



# Public Notice

penticton.ca

June 21, 2018

## Subject Property:

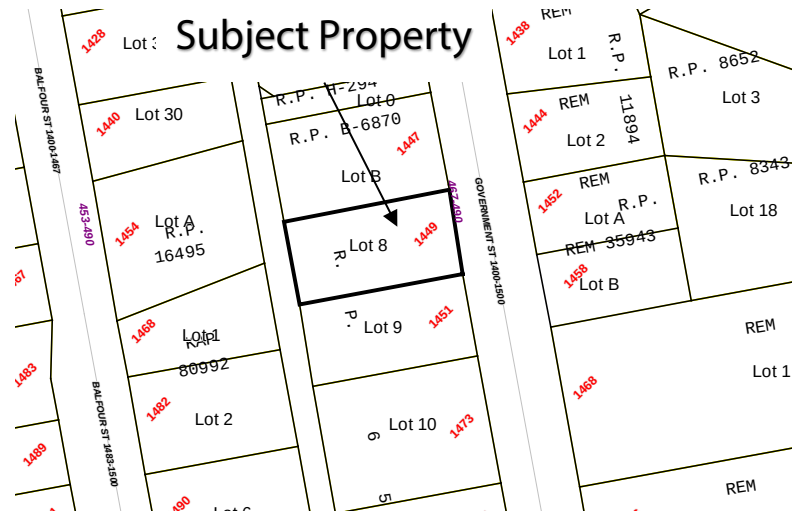
1449 Government St

Lot 8, District Lot 250, Similkameen Division Yale  
District, Plan 6505

## Application:

Rezone PL2018-8252

The applicant is proposing to subdivide the property in half and construct a front-to-back duplex on each lot for a total of four units. In order to do so, they have applied to rezone the property from RM2 (Low Density Multiple Housing) to RD2 (Duplex Housing: Lane).



## Information:

The staff report to Council and Zoning Amendment Bylaw 2018-48 will be available for public inspection from **Friday, June 22, 2018 to Tuesday, July 3, 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](http://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, July 3, 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, July 3, 2018** to:

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

No letter, report or representation from the public will be received by Council after the conclusion of the July 3, 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 19, 2018  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Randy Houle, Planner I  
**Address:** 1449 Government Street  
**Subject:** Zoning Amendment Bylaw No. 2018-48

File No: 2018 PRJ-123

## Staff Recommendation

### *Zoning Amendment*

THAT "Zoning Amendment Bylaw No. 2018-48", a bylaw to Rezone Lot 8 District Lot 250 Similkameen Division Yale District Plan 6505, located at 1449 Government Street from RM2 (Low Density Multiple Housing) to RD2 (Duplex Housing: Lane), be given first reading and be forwarded to the July 3, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-48," the following conditions are met:

- The developer pays the costs for the City to restore the existing sidewalk letdown, which provided vehicle access to the subject property from Government Street.
- Council authorizes staff to discharge the Section 215 Covenant KJ77084 on title at the cost of the developer.

## Background

The subject property (Attachment A) is zoned RM2 (Low Density Multiple Housing) and designated by the City's Official Community Plan (OCP) as MR (Medium Density Residential). Photos of the site are included as Attachment D. The lot is approximately 785m<sup>2</sup> (8,449ft<sup>2</sup>) in area and features a single family dwelling which suffered a fire in January of 2017 and will be fully demolished as part of the proposed development. Surrounding properties are designated by the OCP as LR (Low Density Residential) and MR (Medium Density Residential). The property is located in close proximity to the Hospital, IGA, Industrial area, schools and nearby services.

In September of 1995, the subject property and the property to the north (1449 Government Street) were rezoned from single family to multiple family in order to construct a three-storey, 24-unit apartment building. As a condition of zoning approval, a Section 215 covenant was registered on title which highlighted specific requirements for the development such as required setbacks, maximum heights as well as servicing upgrades. Since the scale of the proposed development is much less than the apartment building proposed in 1995 and never constructed, staff feel that many of the requirements of the covenant are unreasonable and put in place at a time in which regulations were not in place to deal with the concerns identified and therefore are recommending discharge of it.

