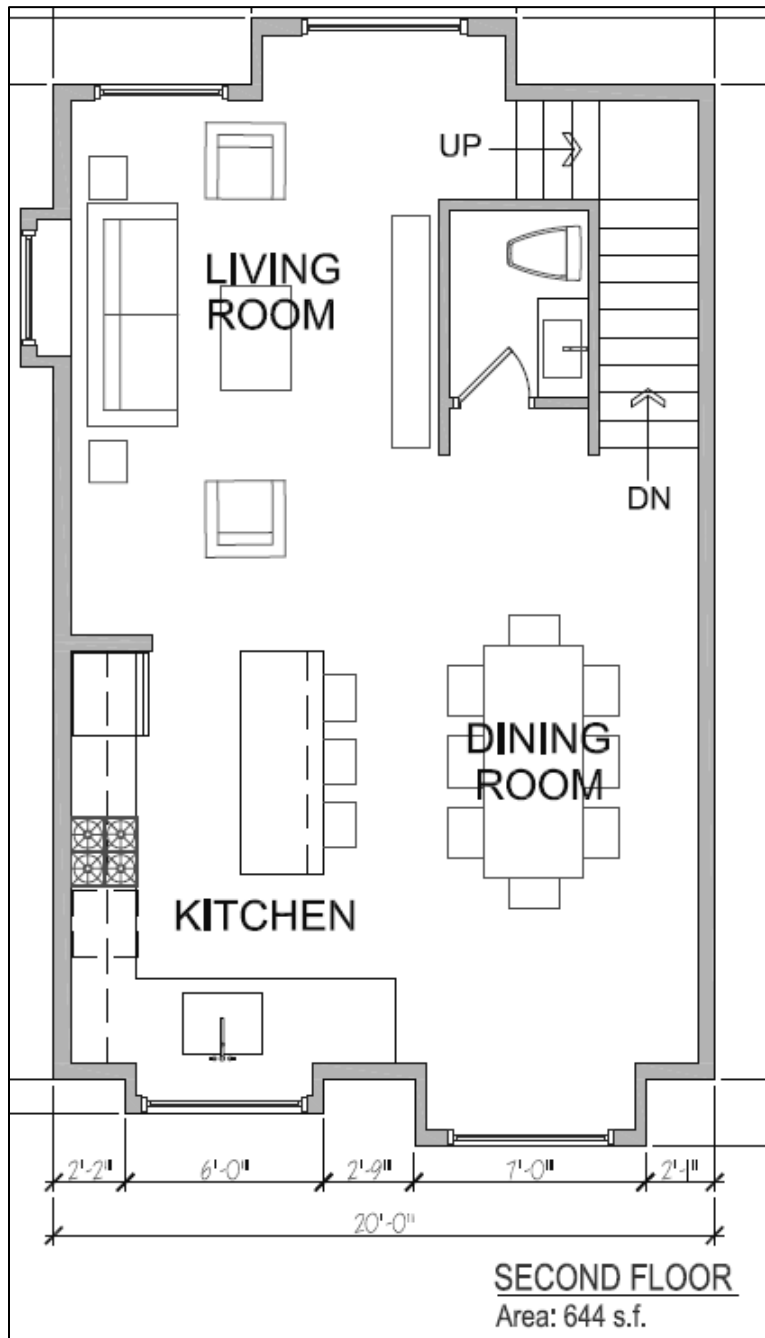


Figure 17: Second Floor Plan

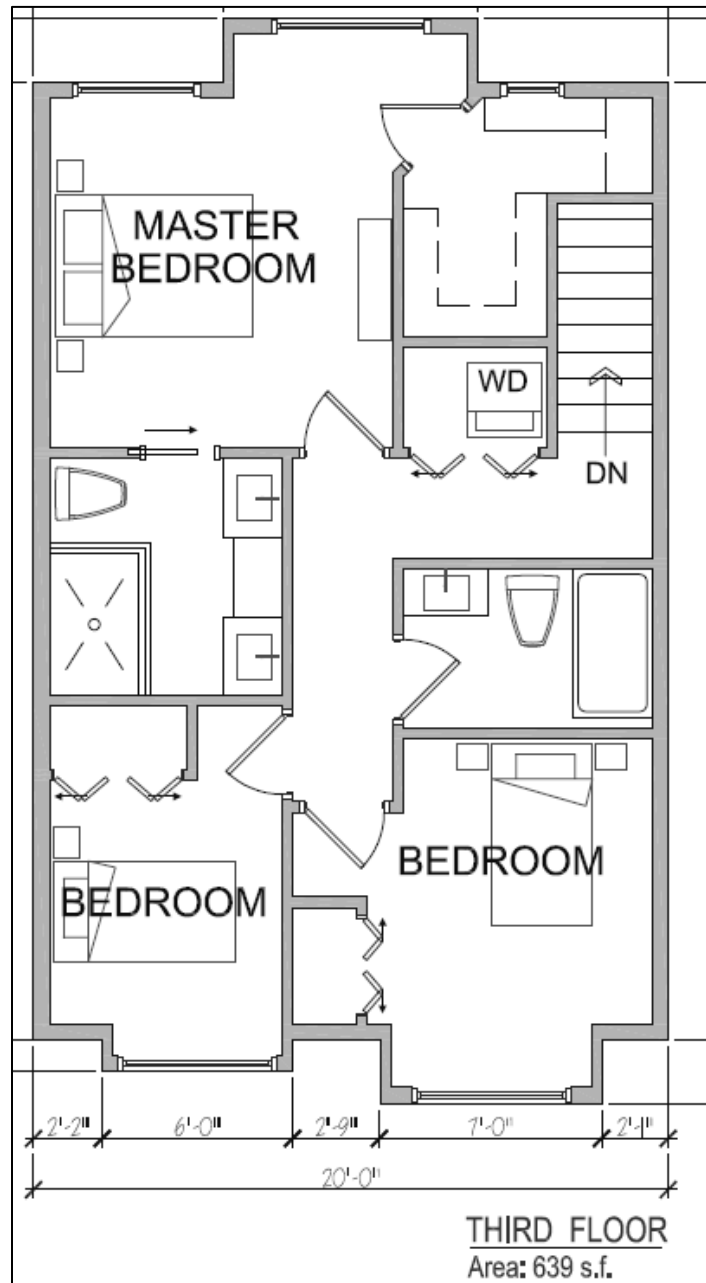


Figure 18: Third Floor Plan



783 Martin Street

Site Description

783 Martin Street is currently zoned RD1. Abutting the properties western lot line are midrise apartment buildings. One lot to the south (799 Martin Street) was recently rezoned to 9 townhouse units. Older, single family residential properties are immediately on the north and south.

Proposal

Our proposal is to rezone the property to RM3 to allow a townhouse development that will fit seamlessly into the community and fill a need for affordable family housing. We feel that the townhouse development will be an excellent use for the site as it is not nearly as dense as the apartment buildings to the west and accordingly will be a much nicer use next to the older homes. The townhouse use is also in keeping with the recent rezoning of 799 Martin Street.

The proposed development will consist of 7 townhouses with each unit having two car garages on one side and the front door on the opposite side to animate the landscape.

Affordability for families was of paramount importance with the design and that is why we have come up with 7 townhouses and have strived to keep the square footage down while ensuring they are extremely liveable and efficient. Each townhouse will be 3 stories with the lower level being the garage and entry. The midlevel will be the kitchen, dining and living room. On the top level there will be 3 bedrooms to appeal to families.

The exterior has been designed with a modern, contemporary style. Attached is a coloured rendering showing how the homes will look.

Variance Report

There are 3 variances that we are asking for which are noted below along with an explanation of why each variance is required.

-Reduce the rear yard setback from 6.0m to 5.0m – This is due to a requirement to take one meter across the entire front of the property for future road widening. Thus rather than the front yard being reduced, we feel it will be better to move the building back and retain the required front yard setback, which of course means that the rear yard would have to be reduced by 1m.

-Decrease the landscape buffer along the south property line from 3.0m to .5m. – Fencing and trees will still be provided and as we are proposing to separate the garage entrances from the front doors, this variance is required to provide functional design while providing enough space to manoeuvre into the garages.



-Increase maximum hard surface from 60% to 69% - While putting the garages doors and front doors on opposite sides of the building provides a much nicer design, it does create additional walkways. Thus as these additional walkways would be a hard surface, this in turn increases the total amount of hard surface on the site.

We are confident that our design is well thought out, fills a void in the community and will ultimately provide an excellent addition to the "Uptown" neighbourhood.