## Proposal

The applicant is proposing to rezone the property from RM2 (Low Density Multiple Housing) to RD2 (Duplex Housing: Lane) in order to facilitate a two-lot subdivision. This will enable the developer to construct a front to back duplex on each of the two new lots for a total of four units. The conceptual site plan (Attachment E) demonstrates that a sizeable duplex can be constructed on each lot without any variances.

## Technical Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works departments. A 1.5m road dedication will be a condition of subdivision approval to achieve the desired width of Government Street. Since driveways from the Street are not permitted under the proposed duplex zoning, the existing sidewalk let down will need to be reinstated at the developer's cost and has formed part of zoning approval. A new water and sewer connection will be required to service the additional lot as well as possible upgrades to existing services. A demolition permit will be required for the existing structures on the property. As per City of Penticton Building Bylaw 94-95 section 7.1.5, storm water/drainage is to be maintained on site. If the request for the zoning amendment 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 RD2 zone                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Proposed             |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <b>Maximum Lot Coverage:</b>          | 40%                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | NA                   |
| <b>Maximum Density:</b>               | 0.95 FAR                                                                                                                                                                                                                                                                                                                                                                                                                                                              | NA                   |
| <b>Minimum Lot Width:</b>             | 9.1m                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 9.91m                |
| <b>Minimum Lot Area:</b>              | 275.0m <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 392.73m <sup>2</sup> |
| <b>Vehicle Parking:</b>               | 1 space per dwelling unit (2 total)                                                                                                                                                                                                                                                                                                                                                                                                                                   | NA                   |
| <b>Required Setbacks</b>              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                      |
| Front yard (east, Government Street): | 4.5m                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | NA                   |
| Rear yard (west, lane):               | 6.0m                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | NA                   |
| Interior yard (north):                | 1.5m                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | NA                   |
| Interior yard (south):                | 1.5m                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | NA                   |
| <b>Maximum Building Height:</b>       | 10.5m (three storeys)                                                                                                                                                                                                                                                                                                                                                                                                                                                 | NA                   |
| <b>Other Information:</b>             | <ul style="list-style-type: none"><li>The subject property is located within a Development Permit Area. As such, a development permit will be required on each lot, after the subdivision is complete. This permit will be staff-issuable.</li><li>Since no building is being proposed at this time, lot coverage, density, parking and setbacks are not addressed. The lot width and area of the new parcels meet the minimum requirement of the RD2 zone.</li></ul> |                      |

## Analysis

### Support "Zoning Amendment Bylaw No. 2018-48"

The proposed amendment from RM2 (Low Density Multiple Housing) to RD2 (Duplex Housing: Lane) is in line with the MR (Medium Density Residential) of the City's OCP. Staff considers this development is an appropriate use of the land for the following reasons:

- According to the City's OCP, residential development should be accommodated through infill development. Set in an area with a combination of single family homes, multiple family homes, and small scale commercial uses, this application encourages a mixed range of housing, types, tenures and densities;
- The plan supports residential intensification near commercial activities and institutional facilities (for example, the Hospital) and supports densification in areas where existing services can accommodate higher densities; and
- The proposed duplexes will fit into the existing mix of housing in the area and the design of the buildings will lend positively to the overall character of the community.

Although this application is downzoning the property, the rezoning and subdivision will lead to four dwelling units being constructed on the subject property which is equivalent to a four-plex being constructed under the current zoning. After the subdivision process, a development permit will be required in which staff ensure form and character and landscaping measures are met. The conceptual site plan (Attachment E) shows that a sizeable duplex can be constructed on the subject property without any variances.

Given the above, staff find adequate policy to support the proposal to rezone the subject property to RD2 (Duplex Housing: Lane) and recommend that Council support "Zoning Amendment Bylaw No. 2018-48" and forward it to the July 3, 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. 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.

### Discharge Covenant

As a condition of the 1995 zoning amendment, Section 215 covenant was registered on title. This covenant speaks to maximum building height permitted, roof pitch, required setbacks, lane upgrade from Carmi to Duncan and road dedication. Since the scale of the proposed development is much less than the apartment building proposed in 1995, staff feel that many of the requirements are unreasonable and therefore are recommending discharge of the covenant. The current RD2 (Duplex Housing: Lane) designation will limit the height of the duplexes to three storeys. The road dedication will be obtained as part of the subdivision process and the lane will be upgraded immediately behind the proposed duplexes.

## Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2018-48" and deny discharge of Section 215 Covenant KJ77084 on title.
2. THAT Council give first reading of "Zoning Amendment Bylaw No. 2018-48" and deny discharge of Section 215 Covenant KJ77084 on title.
3. THAT Council refer the bylaw back to staff.

## Attachments

|               |                                                       |
|---------------|-------------------------------------------------------|
| Attachment A: | Subject Property Location Map                         |
| Attachment B: | Zoning Map                                            |
| Attachment C: | OCP Map                                               |
| Attachment D: | Photos of Subject Property                            |
| Attachment E: | Conceptual Site Plan                                  |
| Attachment F: | Conceptual Renderings                                 |
| Attachment G: | Section 215 Covenant KJ77084 Development Requirements |
| Attachment H: | Letter of Intent                                      |
| Attachment I: | Zoning Amendment Bylaw No. 2018-48                    |

Respectfully submitted,

Randy Houle  
Planner I

Approvals

|                                                                                            |               |
|--------------------------------------------------------------------------------------------|---------------|
| DDS<br> | CAO<br><br>PW |
|--------------------------------------------------------------------------------------------|---------------|