5938 Marine Drive | P:604.831.1351 |
www.sterlingpacificdevelopments.com

Figure 19: 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 PL2018-8240

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 A District Lot 202 Similkameen Division Yale District Plan 899
Civic: 783 Martin Street
PID: 011-015-253
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 a seven-unit townhouse development.
 - Table 5.2: to decrease the minimum width of a landscape buffer abutting a residential zone from 3.0m to 0.5m.
 - Section 10.9.2.8: to reduce the minimum rear yard from 6.0m to 5.0m.
 - Section 10.9.4.1: to increase the maximum hard surfacing of a lot from 60% to 81%.

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.

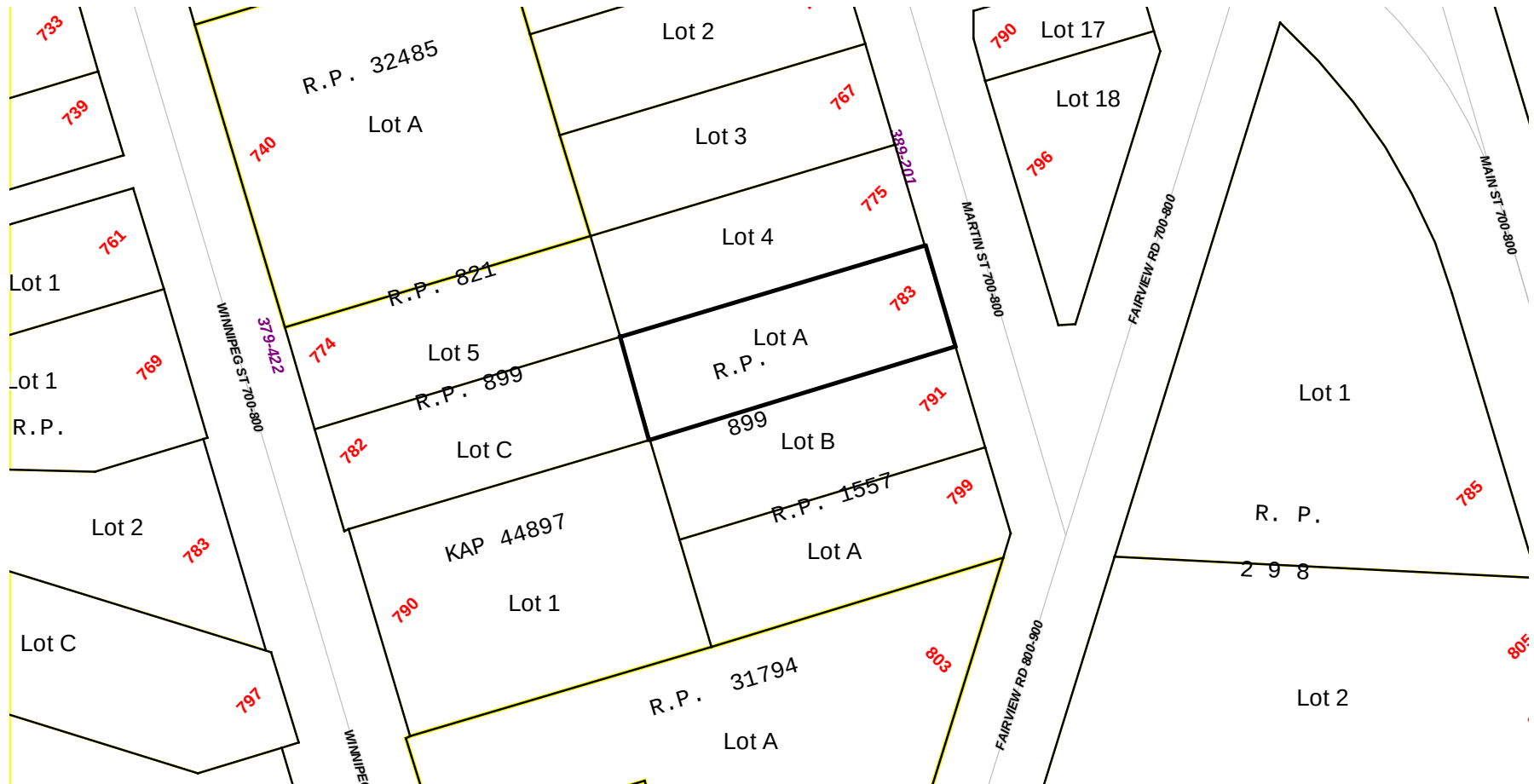
Authorized by City Council, the ___ day of _____, 2018.

Issued this _____ day of _____, 2018

Dana Schmidt,
Corporate Officer

783 Martin Street – Rezone

From RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-44

Date: _____

Corporate Officer: _____