Attachment A – Subject Property Location Map



Figure 1: Subject Property Location Map



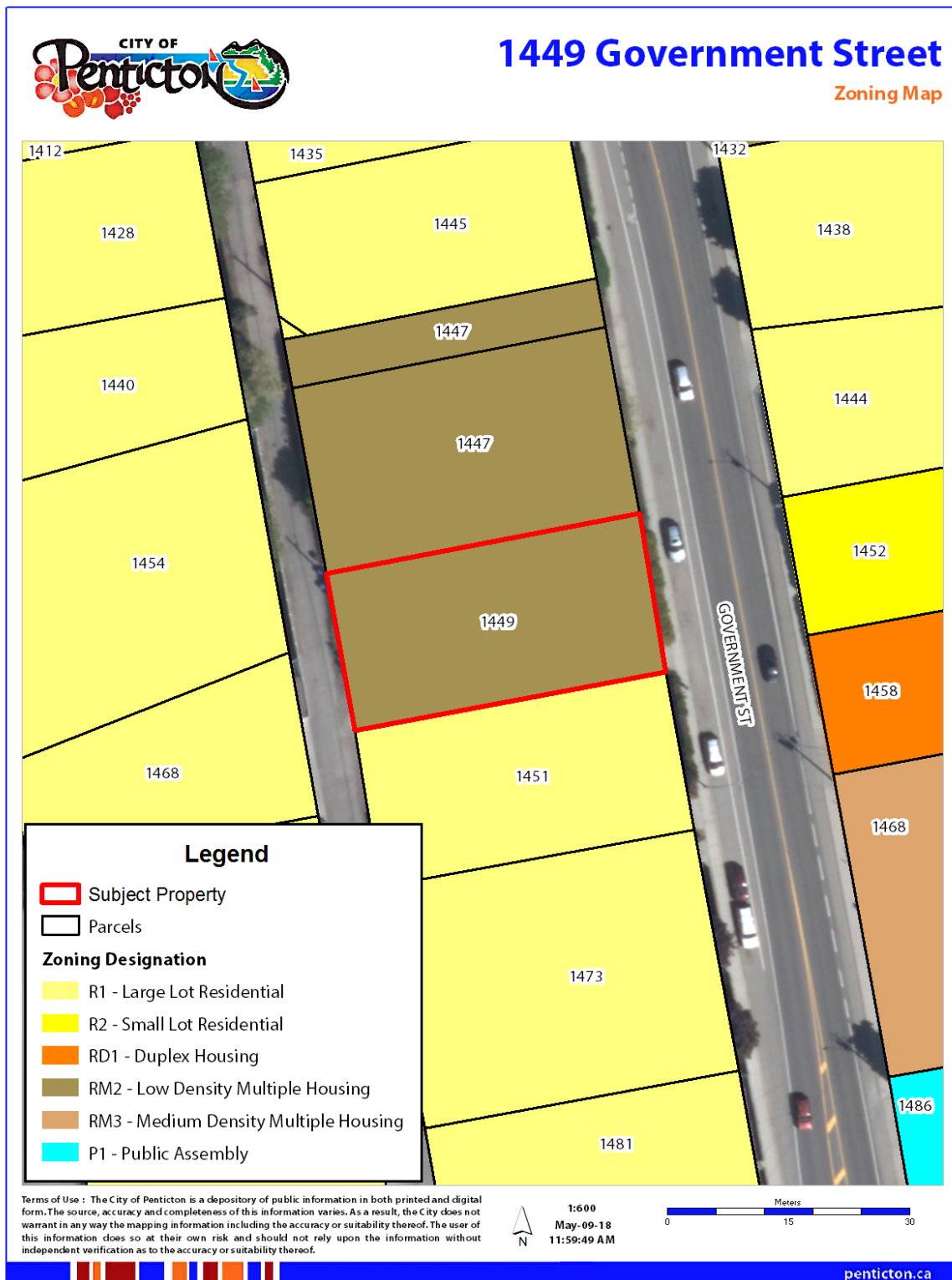


Figure 2: Zoning Map



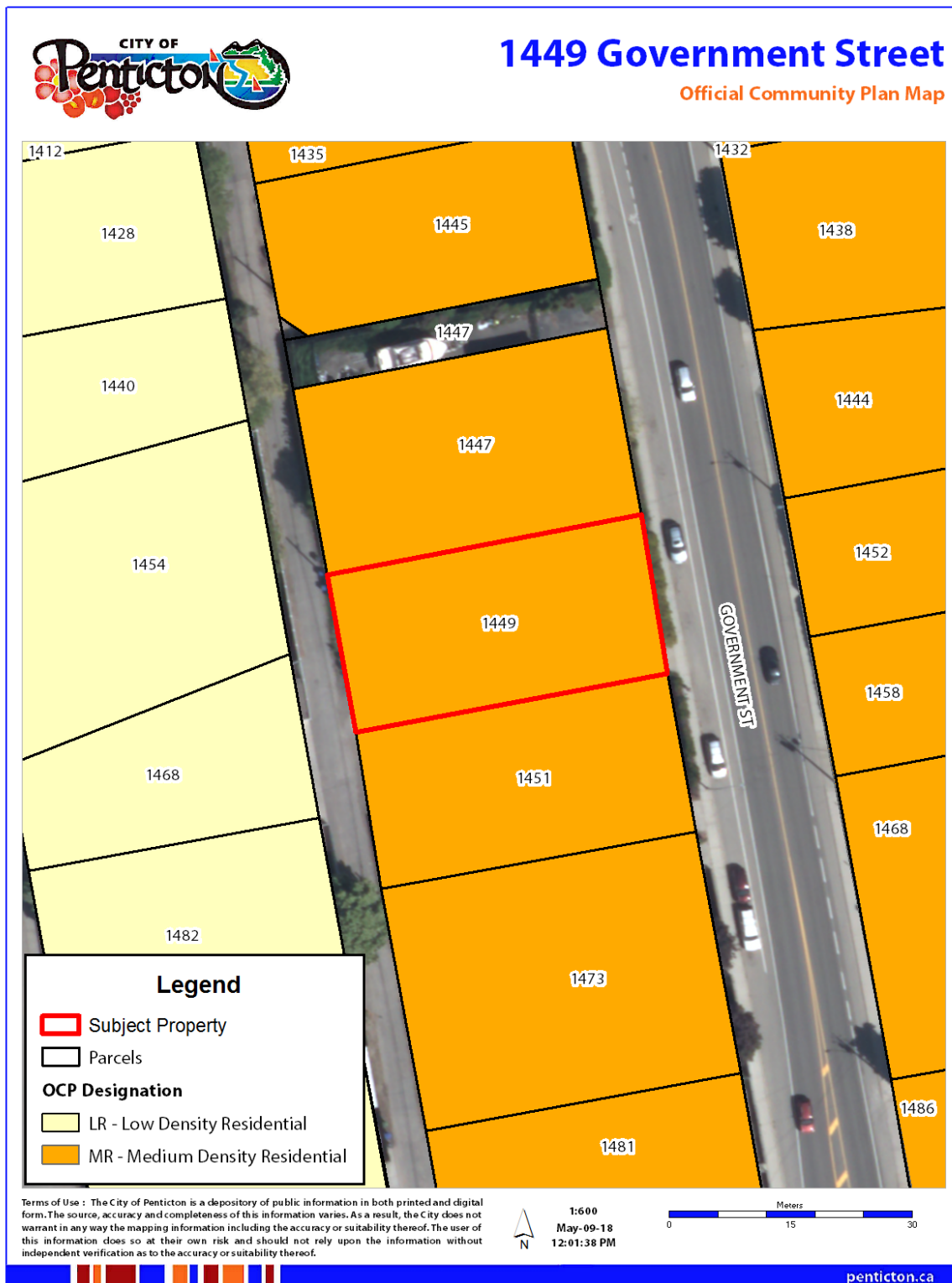


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: East View (from Government Street)



Figure 5: Front yard of existing dwelling





Figure 6: West View (from the lane)



Figure 7: Elevation change from rear lane

## Attachment E – Conceptual Site Plan

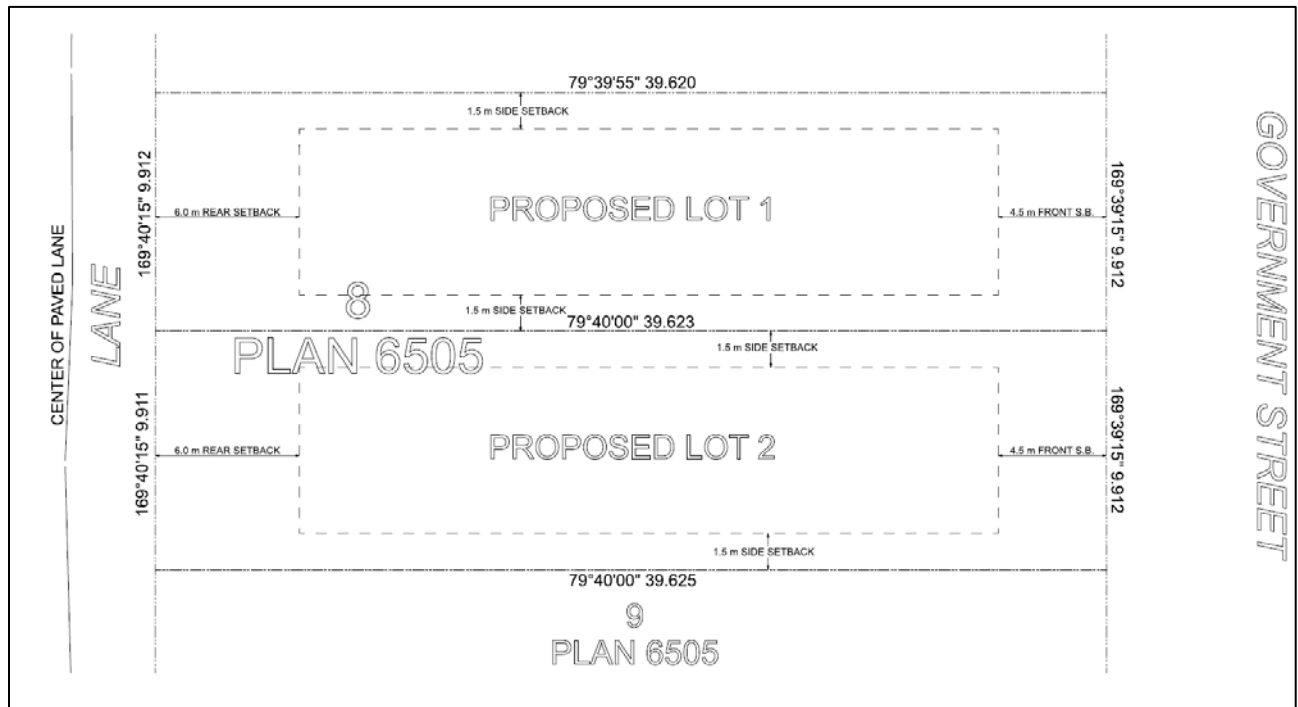


Figure 8: Conceptual Site Plan

Attachment F – Conceptual Renderings

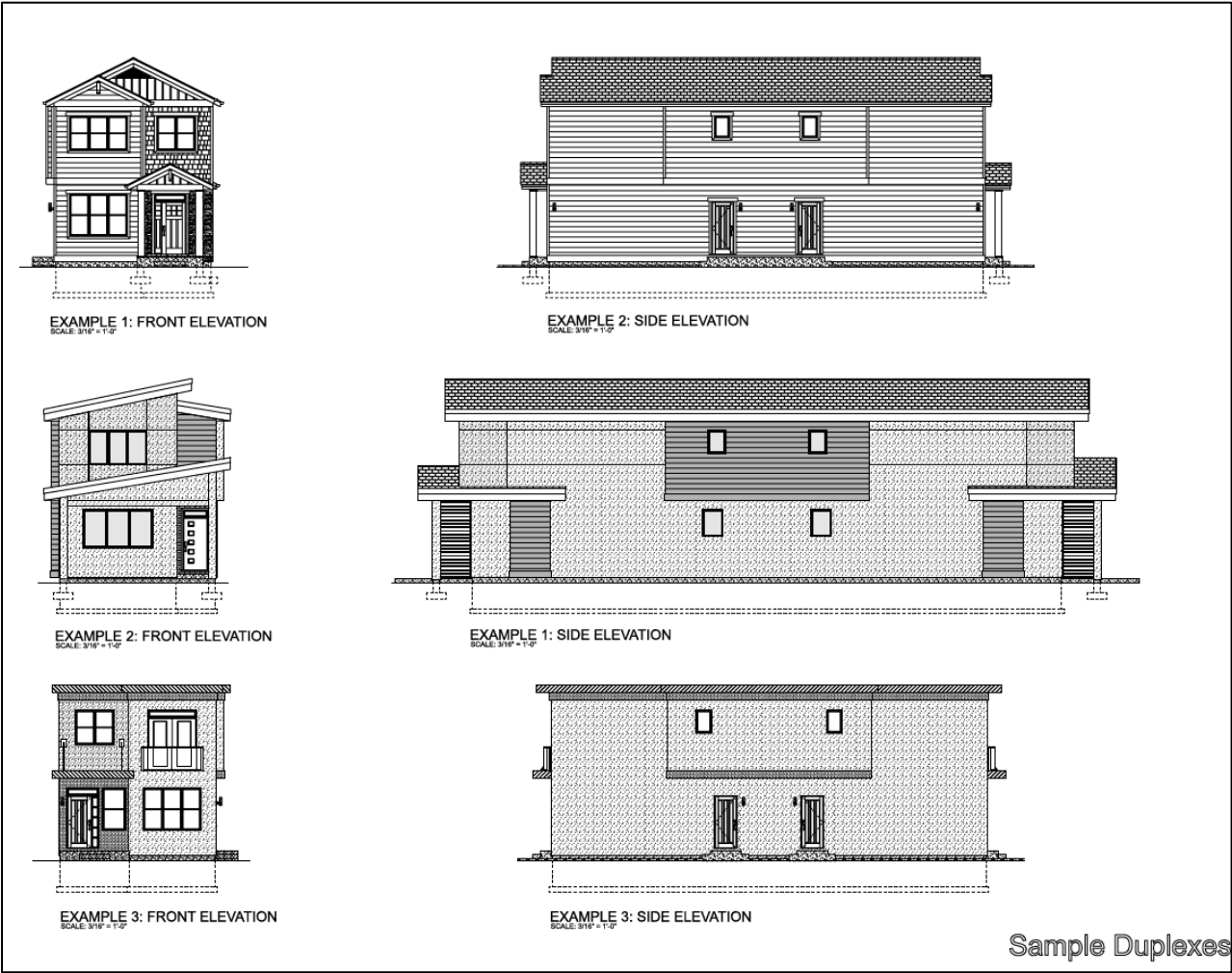


Figure 9: Conceptual Renderings

1. The Grantor agrees that the requirement of the Grantee's RM3 zone shall apply to the Lands specifically including that:
  - (a) the top of the roof of the Parking Level or the finished floor elevation of the Main Floor, being one and the same, shall be no greater than 378.1 m. G.S.C.;
  - (b) the elevation of the top plate or the underside of the ceiling of the Third Floor, being one and the same shall be no greater than 386.35 m. G.S.C. based on nine (9) feet per floor;
  - (c) the slope of the roofs shall be no less than 4 in. 12 and not more than 8 in. 12 pitch. The maximum elevation of the top of the main Roof and/or Dormers shall be no higher than 388.6 m. G.C.S.;
  - (d) the Elevator/Stair Shaft may have a roof higher than the Main Roof. The maximum elevation at the peak of the Elevator/Stair Shaft roof shall be no higher than 390.0 m. G.C.S.;
  - (e) the building setback from Government Street shall be the minimum required under Zoning Bylaw 87-65, the intent being to maximize the rear yard setback; and
  - (f) the attached drawings A.1 and A.2 which are expressly incorporated into this Covenant define the building envelope.
2. The Grantor covenant and agree with the Grantee that they shall upgrade at their expense the entire lane between Carmi Avenue and Duncan Avenue to service their Development. Before the Grantor shall receive their building permit it shall post security in favor of the Grantee to guarantee the construction in a timely manner. The Grantor shall pay the inspection and contingency fees of the Grantee and the lane must be upgraded to city standards and be completed prior to occupancy of the Grantor's building.
3. The Grantor covenant and agree to dedicate to the Grantee for Roadway eight (8) feet on Government Street.
4. The Grantor agrees to save harmless and indemnify the City against all losses, expenses, damages and costs that may be incurred by the City as a result of a breach of this Covenant by the Grantor.
5. Nothing contained or implied in this Agreement shall in any way prejudice or affect the rights and powers of the City in the exercise of its functions under any public and private statutes, bylaws, orders and regulations.
6. This Agreement shall ensure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.
7. Reference in this Agreement to the Grantor or the City includes their assigns, successors, officers, employees and agents and all covenants shall be joint as well as several.
8. No amendment or waiver of any portion of this Agreement shall be valid unless in writing and executed by both parties to this Agreement.
9. Waiver of any default by either party shall not be deemed to be a waiver of any subsequent default by that party.

CA10391

Figure 10: Covenant Requirements



April 26, 2018

Giroux Design Group Inc.  
1405-160 Lakeshore Drive W.  
Penticton, BC V2A 9C2

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

Re: 1449 Government Street Subdivision and Rezoning

To City of Penticton Mayor, Council, and Planning Department,

This letter is regarding the proposed subdivision and rezoning of the property located at 1449 Government Street. The proposal is to take a large single-family lot with a single residence and subdivide the lot into two duplex zoned properties to allow for the development of two duplex buildings. The current house was severely damaged by fire last year and needs to be removed.

We examined several options for developing the property, and after consultation with the City Planning Department it was agreed that this was the best use of the property. The location of the property is close to schools, shopping, industrial businesses and the hospital, making it an ideal location for multi-family housing. Mr. John Lee also owns the neighboring property, 1447 Government St., located to the north of this property, his plan is to follow suit and subdivide that property as well. We considered a higher density development of both the properties, but this was neither feasible or economical.

In summary, we feel that the proposed subdivision and rezoning has merit and will compliment the existing neighborhood. Thank you for considering our proposal.

Best regards,



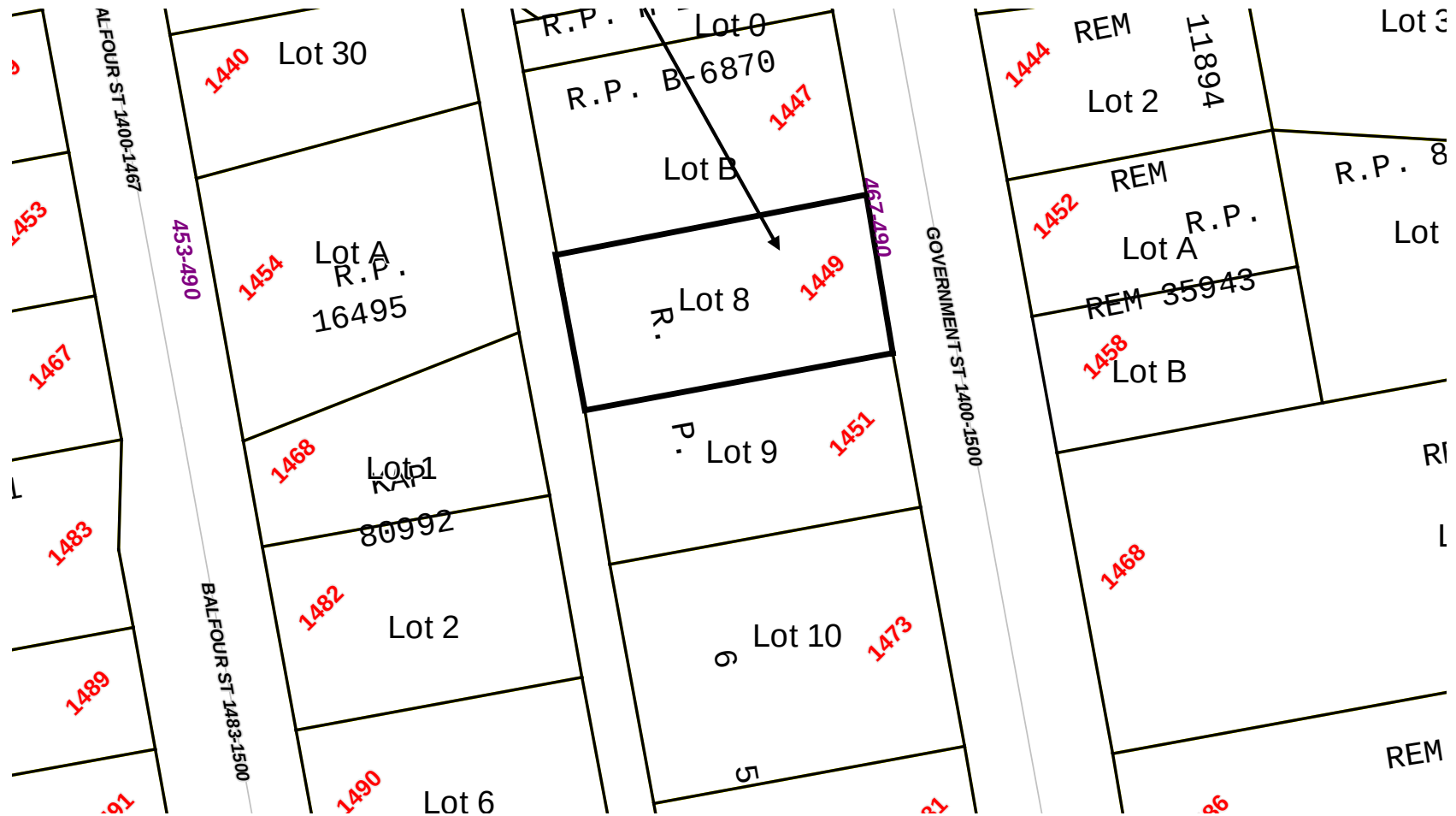
Tony Giroux **BD.ASTTBC**  
Owner/Registered Building Designer  
Giroux Design Group Inc.

Figure 11: Letter of Intent





# Rezone 1449 Government Street From RM2 (Low Density Multiple Housing) to RD2 (Duplex Housing: Lane)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-48

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_